



Plenary sitting

A9-0319/2023

6.11.2023

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Frédérique Ries

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure:

Patrizia Toia, Committee on Industry, Research and Energy

Virginie Joron, Committee on the Internal Market and Consumer Protection

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0677),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0400/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 27 April 2023¹,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate and the Italian Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection and the Committee on Agriculture,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0319/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 228, 29.6.2023, p. 114.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.

Amendment

(1) Products need **appropriate** packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause **uncertainty and** additional cost to the economic operators

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste³⁰. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the

Amendment

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste³⁰. High and constantly growing levels of packaging generated as well as low levels of re-use **and collection** and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should

transition to a circular economy.

contribute to the transition to a circular economy.

³⁰ Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics

³⁰ Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics

Amendment 3

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials **and** introduce requirements for recycled content in plastic packaging. **It** commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Amendment

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials, introduce requirements for recycled content in plastic packaging, **and assess the need for recycled content requirements for packaging made of materials other than plastic. It highlights the necessity to reduce food waste and encourages circular approaches to the use of water** and commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Amendment 4

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) This Regulation is in line with the objectives set out in ...[the forthcoming directive on environmental claims (2023/0085(COD))], and ...[the forthcoming directive on empowering consumers in the green transition (2022/0092(COD))]. It aims to promote and support substantiated alternatives for more sustainable packaging solutions.

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags *as well as coffee or tea system single-serve units*, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags *or soft after-use* system which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also

operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, *especially* in plastic packaging where the uptake of recycled content is very low, *as well as higher* recycling rates for all packaging and *high* quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

Amendment

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, *in particular* in plastic packaging where the uptake of recycled content is very low, *by strengthening high-quality recycling systems, thereby increasing* recycling rates for all packaging and *improving the* quality of the resulting secondary raw materials, while reducing other forms of recovery and final disposal.

Amendment 7

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In line with the waste hierarchy which places waste disposal through landfills as the least preferred option, the measures provided for under this Regulation should be complemented by a review of Council Directive 1999/31/EC^{1a} with the aim to accelerate the phasing-out of landfill of packaging waste.

^{1a} Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

Amendment 8

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use **as many times as possible** or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed. **The Commission should be empowered the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in order to supplement this Regulation by establishing a minimum number of rotations for reusable packaging in specific packaging categories.**

Amendment 9

**Proposal for a regulation
Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15a) Per- and polyfluorinated alkyl substances (PFASs) are a large family of more than 4 700 man-made chemicals in accordance with 2018 OECD definitions^{1a}. Since their emergence in the late 1940s, PFASs have been used in an increasingly wide range of consumer products and industrial applications, from food packaging and clothing to electronics, aviation and firefighting foams. They are used for their ability to repel grease and water, as well as for their high stability and resistance to high temperatures, due to their carbon-fluorine bond. That bond is also responsible for their extreme persistence in the environment. Exposure to the most studied PFASs has been associated with a range of adverse health effects^{1b}, including thyroid disease, liver damage, reduced birth weight, obesity, diabetes, hypercholesterolaemia and reduced response to routine vaccinations, as well as increased risk of breast, kidney and testicular cancer.

Amendment 10

**Proposal for a regulation
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) On 27 May 2020, Denmark published Order No. 681 of May 25, 2020 ‘Executive Order on Food Contact Materials and Penal Code for Violation of Related EU Acts’ in its Official Gazette (Lovtidende A) to prohibit PFASs chemicals in food contact paper and board materials and articles. Following that example, in light of the health and

environmental emergency represented by PFASs and awaiting ECHA's opinion on a wider ban on PFASs for all packaging and for other sectors all paper, cardboard food packaging containing intentionally added PFASs should not be placed on the Union market.

Amendment 11

Proposal for a regulation Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) Bisphenol A (BPA) is a chemical compound used in the manufacture of materials that come into contact with food, such as reusable plastic tableware or linings for cans, mainly as a protective layer. BPA residues can migrate into food and drink and be ingested by consumers. BPA from sources other than food, including thermal paper, cosmetics and dust, can be absorbed through the skin and by inhalation.

Amendment 12

Proposal for a regulation Recital 15 d (new)

Text proposed by the Commission

Amendment

(15d) In a scientific opinion^{1a} published in January 2015, and in light of the availability of new data EFSA's expert groups indicated that exposure to Bisphenol A was likely to have adverse effects on the kidneys and liver,. The findings led EFSA experts to significantly reduce the safe level of BPA - from 50 micrograms per kilogram of body weight per day ($\mu\text{g}/\text{kg}$ bw/day) to 4 $\mu\text{g}/\text{kg}$ bw/day.

Amendment 13

Proposal for a regulation Recital 15 e (new)

Text proposed by the Commission

Amendment

(15e) Considering the danger posed by the presence of Bisphenol A and the risk of migration into food, the presence of intentionally added BPA should be prohibited in packaging that comes into contact with food.

Amendment 14

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) This Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, ***with the exception of*** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should, ***however*** allow for the restriction, ***primarily for reasons other than chemical or food safety***, of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity,

(19) ***Without prejudice to the restriction of PFAS and Bisphenol A***, this Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, ***unless there is an unacceptable risk to human health or the environment, including but not limited to*** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should ***also*** allow for the restriction of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in

especially re-use or recycling.

particularly as regards its circularity, especially re-use or recycling *processes*.

Amendment 15

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

Amendment

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be *justified, especially concerning the use of new or innovative materials and* explained in the technical documentation accompanying the packaging.

Amendment 16

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *as well as* contact sensitive plastic packaging of

Amendment

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *of* contact sensitive plastic packaging of medical

medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² **and** of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³. These exemptions should apply until 1 January 2035.

devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³, ***of contact sensitive plastic packaging for foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013 of the European Parliament and of the Council^{53a} as well as packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging needs to comply with the quality standards of the medicinal product.*** These exemptions should apply until 1 January 2035.

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

(OJ L 117, 5.5.2017, p. 176).

(OJ L 117, 5.5.2017, p. 176).

^{53a} Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

Amendment 17

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate

Amendment

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees ***and to ensure that such fees are earmarked to finance the net cost of collection, sorting***

to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

and recycling of packaging. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

Amendment 18

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 *and* for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

Amendment

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745, for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 *and for contact-sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013.* This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product. *Finally, that exclusion should apply to inks, adhesives, paints, varnishes and lacquers*

used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.

Amendment 19

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) In order to achieve the targets for the integration of recycled content referred to in this Regulation, the Commission should publish, no later than 31 December 2025, a report assessing the possibility of setting targets for the use of bio-based plastic raw materials in packaging in order to achieve the target up to a maximum of 50%, based on sustainability requirements.

Amendment 20

Proposal for a regulation Recital 29

Text proposed by the Commission

Amendment

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that **the plastic part of each unit of** packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that plastic packaging, **on average per format, per manufacturing plant, and per year** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

Amendment 21

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per ***unit of*** post-consumer plastic waste in packaging, the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 22

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) ***In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment***, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***temporarily*** amending the targets for mandatory

Amendment

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per post-consumer plastic waste in ***the packaging format, per manufacturing plant, and per year***, the share of recycled content recovered from post-consumer plastic waste present, ***considering the environmental impact of the recycling process*** and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(33) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.

recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.

Amendment 23

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The Union packaging recycling market should be strengthened in order to improve the recycling rate, avoid landfill and minimise the export of waste to third countries. The development of Union recycling capacities should occur in cooperation with the sector's actors and industries, and be based on a regulated value chain allowing for quality checks, quality assurance, certification, logistics and pricing.

Amendment 24

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging,

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging,

mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste.

mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste, *for example for products where the separation between the content and packaging is particularly complex, such as tea bags or coffee pods.*

Amendment 25

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. *Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be a limited flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its territory. In order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.*

Amendment

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. *In addition, the biodegradable waste should not lead to the presence of contaminants in the compost. To facilitate the use of compostable packaging that helps collect or dispose of bio-waste, the requirements of EN 13432 "Packaging - Requirements for packaging recoverable by composting and biodegradation - Test scheme and evaluation criteria for final acceptance of packaging" should be revised with regard to composting times, permissible levels of contamination and restrictions on the release of microplastic to allow these materials to be processed in bio-waste treatment facilities in an appropriate manner. In addition, a similar standard for home-composting should be established in the Union.*

Amendment 26

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

Amendment

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how, ***or packaging design that is subject to legal protection under Council Regulation (EC) No 6/2002^{57a}***. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not

necessary for ensuring packaging functionality.

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

^{57a} **Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).**

Amendment 27

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, **including compostable lightweight and very lightweight plastic carrier bags**. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

Amendment

(44) It is necessary to inform consumers and to enable them to appropriately dispose of **any** packaging waste. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles. ***The need for such a harmonised labelling system to be recognised by all citizens irrespective of their circumstances, such as age and language knowledge, should be a guiding factor in their design. This can be achieved through the use of pictograms with minimal language used. This would also serve to minimise the costs for translation of language used, which would otherwise be required.***

Amendment 28

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Sorting is an essential step to ensure greater circularity of packaging. The improvement of sorting capacities, notably through technological innovations, should be encouraged in order to allow a better quality of sorting, and thus a better quality of feedstock for recycling.

Amendment 29

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. ***It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system⁵⁸, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.***

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation

⁵⁸ <https://www.pro-e.org/the-green-dot-trademark>

⁵⁸ <https://www.pro-e.org/the-green-dot-trademark>

Amendment 30

Proposal for a regulation Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) An expert group should be set up with a balanced participation of representatives of Member States and all parties concerned with packaging. The group should be referred to as the "Packaging Forum" and should contribute in particular to preparing, developing and clarifying sustainability requirements, reviewing the effectiveness of established market surveillance mechanisms and assessing any self-regulatory measures.

Amendment 31

Proposal for a regulation Recital 60

Text proposed by the Commission

Amendment

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation. ***That obligation shall not apply to reusable packaging.***

Amendment 32

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) To incentivise waste prevention, a new concept of ‘refill’ should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting *of the re-use and refill* targets. ***However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of*** this Regulation.

Amendment

(65) To incentivise waste prevention, a new concept of ‘refill’ should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting ***the prevention*** targets ***as set out in*** this Regulation.

Amendment 33

Proposal for a regulation

Recital 66

Text proposed by the Commission

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.

Amendment

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations. ***Economic actors should be exempted from liability for food safety problems that could arise from the use of containers***

provided by consumers.

Amendment 34

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use **and refill** targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. **The use of** single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.

Amendment

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. Single use packaging for food and beverages filled and consumed, within the premises in the HORECA sector should not be allowed. ***Consumers should always have the option to purchase food and beverages for take-away in reusable or their own containers at conditions not less favourable than food and beverages offered in single-use packaging. Economic operators selling food or beverages for take-away should offer consumers the option to purchase the food or beverages in their own containers and the option to purchase beverages in reusable packaging.***

Amendment 35

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) To increase their effectiveness and ensure the equal treatment of economic operators, **the re-use and refill** targets should be placed on the **economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.** The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use **or through refill** or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be **delegated** to the Commission.

Amendment

(68) To increase their effectiveness and ensure the equal treatment of economic operators, **re-use** targets should be placed on the **final distributors**. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be **conferred** to the Commission.

Amendment 36

Proposal for a regulation

Recital 71

Text proposed by the Commission

(71) To enable the verification of compliance with the re-use **and refill** targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Amendment

(71) To enable the verification of compliance with the re-use targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Amendment 37

Proposal for a regulation Recital 73 a (new)

Text proposed by the Commission

Amendment

(73a) As very lightweight plastic carrier bags, below 15 microns, have a high potential to become waste and contribute to marine pollution, measures should be taken to restrict their placing on the market except for strictly necessary uses. Those plastic bags should not be placed on the market as packaging for bulk foodstuffs, except for hygienic reasons or for packaging wet bulk foodstuffs such as raw meat, fish or dairy products.

Amendment 38

Proposal for a regulation Recital 74 a (new)

Text proposed by the Commission

Amendment

(74a) A reduction in the use of plastic carrier bags should not lead to a substitution with paper carrier bags. The Commission should monitor the use of paper carrier bags and propose a target, and, if appropriate, measures for the reduction of the consumption of paper carrier bags.

