

15.11.2023

A9-0319/397

Amendment 397
Frédérique Ries
on behalf of the Renew Group

Report
Frédérique Ries
Packaging and packaging waste
(COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

A9-0319/2023

Proposal for a regulation
Annex II

Text proposed by the Commission

Annex II

Table 1

26	Plastic	Other rigid plastics including, PVC, PC – rigid	Rigid
27	Plastic	Other flexible plastics including multilayer plastic films, multimaterial materials – flexible	Pouches

Amendment

Annex II

Table 1

26	Plastic	Other rigid plastics including, PVC, PC, biodegradable polymers – rigid	Rigid
27	Plastic	Other flexible plastics including multilayer plastic films, multimaterial materials, biodegradable materials – flexible	Pouches

Or. en

Justification

Article 8 makes it clear that all biodegradable materials, which are not meant for composting, should follow Article 6, The Annex also needs to be updated accordingly. This is also in line with the latest Council position

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Proposal for a regulation

Annex V – row 2

Text proposed by the Commission

2.	Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables	Single use packaging for less than 1.5 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks.	Nets, bags, trays, containers
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Amendment

2.	Single use plastic packaging or single use composite packaging containing plastic for fresh fruit and vegetables	Single use packaging for less than 1 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss, greening , or turgidity loss, microbiological hazards or physical shocks, or unless these products are subject to PDO (protected designation of origin) and PGI (protected geographical indications) under Union legislation. <i>The list of products concerned shall be established by the Commission via delegated acts in accordance with Article 58 in consultation with Member States and after receiving the opinion of the European Food Safety Authority no later than six months after the entry into force of this Regulation and shall consider the list of fresh fruit and vegetables laid down in Part IX of Annex I to Regulation (EU)</i>	Nets, bags, trays, containers
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		No 1308/2013.	
		<i>It shall take into account the risks of spoilage and food waste, when these products are sold in bulk.</i>	

Or. en

Justification

The rapporteur wants to find a balanced compromise on restrictions on certain packaging formats for fresh fruit and vegetables, and thus respond to AGRI's concerns, bearing in mind that the text voted in ENVI on Tuesday 24/10/23 already goes in this direction with:

- *A postponement of the deadline for restrictions of certain format packaging to come into force from the date of application of the legislation (probably end 2024) to 31 December 2027.*
- *Restriction that will not apply to all categories of format of packaging but to two out of three: single use plastic and single use composite packaging, except for other type of single use packaging (paper-based mainly).*
- *A limitation of the scope to 1 kg packs instead of 1.5 kg packs and a clear and immediate exemption for fruit and vegetables with a geographical indication (445 products are concerned, according to the European e-ambrosia register). In addition to this, the text adopted in ENVI also requested to the Commission (within 6 months of the entry into force of the legislation) to draw up a precise list of fruit and vegetables that could benefit from a derogation due to their characteristics (e.g. watermelon water loss, greening of potatoes, turgidity of certain exotic fruits).*

For the plenary session the rapporteur's suggestion is to extend the scope of the format packaging still authorised, not only for other type of single use packaging (paper-based mainly), but also to single use composite packaging without plastic. It is important that environmentally friendly composite packaging such as paper-linen, paper-cellulose and paper-bamboo, which is biodegradable and recyclable will remain on the market. It will of course give producers of fruit and vegetables a greater choice in the alternatives to single use plastic packaging they can use.

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Proposal for a regulation**Annex V – row 3***Text proposed by the Commission*

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption	Trays, disposable plates and cups, bags, foil, boxes
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Amendment

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption, <i>unless there is a demonstrated need to use single packaging given an inability of access to infrastructures that are necessary for the proper operation of a reuse system.</i> <i>Packets and wrappers made from flexible material for the purpose of containing food that is intended for immediate consumption from the packet or wrapper without any further preparation are exempted if they comply with high quality recycling requirements.</i>	Trays, disposable plates and cups, bags, foil, boxes
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Justification

The rapporteur would like to insist on the fact that the text adopted in ENVI is already well balanced as 3 important provisions were adopted to counter-balance the ban of some superfluous packaging with business reality:

- *full derogation for microcompanies,*
- *postponement of 3 years for the application of the measures,*
- *flexibility given to Member States to grant an exemption where it has been demonstrated that it is not technically feasible to obtain access to the infrastructure necessary for the functioning of a reuse system.*

Ahead of the plenary vote, we are bringing the text closer to that of the Council by introducing a new derogation for packets and wrappers made from flexible materials and intended to contain foodstuffs that must be consumed immediately.

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Amendment 400

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A9-0319/2023

Proposal for a regulation

Annex V – row 4

Text proposed by the Commission

4.	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation	Sachets, tubs, trays, boxes
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Text Amendment

4.	Single use plastic packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except <i>in the following cases:</i> <i>(a)</i> such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation; <i>(b)</i> <i>in centres where individualised attention and service is required, such as hospitals, clinics and nursing homes;</i> <i>(c)</i> <i>in the case of farms and agricultural businesses that carry out direct sales activities in farmers' markets regulated by national or regional law.</i>	Sachets, tubs, trays, boxes
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Or. en

Justification

Another proposal of limitation of the scope which means that in practice the ban should apply only to single use packaging that are not easily recyclable (mainly the plastic with multi-layers and composite ones). The 2 derogations respectively provided for centres where individualised attention and service is required and direct sales in farmers' markets are taken from amendment 237 adopted by the AGRI Committee.