Amendment 39

Proposal for a regulation Recital 91

Text proposed by the Commission

Amendment

(91) To achieve an ambitious and sustained reduction in the overall

(91) To achieve an ambitious and sustained reduction in the overall

packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established.

packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established. ***Member States which have established a different system for the management of household packaging waste, on one hand, and of industrial and commercial packaging waste, on the other, should have the opportunity to retain their specificity.***

Amendment 40

Proposal for a regulation Recital 91 a (new)

Text proposed by the Commission

Amendment

(91a) As part of its Circular Economy Action Plan, the Commission adopted the communication of 16 January 2018 on a European Strategy for Plastics in a Circular Economy to reduce marine pollution, greenhouse gas emissions and our European dependence on fossil fuels. With plastic consumption on the rise, the strategy calls for better circularity of plastics and effective prevention measures. In line with that strategy, this Regulation should be an instrument to

fight against superficial, unnecessary plastics, in order to reverse the trend of production and consumption of plastics, especially single-use plastics.

Amendment 41

Proposal for a regulation

Recital 92

Text proposed by the Commission

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use **and** refill **targets**, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

Amendment

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use **targets**, refill **obligations**, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

Amendment 42

Proposal for a regulation

Recital 96

Text proposed by the Commission

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.

Amendment

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers, ***including e-commerce actors***, placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.

Amendment 43

Proposal for a regulation

Recital 98

Text proposed by the Commission

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from

Amendment

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from

the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should ***be bound by certain obligations applicable to producers, unless they prove that the third party for which it facilitates distance selling or delivery has already fulfilled those obligations. Furthermore, they should*** obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

Amendment 44

Proposal for a regulation Recital 101 a (new)

Text proposed by the Commission

Amendment

(101a) The separate collection of packaging is a crucial step to ensure its circularity, and to ensure a strong market for secondary raw materials. The establishment of a mandatory collection rate is an incentive to develop efficient and targeted collection systems at national level, and thus increase the quantity of

waste sorted and potentially recycled.

Amendment 45

Proposal for a regulation Recital 103 a (new)

Text proposed by the Commission

Amendment

(103a) This Regulation should take into account the diversity of deposit and return systems that exist in the Union, and ensure that technological developments in these systems are not hindered when they meet the conditions and criteria for increasing collection rates and ensuring better quality recycling. For example, digital deposit and return system offers consumers a QR code system, with a refund of the deposit when deposited at a separate collection point at home or on-the-go.

Amendment 46

Proposal for a regulation Recital 107

Text proposed by the Commission

Amendment

(107) Member States which achieve **90 %** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

(107) Member States which achieve **at least 85%** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Amendment 47

Proposal for a regulation Recital 108

Text proposed by the Commission

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill **targets** in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use **targets** and refill **obligations** in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment 48

Proposal for a regulation
Recital 113 a (new)

Text proposed by the Commission

Amendment

(113a) While it is important for the Commission to take into account all processing technologies when drafting the delegated acts establishing the recyclability criteria, as well as the criteria for recyclability at scale, it is essential that the Commission further assess the added value of chemical recycling for those fractions that cannot be processed by mechanical recycling technologies. In the context of the objectives that have been set by Regulation (EU) 2021/1119 of the European Parliament and of the Council^{1a}, the Commission should take into account the energy consumption of new technologies, water consumption,

material losses and, in the context of the revision of the Union legislative framework on environmental claims, and avoid misleading environmental claims, by limiting those applications to a truly circular approach, excluding, for example, approaches to converting materials into fuel.

^{1a} Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')(OJ L 243, 9.7.2021, p. 1).

Amendment 49

Proposal for a regulation Recital 113 b (new)

Text proposed by the Commission

Amendment

(113b) An economic operator should be able to make environmental claims on packaging placed on the market only if they are substantiated in accordance with the Directive on Green Claims. As regards recyclability, the level of recycled content and reusability, those claims should be possible only for packaging properties exceeding the applicable minimum requirements set out in this Regulation.

Amendment 50

Proposal for a regulation Recital 117 a (new)

Text proposed by the Commission

Amendment

(117a) Separate out-of-home collection is

an important element in order to increase collection rates of packaging, and improve its circularity. Member States and economic actors should be able to take specific measures for separate out-of-home collection, adapted to the location and habits of consumers.

Amendment 51

Proposal for a regulation Recital 123

Text proposed by the Commission

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷³ setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation.

⁷³ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Amendment

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, ***a minimum number of checks of economic operators placing packaging on the Union market should be established***, and Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷³ setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation.

⁷³ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

Amendment 52

Proposal for a regulation
Recital 130

Text proposed by the Commission

(130) *When it comes to* packaging entering the Union market, priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.

Amendment

(130) ***In order to safeguard the functioning of the internal market, and create a level playing field, it is necessary to ensure that packaging from third countries*** entering the Union market ***complies with this Regulation, whether it is imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging.*** Priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.

Amendment 53

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.

Amendment

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, ***prevention, reduction in unnecessary packaging, reuse or refill of packaging***, collection, treatment and recycling of packaging waste.

Amendment 54

**Proposal for a regulation
Article 1 – paragraph 3**

Text proposed by the Commission

3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.

Amendment

3. This Regulation contributes to the transition to a circular economy ***and achieving climate neutrality at the latest by 2050 as provided for under Regulation (EU) 2021/1119***, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC ***and by providing a supportive legal framework which gives certainty to European industry for their investments towards achieving circularity of packaging***.

Amendment 55

**Proposal for a regulation
Article 2 – paragraph 2**

Text proposed by the Commission

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and

Amendment

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and

the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.

the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste ***and, in accordance with Article 4 of that Directive, the application by Member States of measures relating to the waste hierarchy which allow the best environmental result to be achieved.***

Amendment 56

Proposal for a regulation

Article 3 – paragraph 1 – point 1 – point f

Text proposed by the Commission

(f) tea or coffee bags ***necessary to*** contain a tea or coffee product and intended to be used and disposed of together with the product;

Amendment

(f) ***permeable*** tea or coffee bags ***or soft after-use system and single-serve units that*** contain a tea or coffee product and ***are*** intended to be used and disposed of together with the product;

Amendment 57

Proposal for a regulation

Article 3 – paragraph 1 – point 1 – point g

Text proposed by the Commission

(g) coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;

Amendment

(g) ***non-permeable*** coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;

Amendment 58

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘transport packaging’ means

Amendment

(4) ‘transport packaging’ means

packaging conceived so as to facilitate handling and transport of **a** number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent physical handling and transport **damage**;

packaging conceived so as to facilitate handling and transport of **any** number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent **damage from** physical handling and transport **to the product**;

Amendment 59

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill to the end user;

Amendment

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill **or re-use** to the end user;

Amendment 60

Proposal for a regulation

Article 3 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and therefore form a single integral unit;

Amendment

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, **paints, inks, adhesives, lacquers**, closures and sealing **which are part of the weight of the main packaging material**, which cannot be separated manually and therefore form a single integral unit;

Amendment 61

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;

Amendment

(22) ‘re-use’ means any operation by which reusable packaging is used again ***several times*** for the same purpose for which it was conceived ***and made possible by adequate logistics and promoted by suitable incentive systems, usually by a deposit scheme***;

Amendment 62

Proposal for a regulation Article 3 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘systems for re-use’ means organisational, technical */or* financial arrangements, ***which enable*** the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Amendment

(26) ‘systems for re-use’ means organisational, technical ***and/or*** financial arrangements, ***together with incentives, that allow*** the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Amendment 63

Proposal for a regulation Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘refill’ means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products ***offered by the final distributor in the context of a commercial transaction***;

Amendment

(28) ‘refill’ means an operation by which an end user fills its own container ***or a container provided at the point of sale by the final distributor***, which fulfils the packaging function, with a product or several products ***purchased through a*** final distributor;

Amendment 64

Proposal for a regulation
Article 3 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes;

Amendment

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes, ***giving priority to mechanical recycling processes;***

Amendment 65

Proposal for a regulation
Article 3 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

Amendment

(31a) ‘recyclability’ means the assessment of the compatibility of packaging with the management and processing of waste by design, based on separate collection, sorting in separate streams, recycling at scale, and use of recycled materials to replace primary raw materials in new packaging;

Amendment 66

Proposal for a regulation
Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘recycled at scale’ means collected, ***sorted and recycled*** through ***installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population,*** including packaging waste exported from the Union that meets the requirements of Article 47(5);

Amendment

(32) ‘recycled at scale’ means ***the existence of a sufficient capacity for the collected packaging waste to be directed to defined and recognised waste streams through established industrial processes for reprocessing in actual systems proven in operational environment,*** including packaging waste exported from the Union that meets the requirements of Article

47(5);

Amendment 67

Proposal for a regulation

Article 3 – paragraph 1 – point 32 a (new)

Text proposed by the Commission

Amendment

(32a) 'high quality recycling' means any recovery operation, as defined in Article 3, point (17), of Directive 2008/98/EC, that ensures that the distinct quality of the waste collected is preserved or recovered during that recovery operation, so that it can be subsequently recycled and used in the same way or for a similar application, with minimal loss of quantity, quality or function;

Amendment 68

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit ***in order to consume the product*** and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

Amendment 69

Proposal for a regulation

Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit ***in order to access the product***, and that is typically discarded prior to and separately from the packaging unit;

Amendment

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit, and that is typically discarded prior to and separately from the packaging unit;

Amendment 70

**Proposal for a regulation
Article 3 – paragraph 1 – point 37**

Text proposed by the Commission

(37) ‘innovative packaging’ means a form of packaging that is manufactured using new materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery ***or presentation*** of products, and in demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the ***sole*** purpose of improved presentation of products and marketing;

Amendment

(37) ‘innovative packaging’ means a form of packaging that is manufactured using new ***and innovative*** materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery of products, and in demonstrable environmental benefits ***overall***, with the exception of packaging that is the result of modification of existing packaging for the ***main*** purpose of improved presentation of products and marketing;

Amendment 71

**Proposal for a regulation
Article 3 – paragraph 1 – point 38**

Text proposed by the Commission

(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes and can substitute primary raw materials;

Amendment

(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes ***and have undergone all necessary checking and sorting*** and

can substitute primary raw materials;

Amendment 72

Proposal for a regulation

Article 3 – paragraph 1 – point 40

Text proposed by the Commission

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;

Amendment

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, **Directive 2002/46/EC of the European Parliament and of the Council^{1a}**, or Directive 2008/68/EC;

^{1a} **Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).**

Amendment 73

Proposal for a regulation

Article 3 – paragraph 1 – point 41

Text proposed by the Commission

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article **47(4)**, and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially

Amendment

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article **47(8)**, and does not hinder the separate collection and the composting **or anaerobic digestion** process or activity into which it is

controlled conditions;

introduced in industrially controlled conditions, *in accordance with the applicable requirements laid down in the harmonised European standards EN 13432*;

Amendment 74

Proposal for a regulation

Article 3 – paragraph 1 – point 41 b (new)

Text proposed by the Commission

Amendment

(41b) ‘home compostable packaging’ means packaging that can also biodegrade in non-controlled conditions compared to industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.

Amendment 75

Proposal for a regulation

Article 3 – paragraph 1 – point 41 a (new)

Text proposed by the Commission

Amendment

(41a) ‘bio-based plastic’ means a plastic whose raw materials are made from biomass^{1a};

^{1a} Communication for an EU policy framework on bio-based, biodegradable and compostable plastics, COM(2022), 682 final, 30/11/2022.

Amendment 76

Proposal for a regulation

Article 3 – paragraph 1 – point 50

Text proposed by the Commission

(50) ‘deposit’ means a **fixed** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;

Amendment

(50) ‘deposit’ means a **defined** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user, **or any other person**, returns the deposit bearing packaging to a collection point established for that purpose;

Amendment 77

**Proposal for a regulation
Article 3 – paragraph 1 – point 51**

Text proposed by the Commission

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;

Amendment

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose **or properly deposited in the type of waste receptacle provided for that purpose, at home or in public spaces**;

Amendment 78

**Proposal for a regulation
Article 3 – paragraph 1 – point 57**

Text proposed by the Commission

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment or other public interests

Amendment

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment, **health**, or other public

protected by that requirement;

interests protected by that requirement;

Amendment 79

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).

deleted

Amendment 80

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal, **and the adverse impact on the environment due to micro-plastics.**

Amendment 81

Proposal for a regulation Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFASs) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].

Amendment 82

Proposal for a regulation Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Food contact packaging containing intentionally added Bisphenol A (BPA, CAS 80-05-7) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].

Amendment 83

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Compliance with the requirements set out in **paragraph 2** shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

3. Compliance with the requirements set out in **paragraphs 1, 2, 2a and 2b** shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

Amendment 84

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons **relating** primarily to chemical safety. They shall address, **as appropriate**, substances of concern that **negatively affect** the re-use and recycling of materials in the packaging in which they are present, and **shall, as appropriate**, identify the specific substances concerned and **their associated** criteria and limitations.

Amendment

4. **Without prejudice to paragraphs 2a and 2b**, recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons primarily **related** to chemical safety, **unless there is an unacceptable risk to human health or to the environment arising from the use of a substance in the packaging at any stage of its life cycle**. They shall **also** address substances of concern that **have a negative impact on** the re-use, **sorting** and recycling of materials in the packaging in which they are present, and identify the specific substances concerned and **the** criteria and limitations **associated with them**.

Amendment 85

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

All packaging shall be recyclable.

Amendment

All packaging **placed on the market** shall be recyclable **in accordance with paragraph 2**.

Amendment 86

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) it is designed for recycling;

Amendment

(a) it is designed for recycling, **as set out in the delegated acts adopted by the Commission pursuant to paragraph 4** ;

Amendment 87

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

(e) it *can be recycled* at scale.

Amendment

(e) it *is recyclable* at scale *in accordance with the methodology established in the delegated acts adopted by the Commission pursuant to paragraph 6.*

Amendment 88

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Point (a) shall apply *from 1 January 2030* and point (e) shall apply *from 1 January 2035*.

Amendment

Points (a) to (d) shall apply *from 36 months after the date of publication of the delegated acts referred to in paragraph 4* and point (e) shall apply *from 36 months after the date of publication of the delegated acts referred to in paragraph 6.*

Amendment 89

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Recyclable packaging shall, *from 1 January 2030*, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 *and, from 1 January 2035, also* with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and

Amendment

3. Recyclable packaging shall :

(e).

(a) comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 ***no later than 36 months after the date of publication of the delegated acts referred to in paragraph 4; and***

(b) comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6 ***no later than 36 months after the date of publication of the delegated acts referred to in paragraph 6, in addition to point (a) of this paragraph.***

Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).

Amendment 90

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. ***The criteria and requirements referred to in paragraph 3 shall establish:***

(a) ***the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as set out in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable in accordance with paragraph 1;***

(b) ***detailed design for recycling criteria , including specific requirements for high quality recycling, where appropriate, for each packaging material and category listed in Table 1 of Annex II;***

(c) ***a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the***

respective performance grades;

(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;

(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish updated recyclability performance grades.

Amendment 91

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission ***is empowered to*** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in ***Table 2*** of Annex II for packaging categories listed in Table 1 of that Annex, ***as well as*** rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and ***for plastic packaging***, the percentage of recycled content. ***Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.***

Amendment

By 1 January 2027 the Commission ***shall, after consulting the Packaging Forum established under Article 12a and taking into consideration standards developed by the European Standards Organisations,*** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to :

(a) establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in ***Tables 2 and 2a*** of Annex II for packaging categories listed in Table 1 of that Annex; ***design-for-recycling criteria***

shall consider state-of-the-art collection, sorting and recycling processes and shall cover all packaging components;

(b) establish rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and ***where applicable***, the percentage of recycled content.

Amendment 92

Proposal for a regulation Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex ***II*** in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment 93

Proposal for a regulation Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 4, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment 94

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

From 96 months after the date of publication of the delegated acts referred to in paragraph 4, packaging shall not be considered recyclable if it corresponds to performance grade D or below under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Amendment 95

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 6, packaging shall not be considered recyclable if it does not comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6.

Amendment 96

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

These criteria shall be based at least on the parameters as listed in Table 2 of Annex II.

deleted

Amendment 97

Proposal for a regulation
Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. The Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment

6. ***No later than 60 months after the date of publication of the delegated acts referred to in paragraph 4 the Commission shall adopt delegated acts in accordance with Article 58 to supplement this Regulation***, for each packaging type listed in Table 1 of Annex II, ***in order to*** establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment 98

Proposal for a regulation
Article 6 – paragraph 6 – point b

Text proposed by the Commission

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State;

Amendment

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State, ***taking into account Member States obligations under Article 43 of this Regulation***;

Amendment 99

Proposal for a regulation
Article 6 – paragraph 6 – point d

Text proposed by the Commission

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II.

Amendment

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II, ***taking into account Member States' obligations under Article 43 of this Regulation***.

Amendment 100

Proposal for a regulation

Article 6 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The data referred to in points (a) to (d) shall be available and easily accessible by the public.

Amendment 101

Proposal for a regulation

Article 6 – paragraph 7

Text proposed by the Commission

Amendment

7. *The criteria and requirements referred to in paragraph 3 shall establish:*

deleted

(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;

(b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;

(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;

(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;

(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in

order to establish, as of 2035, updated recyclability performance grades.

Amendment 102

Proposal for a regulation Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where proven to be environmentally beneficial and technically feasible, Member States may, especially through design of schemes established in compliance with Article 44, prioritise recycling of packaging so that it can be subsequently recycled and used in the same way or for a similar application, with minimal loss of quantity, quality or function, whereby producers obliged to meet recycled content targets can benefit from fair access to the material derived from the recycled packaging.

Amendment 103

Proposal for a regulation Article 6 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII **and take into consideration the following elements:**

Amendment 104

Proposal for a regulation Article 6 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.

Amendment

(a) where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.

Amendment 105

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.

Amendment

(b) where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component; ***if an integrated component of the packaging unit is easily separable by hand and there are clear instructions for the consumer, the overall recyclability shall be a combination of the assessments for each individual component;***

Amendment 106

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 4

Text proposed by the Commission

All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Amendment

(c) all components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Amendment 107

Proposal for a regulation
Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, and by way of derogation from *paragraphs 2 and 3*, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment

From 36 months after the date of publication of the delegated acts referred to in paragraph 4, and by way of derogation from *the requirements set out in this Article*, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment 108

Proposal for a regulation
Article 6 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall constantly monitor the impact of the derogation referred to in the first subparagraph on the amount of packaging placed on the market. The Commission shall, where appropriate, adopt a legislative proposal with a view to amending the first subparagraph.

Amendment 109

Proposal for a regulation
Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(34) of this Regulation.

Amendment

Innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature, *its overall environmental benefit* and showing compliance with the definition in Article 3(37) of this Regulation.

Amendment 110

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 3

Text proposed by the Commission

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.

Amendment

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8 **and shall therefore be in compliance with the requirements set out in this Article.**

Amendment 111

Proposal for a regulation

Article 6 – paragraph 10 – introductory part

Text proposed by the Commission

10. Until **31 December 2034**, this Article shall not apply to the following:

Amendment

10. Until **72 months after the date of publication of the delegated act referred to in paragraph 6**, this Article shall not apply to the following:

Amendment 112

Proposal for a regulation

Article 6 – paragraph 10 – point b

Text proposed by the Commission

(b) contact sensitive **plastic** packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment

(b) contact sensitive packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment 113

Proposal for a regulation

Article 6 – paragraph 10 – point c

Text proposed by the Commission

(c) contact sensitive **plastic** packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

Amendment

(c) contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

Amendment 114

Proposal for a regulation

Article 6 – paragraph 10 – point c a (new)

Text proposed by the Commission

Amendment

(ca) contact sensitive packaging for infant formula and follow-on formula, processed cereal-based food and baby food, and food for special medical purposes as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013.

Amendment 115

Proposal for a regulation

Article 6 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The Commission shall assess the need to extend the derogation established under paragraph 10. That assessment shall take into account the available scientific guidelines of the relevant regulatory authorities, the state of scientific and technical progress, and the availability and prices of recyclable materials. On that basis and after consultation with relevant stakeholders, the Commission shall present, if appropriate, a legislative proposal.

Amendment 116

Proposal for a regulation
Article 6 – paragraph 11

Text proposed by the Commission

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

Amendment

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6). ***Financial contributions shall, in accordance with Article 8a of Directive 2008/98/EC, be earmarked to finance the net cost of collection, sorting and recycling infrastructures of the packaging type it is paid for, following the categories set in Annex II, Table 1.***

Amendment 117

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Inert packaging

By 1 January 2029, the Commission shall adopt delegated acts in accordance with Article 21a in order to supplement this Regulation where necessary to deal with any difficulties encountered in applying the provisions of this Regulation, in particular, to inert packaging materials placed on the market in very small quantities (i.e. approximately 0,1 % by weight) in the Union.

Amendment 118

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per **unit of** packaging:

Amendment

1. From 1 January 2030, the plastic part in packaging ***placed on the market*** shall, ***unless this results in non-compliance with food safety requirements laid down at Union level***, contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging ***format as referred to in Table 1 of Annex II, calculated as an average per manufacturing plant, per year***:

Amendment 119

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;

Amendment

(a) 30 % for contact sensitive packaging, ***except single use beverage bottles***, made from polyethylene terephthalate (PET) as the major component;

Amendment 120

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) ***10*** % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment

(b) ***7,5*** % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment 121

Proposal for a regulation
Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) 35 % for packaging other than those referred to in points (a), (b) and (c).

Amendment

(d) 35 % for **plastic** packaging other than those referred to in points (a), (b) and (c).

Amendment 122

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per **unit of** packaging:

Amendment

2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging **format as referred to in Table 1 of Annex II, per manufacturing plant, per year**:

Amendment 123

Proposal for a regulation
Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 25% for contact sensitive packaging made from plastic materials other than PET.

Amendment 124

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Economic operators shall be

exempted from the obligation to meet the targets in paragraphs 1 and 2 if, during a calendar year, they fall within the definition of microenterprise set out in the Commission Recommendation 2003/361/EC^{1a}.

^{1a} Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment 125

Proposal for a regulation Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment

(b) contact sensitive plastic packaging of medical devices, *or devices exclusively destined for research use and investigational devices* covered by Regulation (EU) 2017/745;

Amendment 126

Proposal for a regulation Article 7 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) contact sensitive plastic packaging for food intended for infants and young children, food for special medical purposes and packaging for drinks and food typically used for young children as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013.

Amendment 127

Proposal for a regulation
Article 7 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging is needed to be in line with the quality standards of the medicinal product

Amendment 128

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging.

4. Paragraphs 1 and 2 shall not apply to :

(a) compostable plastic packaging;

(b) inks, adhesives, paints, varnishes and lacquers used on packaging;

(c) any plastic part representing less than 5% of the total weight of the whole packaging unit.

Amendment 129

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to facilitate recycling and to ensure availability plastic feedstock for recycling.

Amendment 130

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

Amendment

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated **by economic operators** in the technical information concerning the packaging referred to in Annex VII.

Amendment 131

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

7. By 31 December 2026, the Commission **is empowered to** adopt **implementing acts** establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, **per unit of plastic packaging**, and the format for the technical documentation referred to in Annex VII. Those **implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).**

Amendment

7. By 31 December 2026, the Commission **shall** adopt **delegated acts in accordance with Article 58 in order to supplement this Regulation by** establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste and the format for the technical documentation referred to in Annex VII. Those **delegated acts shall take into account the environmental impact of the recycling process.**

Amendment 132

Proposal for a regulation Article 7 – paragraph 8

Text proposed by the Commission

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply

Amendment

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply

with the rules laid down in the **implementing** act referred to in paragraph 7.

with the rules laid down in the **delegated** act referred to in paragraph 7.

Amendment 133

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

By 1 January **2028**, the Commission shall assess the ***need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.***

Amendment

By 1 January **2032**, the Commission shall assess the ***situation regarding the use of recycled packaging materials in plastics, focusing on the lack of availability of recycled plastics or on adverse effects on human or animal health, security of food supply or the environment, where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice, or are not sufficiently resource and energy efficient.***

Amendment 134

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 2 – point a

Text proposed by the Commission

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, ***points b and d, for specific plastic packaging, and, as appropriate,***

Amendment

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 2,

Amendment 135

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) modify the targets established in paragraphs 1 and 2,

Amendment 136

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

Amendment

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.

deleted

Amendment 137

Proposal for a regulation Article 7 – paragraph 10

Text proposed by the Commission

Amendment

10. Where justified by the lack of availability or excessive prices of specific recycled plastics that may have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content set out in paragraphs 1 and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best

deleted

available evidence regarding the related risks to human or animal health, to the security of food supply or to the environment.

Amendment 138

Proposal for a regulation Article 7 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. By 31 December 2025, the Commission shall publish a report assessing the possibility of laying down targets for the use of bio-based plastic feedstock in packaging in order to meet the targets set out in of Article 7(1) and (2).

Where appropriate and based on the report referred to in paragraph 1, the Commission shall present a legislative proposal in order to:

(a) lay down targets for the use of bio-based plastic feedstock in packaging;

(b) lay down sustainability requirements for bio-based plastic feedstock to become eligible to contribute to the targets, considering the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001;

(c) introduce the possibility to meet up to a maximum of 50% of the targets set out in Article 7(1) and (2) by using bio-based plastic feedstock.

Amendment 139

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. By [OP: please insert the date = **24**

1. By [OP: please insert the date = **36**

months from the entry into force of this Regulation], packaging referred to in Article 3(1), **points (f) and (g)**, sticky labels attached to fruit and vegetables **and very lightweight plastic carrier bags** shall be compostable in industrially controlled conditions in bio-waste treatment facilities.

months from the entry into force of this Regulation], packaging referred to in Article 3(1), **point (f)**, sticky labels attached to fruit and vegetables shall be compostable **to home composting standards or** in industrially controlled conditions in bio-waste treatment facilities.

Amendment 140

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By ... [OP: please insert the date = 36 months from the entry into force of this Regulation], very lightweight plastic carrier bags required for loose food for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage, shall be compostable in industrially controlled conditions in bio-waste treatment facilities and therefore allowed to be collected in bio-waste receptacles.

Amendment 141

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States **are empowered to** require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags **have been entirely manufactured from**

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States **having implemented Article 22 of Directive 2008/98/EC may** require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags

biodegradable plastic polymers, which are compostable *in industrially controlled conditions*.

are compostable.

Amendment 142

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. By [OP: Please insert the date = **24** months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers, shall allow material recycling without affecting the recyclability of other waste streams.

Amendment

3. By ... [OP: Please insert the date = **36** months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers *and other biodegradable materials*, shall allow material recycling, *in accordance with Article 6, and* without affecting the recyclability of other waste streams.

Amendment 143

Proposal for a regulation Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of derogation from Article 8(3), Member States are empowered to require that those packaging that are compostable in their territory may be processed under the bio-waste stream process.

Amendment 144

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission shall be

Amendment

5. **After consulting expert groups,**

empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.

the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1, ***1a*** and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments, ***including on labelling of compostability***, impacting the disposal of compostable packaging and under the conditions set out in Annex III.

Amendment 145

Proposal for a regulation Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By 31 May 2025, the Commission shall request the European standardisation organisations to update the harmonised standard (EN 13432) on the "Requirements for packaging recoverable through composting and biodegradation - testing schemes and evaluation criteria".

By 31 May 2025, the Commission shall also request the European standardisation organisations to prepare harmonised standards laying down the detailed technical specifications of the requirements on home compostable packaging in this Article.

Amendment 146

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Packaging shall be designed so that its weight and volume is reduced to the

1. ***By 1 January 2030***, packaging shall be designed so that its weight and

minimum necessary for ensuring its **functionality** taking account of the material that the packaging is made of.

volume is reduced to the minimum necessary for ensuring its **functions, as listed in Annex IV, part 1**, taking account of **the shape and** the material that the packaging is made of.

Amendment 147

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin **protected** under Union legislation.

Amendment

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV, and packaging with characteristics that are only aimed to increase the perceived volume of the product including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin under Union legislation **or it is subject to legal protection under Regulation (EC) No 6/2002**.

Amendment 148

Proposal for a regulation Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By ... [OP: Please insert the date = 36 months from the date of entry into force of this Regulation], the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For

most common packaging types and formats such standards should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space.

Amendment 149

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.

Amendment

(c) any test results, studies or other relevant sources, ***such as modelling and simulation***, used to assess the minimum necessary volume or weight of the packaging.

Amendment 150

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Micro-companies referred to in Article 22(3) shall be exempted from the obligation set out in this paragraph.

Amendment 151

Proposal for a regulation

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. Packaging shall be considered reusable where if fulfils the following conditions:

Amendment

1. Packaging ***placed on the market*** shall be considered reusable where if fulfils the following conditions:

Amendment 152

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) it has been conceived, designed and placed on the market with the objective to be re-used *or refilled*;

Amendment

(a) it has been conceived, designed and placed on the market with the objective to be re-used *for multiple times*;

Amendment 153

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) it has been conceived and designed to accomplish as many *trips or* rotations as possible in normally predictable conditions of use;

Amendment

(b) it has been conceived and designed to accomplish as many rotations as possible in normally predictable conditions of use;

Amendment 154

Proposal for a regulation
Article 10 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) it fulfils the requirements regarding consumer health, safety and hygiene.

Amendment 155

Proposal for a regulation
Article 10 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a By ... [OP: please insert the date 24 months after the entry into force of this Regulation], the Commission shall adopt delegated act setting a minimum number for the rotations referred to in paragraph

1, point (b), for reusable packaging in different and relevant material and packaging categories.

Amendment 156

**Proposal for a regulation
Article 10 b (new)**

Text proposed by the Commission

Amendment

Article 10b

Just Transition

Member States shall, every two years from 2025 onwards, carry out Employment Impact Assessments (EIA) that evaluate the impact of the obligations laid down in this Regulation on the number of jobs created, transformed, and eliminated, as well as on skills and competences anticipation, working conditions, including health and safety at work, and gender equality both at national and regional levels in all sectors covered by this Regulation and submit them to the Commission and the European Parliament. EIAs shall lay down how the Member State intends to address its findings with legislative and non-legislative measures, including public and private investments.

Before submitting the EIAs to the Commission and the European Parliament, Member States shall inform and consult national social partners representing workers and employers in the sectors covered by this Regulation on the EIAs.

Amendment 157

**Proposal for a regulation
Article 11 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

From [OP: Please insert the date = **42** months after the **entry into force of this Regulation**], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment

From [OP: Please insert the date = **24** months after the **adoption of the implementing acts referred to in paragraph 5 and 6**], packaging **placed on the market** shall be marked with a label containing information on its material composition **in order to facilitate consumer sorting. The label shall be exclusively based on pictograms and be easily understandable, including for persons with disabilities.** This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment 158

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.

Amendment 159

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Packaging subject to deposit and return systems referred to in Article 44(1) shall, **in addition to the labelling referred to in the first subparagraph**, be marked with a harmonised label established in the relevant implementing act adopted

Packaging subject to deposit and return systems referred to in Article 44(1) shall be marked with a **colour** harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

pursuant to paragraph 5.

Amendment 160

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Labels of deposit and return systems established before the entry into force of this Regulation may be used together with the harmonised label until 36 months after the adoption of the implementing act pursuant to paragraph 5.

Amendment 161

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. From [OP: Please insert the date = **48** months after the **date of** entry into force of **this Regulation**], packaging shall bear a label on packaging reusability **and** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

2. From [OP: Please insert the date = **30** months after the entry into force of **the implementing act referred to in paragraph 5**], **reusable** packaging **placed on the market** shall bear a label on packaging reusability. **Further information on reusability may be made available through** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment 162

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. Where **a unit of** packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where **a unit of plastic** packaging is marked with a label containing information on the share of **biobased** plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

Amendment 163

Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in **paragraph 2** shall be placed, printed or engraved visibly, clearly legibly **and indelibly** on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Amendment 164

Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1 a (new)

Amendment

3. Where packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label **and, where applicable, the QR code or other type of digital data carrier** shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where packaging is marked with a label containing information on the share of **bio-based** plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

Amendment

Labels referred to in paragraphs 1 to 3 and, **where applicable**, the QR code or other type of digital data carrier referred to in **paragraphs 1 and 2** shall be placed, printed or engraved visibly, clearly legibly, **and accessible** on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Text proposed by the Commission

Amendment

Where information is provided by electronic means in accordance with paragraphs 2 to 3, the following requirements shall apply:

- (a) adequate, relevant personal data is collected only for the limited purpose of giving the user access to relevant compliance information referred to in paragraphs 2 to 3 of this Article in respect of Article 5(1) of Regulation 2016/679/EU***
- (b) the information is not displayed with other information intended for sales or marketing purposes.***

Amendment 165

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats, ***including when provided through digital means***, for the labelling of packaging, referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 166

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. By [OP: Please insert the date = **24** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 167

**Proposal for a regulation
Article 11 – paragraph 7**

Text proposed by the Commission

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

Amendment 168

**Proposal for a regulation
Article 11 – paragraph 8**

Amendment

6. By [OP: Please insert the date = **18** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

From ... [OP: Please insert the date = 24 months after the entry into force of this Regulation], the Commission shall adopt guidelines in order to clarify aspects that are likely to mislead or confuse consumers or other end users.

Text proposed by the Commission

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) **may** be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment 169

Proposal for a regulation
Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment 170

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

By **1 January 2028**, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of

Amendment

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) **shall** be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment

8a. Packaging as referred to in paragraphs 1, 2 and 3, that is manufactured or imported before the deadlines referred in those paragraphs, may be marketed until 36 months after the date of entry into force of the labelling requirements laid down in paragraphs 1, 2 and 3.

Amendment

By **[OP: Please insert the date = 30 months after the adoption of the implementing acts referred to in paragraph 5 and 6]** labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate

packaging waste.

receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste.

Amendment 171

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Packaging forum

The Commission shall ensure that, when conducting its activities, there is a balanced participation of Member States' representatives and all interested parties involved with the packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. Those parties shall be consulted in particular to prepare the delegated and implementing acts provided for in this Regulation to develop and further detail the sustainability requirements and examining the effectiveness of the established market surveillance mechanisms. To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Packaging Forum'.

Amendment 172

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12b

Claims

Environmental claims as defined in Article 2, point (o), of Directive 2005/29/EC may be made in relation to packaging placed on the market only if they comply with the following requirements:

(a) they are substantiated in accordance with [Article 3 of Directive on Green Claims]; in particular, they shall specify whether they relate to the packaging unit, part of the packaging unit or to all packaging placed on the market by the producer;

(b) they are for packaging properties exceeding the applicable minimum requirements set out in this Regulation.

Compliance with the requirements set out in point (b) of this Article shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Amendment 173

Proposal for a regulation Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) it complies with the applicable requirements regarding food hygiene and the safety of consumers.

Amendment 174

Proposal for a regulation Article 13 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. For medicinal products, as defined in Directive 2001/83/EC, the marketing authorisation holder shall be responsible

for the information provided.

Amendment 175

Proposal for a regulation Article 13 – paragraph 8

Text proposed by the Commission

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market ***from the date of entry into force of this Regulation*** is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment 176

Proposal for a regulation Article 13 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. By way of derogation from paragraph, the obligation to bring into conformity, withdraw or recall packaging which is believed not to be in conformity with applicable requirements shall not apply to reusable packaging placed on the market before the entry into force of this Regulation.

Amendment 177

Proposal for a regulation
Article 13 – paragraph 9

Text proposed by the Commission

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in *either paper or* electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

Amendment

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

Amendment 178

Proposal for a regulation
Article 13 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Paragraphs 1 to 6 shall not apply to custom-made transport packaging for configurable medical devices and medical systems that are to be used in industrial and healthcare environments.

Amendment 179

Proposal for a regulation
Article 16 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. In order to meet the obligations laid down in this Article, Member States

may provide tools to support economic operators importing products into the territory of the Union.

Amendment 180

Proposal for a regulation Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article 40;

Amendment

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article 39;

Amendment 181

Proposal for a regulation Article 17 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Information disclosed by the producer shall not be used by the distributor for any purpose other than to verify compliance with applicable requirements. The misuse of such information by distributors for commercial purposes shall be prohibited.

Amendment 182

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5

Amendment

Fulfilment service providers *and online platforms* shall ensure that for packaging that they handle *or offer on their online platforms*, the conditions during warehousing, handling and packing, addressing or dispatching, do not

to 11.

jeopardise the packaging's compliance with the *applicable* requirements set out in Articles 5 to 11.

Amendment 183

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Obligations of providers of online platforms

Providers of online platforms shall comply without undue delay with the relevant requirements of Regulation (EU) 2022/2065 and shall ensure that they have internal processes in place for compliance.

Amendment 184

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Amendment

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article **14**, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article **13**, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

Amendment 185

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.

Amendment

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 % ***in accordance with the provisions laid down by Parts 1 and 2 of Annex IV.***

Amendment 186

**Proposal for a regulation
Article 21 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. Economic operators using reusable packaging within a system of reuse shall be exempted from the obligation laid down in paragraph 1.

Amendment 187

**Proposal for a regulation
Article 22 – paragraph 1**

Text proposed by the Commission

Amendment

1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

1. ***By 31 December 2027 at the latest,*** economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment 188

**Proposal for a regulation
Article 22 – paragraph 3**

Text proposed by the Commission

Amendment

3. ***Member States may exempt***

3. Economic operators ***shall be***

economic operators *from* point 3 of Annex V if they *comply with* the definition of micro-company in accordance with rules set out in *the* Commission Recommendation 2003/361, as applicable on [OP: Please insert *the* date = *the* date of entry into force of this Regulation], *and* where it is not technically feasible not to use packaging or to obtain access to infrastructure *that is* necessary for the functioning of a reuse system.

exempted from the application of point 3 of Annex V if they *meet* the definition of a micro-company in accordance with rules set out in Commission Recommendation 2003/361, as applicable on [OP: Please insert date = date of entry into force of this Regulation]. *In addition, Member States shall grant an exemption* where *it has been demonstrated that* it is not technically feasible not to use packaging or to obtain access to *the* infrastructure necessary for the functioning of a reuse system.

Amendment 189

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste *and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment*. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.

Amendment 190

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Restriction on the use of certain very lightweight plastic bags packaging

- 1. Economic operators shall not place very lightweight plastic carrier bags on the market.***
- 2. Without prejudice to Article 8(1a), paragraph 1 of this Article shall not apply to very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage.***

Amendment 191

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, ***including an incentive to ensure collection***, which meets the requirements laid down in Article 24 and Annex VI. ***This paragraph shall be considered fulfilled by existing systems for reuse already in place in the Member States.***

Amendment 192

Proposal for a regulation Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Economic operators making use of reusable packaging may designate third parties responsible of one or more mutualised systems for re-use. The appointed third parties shall ensure that the systems for reuse, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.

Where economic operators have appointed a third party as referred in paragraph 2a, the obligations set out in this Article shall be met by the third parties on their behalf.

Amendment 193

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. Economic operators enabling refill shall ensure that packaging offered to the end users at the refill stations is not provided free of charge or is provided as a part of a deposit and return system.

3. Economic operators enabling refill shall ensure that **if a** packaging **is** offered to the end users at the refill stations, **it** is not provided free of charge or is provided as a part of a deposit and return system.

Amendment 194

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1.

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1, **in particular if they deem it unhygienic or unsuitable for the food or**

drink being sold.

Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.

Amendment 195

Proposal for a regulation Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m² shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.

Amendment 196

Proposal for a regulation Article 26 – title

Text proposed by the Commission

Amendment

Re-use **and refill** targets

Re-use targets

Amendment 197

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. **From 1 January 2030**, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that **90 %** of those products are made available in reusable transport packaging within a

1. Economic operators, **including online platforms**, making large household appliances listed in point 1 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State :

system for *re-use*.

(a) shall ensure that from 1 January 2030, 50% of those products are made available in reusable transport packaging within a system for reuse;

(b) shall aim to ensure that from 1 January 2040, 90% of those products are made available in reusable transport packaging within a system for reuse.

Amendment 198

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:

deleted

(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 199

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales

deleted

packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 200

Proposal for a regulation Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where a final distributor makes non-alcoholic beverages in sales packaging available on the market:

(a) it shall ensure that, within the territory of a Member State from 1 January 2030, at least 20 % of those products are made available in reusable packaging within a system for re-use;

(b) it shall aim to ensure that from 1 January 2040, at least 35 % of those products are made available in reusable packaging within a system for re-use.

Amendment 201

Proposal for a regulation Article 26 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales

packaging available on the market within the territory of a Member State :

(a) it shall ensure that from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use;

(b) it shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;

(c) shall meet the targets referred to in points (a) and (b) of this paragraph in a manner that other alcoholic beverage category, as defined in Council Directive 92/83/EEC, fairly contributes to the re-use target;

(d) it shall ensure that brands owned by the final distributor contribute fairly to the re-use target;

(e) it shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.

Amendment 202

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

deleted

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for

re-use or by enabling refill;

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 203

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that: *deleted*

(a) from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 204

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

Amendment

6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages *deleted*

which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat, shall ensure that:

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 205

Proposal for a regulation

Article 26 – paragraph 7 – introductory part

Text proposed by the Commission

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails *and* drums for the conveyance or packaging of products in conditions other than provided for under paragraphs *12 and 13 shall ensure that:*

Amendment

7. Economic operators using transport packaging *or sales packaging only used for transportation within the territory of the Union* in the form of pallets, plastic crates, foldable plastic boxes, pails *or* drums for the conveyance or packaging of products in conditions other than provided for under paragraphs *5 and 6:*

Amendment 206

Proposal for a regulation

Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) *shall ensure that* from 1 January 2030, *at least* 30 % of such packaging used is reusable packaging within a system for re-use;

Amendment 207

Proposal for a regulation
Article 26 – paragraph 7 – point b

Text proposed by the Commission

(b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.

Amendment

(b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 90 % of such packaging used is reusable packaging within a system for re-use.

Amendment 208

Proposal for a regulation
Article 26 – paragraph 8 – introductory part

Text proposed by the Commission

8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce ***shall ensure that:***

Amendment

8. Economic operators using transport packaging ***within the territory of the Union*** for the transport and delivery of non-food items made available on the market for the first time via e-commerce:

Amendment 209

Proposal for a regulation
Article 26 – paragraph 8 – point a

Text proposed by the Commission

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) ***shall ensure that*** from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 210

Proposal for a regulation
Article 26 – paragraph 8 – point b

Text proposed by the Commission

(b) from 1 January 2040, 50 % of such

Amendment

(b) ***shall aim to ensure that*** from 1

packaging used is reusable packaging within a system for re-use;

January 2040, **at least** 50 % of such packaging used is reusable packaging within a system for re-use;

Amendment 211

Proposal for a regulation Article 26 – paragraph 9 – introductory part

Text proposed by the Commission

Amendment

9. Economic operators using transport packaging **in the form of pallet wrappings and straps** for stabilization and protection of products put on pallets during transport **shall ensure that**:

9. Economic operators using transport packaging **within the territory of the Union** for stabilization and protection of products put on pallets during transport, **including, but not limited to, pallet wrappings or straps**:

Amendment 212

Proposal for a regulation Article 26 – paragraph 9 – point a

Text proposed by the Commission

Amendment

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

(a) **shall ensure that** from 1 January 2030, **at least** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 213

Proposal for a regulation Article 26 – paragraph 9 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;

(b) **shall aim to ensure that** from 1 January 2040, **at least** 30 % of such packaging used for transport is reusable packaging within a system for re-use;

Amendment 214

Proposal for a regulation
Article 26 – paragraph 10 – introductory part

Text proposed by the Commission

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit ***shall ensure that***:

Amendment

10. Economic operators, ***including online platforms***, using grouped packaging ***within the territory of the Union*** in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping ***or distribution*** unit:

Amendment 215

Proposal for a regulation
Article 26 – paragraph 10 – point a

Text proposed by the Commission

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment

(a) ***shall ensure that*** from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use;

Amendment 216

Proposal for a regulation
Article 26 – paragraph 10 – point b

Text proposed by the Commission

(b) from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.

Amendment

(b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 25 % of such packaging they used is reusable packaging within a system for re-use.

Amendment 217

Proposal for a regulation
Article 26 – paragraph 11

Text proposed by the Commission

11. Targets laid down in **paragraphs 1 to 10** shall be calculated for the period of a calendar year.

Amendment

11. Targets laid down in **this Article** shall be calculated for the period of a calendar year.

Amendment 218

Proposal for a regulation

Article 26 – paragraph 12 – subparagraph 1 – introductory part

Text proposed by the Commission

Transport packaging used by an economic operator shall be reusable where it is used for transporting products:

Amendment

From 1 January 2030, 95% of the transport packaging used by an economic operator shall be reusable where it is used for transporting products:

Amendment 219

Proposal for a regulation

Article 26 – paragraph 13 – subparagraph 1

Text proposed by the Commission

Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.

Amendment

From 1 January 2030, economic operators, including online platforms, delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.

Amendment 220

Proposal for a regulation

Article 26 – paragraph 14 – introductory part

Text proposed by the Commission

14. Economic operators shall be exempted from the obligation to meet the targets in **paragraphs 2 to 10** if, during a

Amendment

14. Economic operators shall be exempted from the obligation to meet the targets in **this Article** if, during a calendar

calendar year, they:

year, they:

Amendment 221

Proposal for a regulation Article 26 – paragraph 15

Text proposed by the Commission

Amendment

15. Economic operators shall be exempted from the obligation to meet the targets in paragraphs **2 to 6** if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.

15. Economic operators shall be exempted from the obligation to meet the targets in paragraphs **3a and 3b** if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.

Amendment 222

Proposal for a regulation Article 26 – paragraph 16 – introductory part

Text proposed by the Commission

Amendment

16. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

16. ***In order to take account of the latest scientific and economic data and developments, and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment,*** the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment 223

Proposal for a regulation Article 26 – paragraph 16 – point a

Text proposed by the Commission

Amendment

(a) targets for other products than those covered by paragraphs 1 to 6 of this Article

(a) targets for other products than those covered by paragraphs 1 to 6 of this Article

and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),

and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2) **and with a particular emphasis on the sectors of cold and hot takeaway beverages, takeaway food, detergents, hygiene, ready-prepared meals and pet food,**

Amendment 224

Proposal for a regulation Article 26 – paragraph 16 – point b

Text proposed by the Commission

(b) exemptions for economic operators additional to those listed in ***points (a) to (c) of paragraph 14*** of this Article,

Amendment

(b) exemptions for economic operators additional to those listed in ***this Article, due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in*** this Article,

Amendment 225

Proposal for a regulation Article 26 – paragraph 16 – point c

Text proposed by the Commission

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or ***environmental issues*** preventing ***the achievement of those targets***.

Amendment

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or ***hazardous nature of the product*** preventing ***reuse***.

Amendment 226

Proposal for a regulation Article 26 – paragraph 17

Text proposed by the Commission

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging **and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets for the reuse and refill of packaging, and where necessary present a legislative proposal.**

Amendment

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation] the Commission shall review the situation regarding reuse of packaging. **When assessing the impact of the packaging reuse targets, the Commission shall at least evaluate the packaging waste reduction obtained by the reuse 2030 targets, CO₂ emission reduction, food waste reduction, reduction of the volumes of virgin raw material used, water and energy use, water contamination and the use of detergents and disinfectants.**

The Commission shall also assess the development of cardboard packaging waste and its environmental impacts and material substitution effects that may occur due to material exemptions in Article 22 in combination with Annex V, and Article 26, paragraphs 7, 10, 12 and 13. On the basis of that review, the Commission shall, where appropriate, present a legislative proposal:

(a) modifying or confirming the 2040 targets laid down in this Article

(b) if necessary, setting new targets for the reuse in other sectors and for other packaging formats and materials.

Amendment 227

**Proposal for a regulation
Article 26 – paragraph 17 a (new)**

Text proposed by the Commission

Amendment

17a. From 1 January 2030, all reusable packaging formats issued by distributors in the territory of a Member State in accordance with paragraphs 3a and 3b, shall be taken back by that end

distributor.

Amendment 228

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Rules on the calculation of the attainment of the re-use *and refill* targets

Amendment

Rules on the calculation of the attainment of the re-use targets

Amendment 229

Proposal for a regulation

Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purpose of demonstrating the attainment of the targets laid down in Article **26(2) to (6)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment

2. For the purpose of demonstrating the attainment of the targets laid down in Article **26(3a) and (3b)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment 230

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) the number of units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Amendment

(a) the number of *equivalent* units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Amendment 231

Proposal for a regulation
Article 27 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through refill;

deleted

Amendment 232

Proposal for a regulation
Article 27 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the number of units of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in *points (a) and (b)* in a calendar year.

(c) the number of *equivalent* units of *sales* of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in *point (a)* in a calendar year.

Amendment 233

Proposal for a regulation
Article 27 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the number of equivalent units of each of the packaging formats listed in Article *26(7) to (10)* constituting reusable packaging within a system for re-use they used in a calendar year;

(a) the number of equivalent units of each of the packaging formats listed in Article *26(6) and (7)* constituting reusable packaging within a system for re-use they used in a calendar year;

Amendment 234

Proposal for a regulation
Article 27 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10), other than those indicated in point (a), that they used in a calendar year.

Amendment

(b) the number of equivalent units of each of the packaging formats listed in Article 26(6) and (7), other than those indicated in point (a), that they used in a calendar year.

Amendment 235

Proposal for a regulation

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

By 31 December 2028, the Commission shall adopt *implementing* acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment

By 31 December 2026, the Commission shall adopt *delegated* acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment 236

Proposal for a regulation

Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

deleted

Amendment 237

Proposal for a regulation

Article 27 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The obligation to demonstrate the attainment of the targets laid down in Article 26 shall apply from 1 January 2030 or [18 months] after the date of entry into force of the delegated acts

referred to in subparagraph 1, whichever is later.

Amendment 238

Proposal for a regulation Article 28 – title

Text proposed by the Commission

Reporting to the competent authorities on re-use *and refill* targets

Amendment

Reporting to the competent authorities on re-use targets

Amendment 239

Proposal for a regulation Article 28 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By ... [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall establish a European observatory on re-use. The observatory shall be responsible for monitoring the implementation of the measures laid down in this Regulation, collecting data on re-use practices, and contributing to the development of best practices in the field of re-use.

Amendment 240

Proposal for a regulation Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Refill obligation for the takeaway sector

1. By ... [OP: Please insert the date = 24 months from the date of entry into force of this Regulation]:

(a) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide a system for consumers to bring their own container to be filled;

(b) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall provide a system for consumers to bring their own container to be filled.

2. The final distributors referred to in points (a) and (b) shall offer the goods filled in the container brought by the consumer at a lower price and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.

The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in a refillable container provided by the consumer.

Amendment 241

Proposal for a regulation Article 28 b (new)

Text proposed by the Commission

Amendment

Article 28b

Reuse offer for the takeaway beverage sector

- 1. By ... [OP: Please insert the date = 36 months after the date of entry into force of this Regulation] the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide to the consumers the option of packaging within a system for re-use.***
- 2. The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in reusable packaging.***
- 3. The final distributors shall offer the goods filled in reusable packaging at no higher costs, and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.***
- 4. The final distributors shall be exempted from the application of this Article if they fall within the definition of a micro enterprise set out in Commission Recommendation 2003/361/EC.***

Amendment 242

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

2. Measures to be taken by Member States to meet the target set out in paragraph 1 ***may vary depending on*** the environmental impact of lightweight

Amendment

2. Measures to be taken by Member States to meet the target set out in paragraph 1 ***shall take into consideration*** the environmental impact of lightweight

plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.

plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.

Amendment 243

Proposal for a regulation Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By 31 December 2027, the Commission shall prepare a report on the need and feasibility of reducing the use of paper carrier bags and, where appropriate, submit a legislative proposal setting out targets for a paper carrier bags reduction and measures to achieve these targets.

Amendment 244

Proposal for a regulation Article 34 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Competent authorities shall control the accuracy of at least 10% of the declarations of conformity per year, assessed on a random basis and shall take necessary measures to address non-compliance, such as the withdrawal of non-compliant products from the market.

Without prejudice to the checks pursuant to paragraph 1 that are planned in advance, competent authorities shall conduct the checks pursuant to in paragraph 1 when they obtain or are made aware of relevant information,

including based on substantiated concerns provided by third parties concerning a potential non-compliance with this Regulation.

The checks shall be carried out without prior warning of the economic operator, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of those checks.

The competent authorities shall keep records of the checks, indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least ten years.

Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purposes of Directive 2003/4/EC38 and shall be made publicly available.

Amendment 245

Proposal for a regulation Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall reduce the plastic packaging waste generated per capita, as compared to the plastic packaging waste generated per capita in 2018 as reported to the Commission in accordance with Commission Decision 2005/270/EC, by:

- (a) 10 % by 2030;*
- (b) 15 % by 2035;*
- (c) 20 % by 2040.*

Amendment 246

Proposal for a regulation
Article 38 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *Without prejudice to paragraphs 1 and 1a, Member States that have established a dual system for the management of packaging waste, one system for household packaging waste and the other for industrial and commercial packaging waste, may have the opportunity to retain their specificity.*

Amendment 247

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall implement measures ***aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging.***

2. Member States shall implement ***and take the necessary additional sustainability*** measures ***to achieve an ambitious and sustained reduction of the packaging waste generated per capita, in line with the overall objectives of the Union’s waste policy, in particular waste prevention and in order to reach the targets set out in this Article.***

Amendment 248

Proposal for a regulation
Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purpose of paragraph 2, Member States shall ensure that customers in restaurants, canteens, bars, cafés and catering services may request to be served tap water for free or for a low service fee.*

Amendment 249

Proposal for a regulation Article 38 – paragraph 3

Text proposed by the Commission

3. For the purpose of paragraph 2, Member States may *use* economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.

Amendment

3. For the purpose of paragraph 2, Member States may ***introduce measures that may include, but are not limited to, the use of*** economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty ***and with Article 4 of this Regulation.***

Amendment 250

Proposal for a regulation Article 38 – paragraph 4

Text proposed by the Commission

4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in ***paragraph 1***. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

Amendment

4. By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in ***paragraphs 1 and 1a and assess the need to include specific targets for paper and cardboard, glass, metal and composite material.*** To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

Amendment 251

Proposal for a regulation

Article 39 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or **appointed** representatives for the extended producer responsibility.

Amendment

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or **authorised** representatives for the extended producer responsibility.
The register shall be easily accessible and free of charge to the public online.

Amendment 252

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless ***otherwise specified by the Member State in which the register is established.***

Amendment

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation.
Micro enterprises shall be exempt from the obligations of this paragraph, unless they have appointed a producer responsibility organisation.

Amendment 253

Proposal for a regulation

Article 39 – paragraph 4

Text proposed by the Commission

4. Producers shall not make available packaging on the market, if they or, where applicable, their **appointed** representatives for the extended producer responsibility, are not registered in such Member State.

Amendment

4. Producers shall not make available packaging on the market, if they or, where applicable, **in accordance with Article 40**, their **authorised** representatives for the extended producer responsibility, are not registered in such Member State.

Amendment 254

**Proposal for a regulation
Article 39 – paragraph 6**

Text proposed by the Commission

6. Where an **appointed** representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

Amendment

6. Where an **authorised** representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

Amendment 255

**Proposal for a regulation
Article 39 – paragraph 10**

Text proposed by the Commission

10. **Where** the information in the register of producers **is not** publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.

Amendment

10. The information in the register of producers **shall be** publicly accessible. Member States shall ensure that **fulfilment service providers and** providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, **including online access**, free of charge, to the information in the register, **including through digital register extracts. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and**

national law shall be preserved. The list of registered producers shall be machine readable, sortable and searchable, respecting open standards for third party use.

Amendment 256

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

1. Producers *of packaging* shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Amendment

1. Producers shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Amendment 257

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. A producer shall appoint, by written mandate, an *appointed* representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time.

Amendment

2. A producer shall appoint, by written mandate, an *authorised* representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time.

Amendment 258

Proposal for a regulation Article 40 – paragraph 3 – introductory part

Text proposed by the Commission

3. Providers of online platforms, falling ***within the scope of*** Section 4 of Chapter 3 of Regulation (EU) ***2022/2065***, allowing consumers to conclude distance contracts with producers shall ***obtain the following information from*** producers offering packaging to consumers located in the Union:

Amendment

3. Providers of online platforms falling ***under*** Section 4 of Chapter 3 of Regulation (EU) ***No 2022/2065***, allowing consumers to conclude distance contracts with producers, ***as well as fulfilment service providers, shall be required to comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless they can prove that*** producers offering packaging to consumers located in the Union, ***comply with those requirements by obtaining:***

Amendment 259

Proposal for a regulation Article 40 – paragraph 3 – point b

Text proposed by the Commission

(b) ***a self-certification by the producer committing to only offer packaging with regard to which*** the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article ***are complied with*** in the Member State where the consumer is located.

Amendment

(b) ***information on compliance with*** the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article in the Member State where the consumer is located.

Amendment 260

Proposal for a regulation Article 40 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where producers sell their products via the online marketplace and are not registered in accordance with Article 39(2), the online marketplace in which the products are offered for sale may fulfil the obligations under Article 39(7) in respect

of such producers collectively.

Amendment 261

Proposal for a regulation Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Upon receiving the information referred to paragraph 3 and prior to allowing the producer concerned to use its services, the provider of online platforms and fulfilment service providers shall assess whether the information referred to in point (a) and (b) is reliable and complete.

Amendment 262

Proposal for a regulation Article 40 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall ensure that the producers cover the costs pursuant to the extended producer responsibility provisions in Directives 2008/98/EC and 94/62/EC and, insofar as not already included, cover at least the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste.

The costs to be covered shall be established in a transparent and in a cost-efficient way. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way on the

basis of the packaging formats that are more prone to be littered or not separately collected.

Amendment 263

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

Amendment

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations **and producers that have not entrusted a producer responsibility organisation**, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

Amendment 264

Proposal for a regulation Article 42 – paragraph 3 – point b

Text proposed by the Commission

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return **or** collection in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market

Amendment

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return, collection, **transport and treatment of all packaging waste** in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types

for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

Amendment 265

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment

1. Member States shall ensure that systems **and infrastructures** are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4, **10** and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment 266

Proposal for a regulation Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate high quality recycling, Member States shall ensure that a system is in place to provide safe and equitable access to recycled materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application, with minimal loss of quantity, quality or function.

Amendment 267

Proposal for a regulation
Article 43 – paragraph 2

Text proposed by the Commission

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the **potential** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

Amendment

2. Member States may allow derogations from **the return and separate waste collection obligation in paragraph 1 for certain types of waste** provided that collecting packaging or fractions of **such** packaging waste together or together with other waste does not affect the **capacity** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

Amendment 268

Proposal for a regulation
Article 43 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) be open to data access, regarding the reporting in weight and cost of management of packaging waste flows, up to date and provided by means of:

(i) a website or other means of electronic communication, in the official language of the concerned Member State;

(ii) public reports in the official language of the Member State concerned.

Point (ca) shall be without prejudice to commercially sensitive information or data protection laws.

Amendment 269

Proposal for a regulation
Article 43 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 1 January 2029, Member States shall ensure that, in public spaces, sufficient separate collection systems are set up for the different fractions of packaging waste materials.

Amendment 270

Proposal for a regulation
Article 43 – paragraph 5

Text proposed by the Commission

Amendment

5. By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.

deleted

Amendment 271

Proposal for a regulation
Article 43 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. From 1 January 2030, Member States may ensure that packaging waste that is not separately collected is sorted prior to disposal or energy recovery operations to remove packaging designed for recycling.

Amendment 272

Proposal for a regulation
Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43a

Mandatory separate collection

1. By 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of 90% of the materials listed in Article 46 in a given year by weight.

The objective referred to in the first subparagraph may be achieved through all the measures referred to in this Regulation, as well as through separate out-of-home collection measures.

2. Paragraph 1 shall supplement separate collection targets laid down for single-use plastic bottles covered by Article 9 of Directive (EU) 2019/904.

Amendment 273

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) single use plastic beverage bottles with the capacity of up to three litres; and

(a) single use plastic beverage bottles with the capacity of **0.1 litres** up to three litres; and

Amendment 274

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) single use metal beverage containers with a capacity of up to three

(b) single use metal beverage containers with a capacity of **0, 1 litres** up

litres.

to three litres.

Amendment 275

Proposal for a regulation

Article 44 – paragraph 3 – introductory part

Text proposed by the Commission

3. Without prejudice to paragraph 1 of this Article, **a** Member **State** will be exempted from the obligation under paragraph 1 **under** the following conditions:

Amendment

3. Without prejudice to paragraph 1 of this Article, Member **States** will be exempted from the obligation under paragraph 1 **provided that at least one of** the following conditions **is met**:

Amendment 276

Proposal for a regulation

Article 44 – paragraph 3 – point a

Text proposed by the Commission

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is **above 90 %** by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

Amendment

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is **equal or higher than 85%** by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

Amendment 277

Proposal for a regulation

Article 44 – paragraph 3 – point b

Text proposed by the Commission

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the **90 %** separate collection rate by weight of the packaging referred to in paragraph 1.

Amendment

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the separate collection rate by weight of the packaging referred to in **point (a) of paragraph 3**.

Amendment 278

**Proposal for a regulation
Article 44 – paragraph 7**

Text proposed by the Commission

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.

Amendment

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article **and the possibility to include packaging for other products**.

Amendment 279

**Proposal for a regulation
Article 45 – paragraph 1**

Text proposed by the Commission

1. Member States shall take measures to **encourage** the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the

Amendment

1. **By December 31, 2028**, Member States shall take measures to **ensure** the set-up of systems for re-use of packaging **with sufficient incentives for return** and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation

safety of consumers.

and shall not compromise food hygiene or the safety of consumers.

Amendment 280

Proposal for a regulation Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

Amendment

(c) requirements on **manufacturers and** final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

Amendment 281

Proposal for a regulation Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall request European standardisation organisations the development of voluntary standards for reusable packaging, with the aim of promoting the characteristics needed for the deployment of well-designed re-use systems. Such standards shall address the design, labelling, cleaning, and traceability of reusable packaging, among other aspects. The Commission shall support the development and dissemination of such standards.

Amendment 282

Proposal for a regulation
Article 45 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions and re-use infrastructure for the deployment of re-use system.

Amendment 283

Proposal for a regulation
Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Without prejudice to paragraph 1, point (a), a Member State may postpone the deadlines set out in paragraph 1, points **(b)(i)** to (vi), by up to 5 years, under the following conditions:

2. Without prejudice to paragraph 1, point (a), **and recognising the different starting point of each Member State in relation to the specific target defined for each material**, a Member State, may postpone the deadlines set out in paragraph 1, points **(b) (i)** to (vi), by up to 5 years, under the following conditions:

Amendment 284

Proposal for a regulation
Article 47 – paragraph 5

Text proposed by the Commission

Amendment

5. Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took

deleted

place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.

Amendment 285

Proposal for a regulation Article 47 – paragraph 9

Text proposed by the Commission

9. The amount of packaging waste materials that have ceased to be waste as a result of a *preparatory* operation ***before being reprocessed may be counted as recycled provided that such*** materials are ***destined for subsequent reprocessing*** into products, materials or substances ***to be used*** for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

Amendment

9. The amount of packaging waste materials that have ceased to be waste as a result of a *recovery* operation ***by which waste*** materials are ***reprocessed*** into products, materials or substances ***either*** for the original or other purposes ***may be counted as recycled***. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

Amendment 286

Proposal for a regulation Article 47 – paragraph 12

Text proposed by the Commission

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter ***can prove*** that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are ***broadly*** equivalent to the requirements of the relevant Union environmental law.

Amendment

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter ***provides documentary evidence approved by the competent authority of destination*** that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are equivalent to the requirements of the relevant Union

environmental law.

Amendment 287

Proposal for a regulation

Article 49 – paragraph 1 – point f

Text proposed by the Commission

(f) the composting properties and appropriate waste management options for compostable packaging.

Amendment

(f) the composting properties and appropriate waste management options for compostable packaging, ***including information to consumers that compostable packaging that is compostable in industrially controlled conditions is not to be thrown in home compost or nature.***

Amendment 288

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags ***and*** thick plastic carrier bags per person, separately for each category;

Amendment

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags, thick plastic ***carrier bags, very thick plastic carrier bags and paper*** carrier bags per person, separately for each category;

Amendment 289

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall report for each ***packaging material and type as listed in Table 1 of Annex IX for each*** calendar year data on:

Amendment

2. Member States shall report for each calendar year data on:

Amendment 290

Proposal for a regulation Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **IX**;

Amendment

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **II**;

Amendment 291

Proposal for a regulation Article 50 – paragraph 2 – point b

Text proposed by the Commission

(b) amounts of separately collected packaging waste for each packaging material as listed in Table **1** in the Annex **IX**;

Amendment

(b) amounts of separately collected packaging waste for each packaging material as listed in Table **3** in the Annex **XII**;

Amendment 292

Proposal for a regulation Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) the recycling rates;

Amendment

(c) the recycling rates ***of packaging waste as listed in Table 4 of Annex XII***;

Amendment 293

Proposal for a regulation Article 51 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The packaging databases shall be accessible to the wider public in an open format that can be machine-readable and ensures interoperability and re-use of

data.

Amendment 294

Proposal for a regulation

Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Amendment

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human **and animal** health, they shall, **without undue delay**, carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Amendment 295

Proposal for a regulation

Article 52 – paragraph 6 – introductory part

Text proposed by the Commission

6. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant

Amendment

6. The information to the Commission and the other Member States referred to in paragraph 5 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant

economic operator and, where applicable, the information referred to in Article **54(1)**. The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

economic operator and, where applicable, the information referred to in Article **55(1)**. The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

Amendment 296

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article **52(3) and (4)**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment

Where, on completion of the procedure set out in Article **52(5) and (6)**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment 297

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market

Amendment

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or **to** human **and animal** health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by

surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

Amendment 298

Proposal for a regulation Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 of this Article to carry out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.

Amendment 299

Proposal for a regulation Article 56 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) the requirements on recyclable packaging are not fulfilled;

Amendment 300

Proposal for a regulation Article 56 – paragraph 1 – point k b (new)

Text proposed by the Commission

Amendment

(kb) the requirements on minimum recycled content for packaging are not fulfilled;

Amendment 301

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(9), Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of **ten** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.

Amendment

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(7), Article 7(9)**, Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) shall be conferred on the Commission for a period of **five** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.

Amendment 302

Proposal for a regulation Article 58 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(9), Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), **Article 7(7), Article 7(9)**, Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 303

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult **the Packaging Forum and** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 304

Proposal for a regulation
Article 58 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), **Article 7(9), Article 7(10), Article 7(11)**, Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), **Article 7(7), Article 7(9)**, Article 8(5), Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 305

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission

1. By [OP: Please insert the date = 24

Amendment

1. By [OP: Please insert the date = 24

months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator.***

months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. ***In accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council^{1a}, Member States shall communicate to the Commission those rules and of those measures and, without delay, of any subsequent amendments affecting them.*** The penalties provided for shall be effective, proportionate and dissuasive.

Those penalties may include:

- (a) fines proportionate to the environmental damage and the value of the relevant products concerned, calculating the level of such fines in such way as to ensure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements;***
- (b) confiscation of revenues gained by the manufacturer, producer, supplier, distributor, importer, authorised representatives, or appointed representatives for extended producer responsibility from a transaction with the relevant products concerned;***
- (c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;***
- (d) temporary prohibition from placing or making available on the market, or exporting relevant products, in the event of a serious infringement or of repeated infringements.***

1^a Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Amendment 306

Proposal for a regulation Article 62 a (new)

Text proposed by the Commission

Amendment

Article 62a

Access to Justice

1. Any natural or legal person having a sufficient interest, as determined in accordance with the existing national systems of legal remedies, including where such persons meet the criteria, if any, laid down in the national law, including persons who have submitted a substantiated concern in accordance with Article 62a, shall have access to administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities under this Regulation.

2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and those which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.

Amendment 307

Proposal for a regulation Article 62 b (new)

Article 62b

Request for action

1. Natural or legal persons affected or likely to be affected by a breach of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of this Regulation, shall be entitled to request the competent authorities to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.

The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council shall be deemed sufficient for the purposes of the first subparagraph.

2. The request for action shall be accompanied by the relevant information and data supporting that request.

3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of this Regulation has occurred, or that there is an imminent threat of such a breach, the competent authorities shall consider any such requests for action and information and data. In such circumstances, the competent authorities shall give the economic operator concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.

4. The competent authorities shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action

and shall provide the reasons for it.

5. In case the competent authority accedes to the request for action, it shall notify the Commission. The Commission shall assess whether there is a breach of the Regulation beyond the Member State concerned. If it finds that there is a breach beyond the Member State concerned, it shall take adequate action to ensure compliance with the Regulation.

Amendment 308

Proposal for a regulation Article 64 – paragraph 2 – point a

Text proposed by the Commission

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = **42** months after the *date of* entry into force of **this Regulation**];

Amendment

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = **30** months after the entry into force of **the implementing act referred to in Article 11(5)**];

Amendment 309

Proposal for a regulation Article 64 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Article 9(1) and (2) of Directive 94/62/EC shall continue to apply with regard to the essential requirements pursuant to Annex II, point 1, first indent until 31 December 2029;

Amendment 310

Proposal for a regulation Annex I – paragraph 12

Text proposed by the Commission

Amendment

Beverage system capsules (e.g. coffee, cacao, milk)

Tea or coffee bags and pads, beverage system capsules (e.g. **single-serve units for tea or coffee**)

Amendment 311

Proposal for a regulation Annex I – paragraph 14 a (new)

Text proposed by the Commission

Amendment

Boxes used for toothpaste tubes

Amendment 312

Proposal for a regulation Annex I – paragraph 44 a (new)

Text proposed by the Commission

Amendment

Tyre labelling stickers (EU 2020/740)

Amendment 313

Proposal for a regulation Annex II – Table 1 – row 2

Text proposed by the Commission

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs	
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Amendment

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs, aerosol cans	
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Amendment 314

Proposal for a regulation Annex II – Table 1 – row 4

Text proposed by the Commission

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid paperboard, paper/cardboard with plastic liners/ windows	
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Amendment

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage and non-beverage cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid paperboard, paper/cardboard with plastic liners/ windows	
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Amendment 315

Proposal for a regulation Annex II – Table 1 – row 5

Text proposed by the Commission

5	Metal	Steel	Rigid packaging formats (aerosol, cans, paint tins,	
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			boxes, etc.) made of steel, including tinfoil	
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Amendment

5	Metal	Steel	Rigid packaging formats (aerosol cans , cans, paint tins, boxes, etc.) made of steel, including tinfoil	
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Amendment 316

Proposal for a regulation

Annex II – Table 1 – row 11 a (new)

Text proposed by the Commission

Amendment

(11a)	Plastic	PET - rigid	Bottles and flasks	Opaque white
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Amendment 317

Proposal for a regulation

Annex II – Table 1 – row 12

Text proposed by the Commission

12	Plastic	PET - rigid	Rigid packaging other than bottles and flasks (Includes pots, tubs and trays)	Transparent
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Amendment

12	Plastic	PET - rigid	Rigid packaging other than bottles and	Transparent
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			flasks (Includes pots, tubs and trays, <i>aerosol cans</i>)	
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Amendment 318

Proposal for a regulation

Annex II – Table 1 – row 26 a (new)

Text proposed by the Commission

Amendment

<i>(26a)</i>	<i>Plastic</i>	<i>Rigid plastics used for industrial packaging</i>	<i>IBCs, drums</i>	
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Amendment 319

Proposal for a regulation

Annex II – Table 1 – row 27 a (new)

Text proposed by the Commission

Amendment

<i>(27a)</i>	<i>Plastic</i>	<i>Flexible plastics used for industrial packaging</i>	<i>FIBCs, bags</i>	
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Amendment 320

Proposal for a regulation

Annex II – Table 2

Text proposed by the Commission

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	higher or equal to 95 %
Grade B	higher or equal to 90 %

Grade C	higher or equal to 80 %
Grade D	higher or equal to 70 %
Grade E	lower than 70 %

Amendment

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	<p><i>higher or equal to 95 % - High compatibility with design for recycling</i></p> <p><i>The packaging should be able to be recycled multiple times and is fully compatible with the design for recycling criteria. The generated secondary raw material is of comparable quality to feed a closed material loop scheme.</i></p>
Grade B	<p><i>higher or equal to 90 % - High to medium compatibility with design for recycling</i></p> <p><i>The packaging may have some minor recyclability issues that slightly affect the quality of the generated secondary raw material. However, the majority of the generated secondary raw material from this packaging can still potentially feed a closed material loop.</i></p>
Grade C	<p><i>higher or equal to 80 % - medium compatibility with design for recycling</i></p> <p><i>The packaging presents some recyclability issues that may affect the quality of the generated secondary raw materials and may lead to material losses during recycling.</i></p>
Grade D	<p><i>higher or equal to 70 % - Medium to low compatibility with design for recycling</i></p> <p><i>The packaging has significant design issues that highly affect its recyclability or imply large material losses during recycling.</i></p>
Grade E	<p><i>lower than 70 % - Low compatibility with design for recycling</i></p> <p><i>The packaging is not recyclable because of design issues and should not be placed on the market.</i></p>

Amendment 321

Proposal for a regulation
Annex II – Table 2 a (new)

Text proposed by the Commission

Amendment

Indicative parameters to be considered when establishing design criteria for recycling under Article 6

<i>1. Additives</i>
<i>2. Labels/sleeves</i>
<i>3. Closure systems and small parts</i>
<i>4. Adhesives</i>
<i>5. Inks/Printing</i>
<i>6. Colours</i>
<i>7. Material composition</i>
<i>8. Barriers / coatings</i>
<i>9. Products residues / ease of emptying</i>
<i>10. Ease of dismantling (design features of packaging)</i>

Amendment 322

Proposal for a regulation
Annex III – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Conditions to be considered when mandating the use of compostable packaging format:

Conditions to be considered when mandating ***or introducing*** the use of compostable packaging format:

Amendment 323

Proposal for a regulation
Annex III – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) it is of biodegradable nature ***allowing*** the packaging to undergo physical, chemical, thermal or biological

(c) it is of ***such*** biodegradable nature ***that it allows*** the packaging to undergo physical, chemical, thermal or biological

decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide *or methane*, in the absence of oxygen, *mineral salts, biomass and water*,

decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide *and water, new microbial biomass, mineral salts, and*, in the absence of oxygen, *methane*,

Amendment 324

Proposal for a regulation Annex III – paragraph 1 – point e

Text proposed by the Commission

(e) its use significantly reduces the contamination of compost with non-compostable packaging; and

Amendment

(e) its use significantly reduces the contamination of compost with non-compostable packaging and ***does not cause any problems in bio-waste processing;***

Amendment 325

Proposal for a regulation Annex IV – Part I – point 1

Text proposed by the Commission

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.

Amendment

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.
Protection measures may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.

Amendment 326

Proposal for a regulation
Annex IV – Part I – point 6

Text proposed by the Commission

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.

Amendment

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation ***including the protection of geographical indications protected under Union legislation or the legal protection under Regulation (EC) No 6/2002.***

Amendment 327

Proposal for a regulation
Annex IV – Part II – paragraph 1 – point a

Text proposed by the Commission

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. ***It shall not be sufficient to substitute*** one packaging material with another;

Amendment

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated, ***such as the reduction of any superfluous layer which does not perform a packaging function. Substitution of*** one packaging material with another ***shall not be considered sufficient;***

Amendment 328

Proposal for a regulation
Annex V – row 1

Text proposed by the Commission

1.	Single-use plastic grouped packaging	Plastic packaging used at <i>retail level</i> to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <i>end users</i> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling distribution.	Collation films, shrink wrap
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Amendment

1.	Single-use plastic grouped packaging	Plastic packaging used at <i>the point of sale</i> to group goods sold in <i>bottles</i> , cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <i>consumers</i> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in <i>business-to-business</i> distribution.	Collation films, shrink wrap
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Amendment 329

**Proposal for a regulation
Annex V – row 2**

Text proposed by the Commission

2.	Single use plastic packaging, single use composite packaging <i>or other single use packaging</i> 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, single use composite packaging 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, <i>or unless these products are subject to PDO (Protected Designation of Origin) and PGI (Protected geographical indications) under Union legislation. The list of products concerned shall be</i>	Nets, bags, trays, containers
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		<i>established by the Commission in consultation with Member States and after receiving the opinion of the European Food Safety Agency no later than six months after the entry into force of this Regulation. It shall take into account the risks of spoilage and foodwaste, when these products are sold in bulk.</i>	
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Amendment 330

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 inability of access to infrastructures that are necessary for the proper operation of a reuse system.</i>	Trays, disposable plates and cups, bags, foil, boxes
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Amendment 331

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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Amendment

4.	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	<p>Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except in the following cases:</p> <p>(a) such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation;</p> <p>(b) in centres where individualised attention and service is required, such as hospitals, clinics, and nursing homes;</p> <p>(c) in case of farms and agricultural businesses that carry out direct sales activities in farmers' markets regulated by national or regional law.</p>	Sachets, tubs, trays, boxes
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Amendment 332

**Proposal for a regulation
Annex V – row 5**

Text proposed by the Commission

5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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Amendment

5.	Single use plastic hotel miniature packaging	For cosmetics <i>as defined in Article 2 of Regulation (EC) No 1223/2009</i> , hygiene and toiletry products of less than 100 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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Amendment 333

Proposal for a regulation Annex V – row 5 a (new)

Text proposed by the Commission

Amendment

(5a)	Single use plastic packaging in airports	For suitcases and bags	Shrink wrap
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Amendment 334

Proposal for a regulation Annex V – row 5 b (new)

Text proposed by the Commission

Amendment

(5b)	Secondary packaging not necessary to comply with the performance criteria in Annex IV	For cosmetics, except perfumes, hygiene and toiletry products	Boxes for toothpaste and creams
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Amendment 335

Proposal for a regulation Annex VI – Part A – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Open loop systems established prior to the entry into force of this Regulation shall be exempted from the requirements under Part A, 1. (a), (b), (c), (d), (f) and (g).

Amendment 336

Proposal for a regulation Annex VI – part B – point 1

Text proposed by the Commission

Amendment

1 The reconditioning process shall not create risks to the health and safety of those responsible for doing so ***and strive to reduce*** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials

1 The reconditioning process shall not create risks to the health and safety of those responsible for doing so and ***minimize*** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials, ***waste and industrial emissions.***

Amendment 337

Proposal for a regulation Annex VI – part C - point b

Text proposed by the Commission

Amendment

(b) contain a ***weighing*** device allowing the end user's ***container to be weighed***

(b) contain a ***measuring*** device allowing the end user ***to know the exact quantity purchased***

Amendment 338

Proposal for a regulation Annex X – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) ***at least 1%*** of the annual turnover of the system operator (***excluding deposits***) ***are*** used for public awareness campaigns on the ***information on*** management of

(j) ***part*** of the annual turnover of the system operator ***is*** used for public awareness campaigns on the management of packaging waste;

packaging waste;

Amendment 339

Proposal for a regulation Annex X – paragraph 2 – point l a (new)

Text proposed by the Commission

Amendment

(la) Member States shall take into account the factors referred to in point (l) (ii), (iii), (iv) and (v) when a digital deposit and return system is put in place and not organised at the level of the final distributors;

Amendment 340

Proposal for a regulation Annex X – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;

(o) all deposit bearing packaging **that is to be collected by a DRS system** is clearly labelled, so that the end users can easily identify the need to return such packaging.

Amendment 341

Proposal for a regulation Annex X – paragraph 3

Text proposed by the Commission

Amendment

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives **such as ensuring a**

safe and fair access to recycled feedstock for use in applications that allow further recyclability and may be re-used in the same way or for the same or similar product category it comes from.

EXPLANATORY STATEMENT

At every stage, from manufacturing to consumption, packaging is used for containment and protection, while being designed to catch the eye of consumers and provide them with information, thereby fulfilling a necessary (not to say essential) purpose. Packaging is an important European economic sector, generating a turnover of EUR 355 billion in the EU in 2018.

Encouraged by new consumption practices, it is also an ever-increasing source of waste, the total for the EU having increased from 66 million tonnes in 2009 to 78.5 million tonnes in 2019. In 2020, each European was generating 177 kg of packaging waste, a figure that will increase by 19% to 209 kg in 2030 if nothing is done.

Paper and cardboard are the most common forms of packaging waste (41%), followed by plastic (19.5%), glass (19%), wood (15%), metal (5%) and aluminium. Plastic (+27 %) and paper and cardboard (+25 %) are the two forms of waste that have registered the highest growth since 2009.

In addition, packaging is a major user of virgin materials (40% of plastics and 50% of paper are used for packaging in the EU) and accounts for 36% of municipal solid waste.

In addition to these environmental concerns, the optimal functioning of the internal market is being undermined by differing regulatory approaches and uneven performances at national level. While 64% of packaging is currently being recycled at European level (Eurostat 2020)², national divergences remain, with levels ranging from 40% in Romania and Malta to 80% in Belgium, with a European target of 70% for 2030.

These are all factors that justify moving forward with this proposal for a regulation on packaging and packaging waste that was published on 30 November 2022 as part of the European Green Deal seeking to achieve carbon neutrality by 2050.

I. Commission proposal for a circular packaging economy

In full accordance with the waste hierarchy, the Commission plans to:

- reduce unnecessary packaging by banning certain forms of packaging in the HORECA sector, as well as requiring Member States to reduce waste by 5% in 2030, 10% in 2035 and 15% in 2040 by keeping packaging to a minimum in terms of weight and volume, while maintaining safety and functionality;
- reutilise packaging, with the introduction for the first time in an EU text of re-use and refill targets;
- recycle larger amounts more efficiently, setting various objectives, including recycled content targets for all plastic packaging, and making 100% of packaging recyclable by 2030.

The Commission is also seeking to:

² https://ec.europa.eu/eurostat/databrowser/view/cei_wm020/default/bar

- improve collection rates for packaging by introducing mandatory deposit systems for plastic bottles and aluminium cans;
- widen extended producer responsibility (EPR) to cover all forms of packaging, while adjusting the financial contribution accordingly.

While the rapporteur concurs with this and indeed wishes to go further with Commission's ambitious objective of firmly establishing a circular European economy, she believes it necessary to find appropriate responses to remaining concerns as to the effectiveness of the proposed measures.

II. The rapporteur's priorities

1. Plastic pollution;

Plastic is still being produced on a massive scale. In the absence of measures, a 46% increase in the volume of waste is expected by 2030, and a 61% increase by 2040. It is therefore surprising that the Commission's proposal does not contain more ambitious measures to reduce waste production, all the more so given the EU's involvement in the drafting of an international treaty against plastic pollution³ to be adopted in 2024.

The rapporteur therefore proposes to get to the root of the problem:

- by setting plastic packaging recycled content targets to be achieved by 2030 (similar to measures taken regarding SUPs⁴ for PET bottles);
- by setting specific waste reduction targets for plastic packaging, that is to say 10% by 2030, 15% by 2035 and 20% by 2040;
- by setting a limit on the number of lightweight plastic carrier bags (thickness between 15 and 50 microns) and very lightweight plastic carrier bags (less than 15 microns). The rapporteur is drawing on data provided by Eurostat in November 2022⁵: while the 2015 EU legislation on lightweight plastic carrier bags appears to be bearing fruit, these results are being undermined by the continuing increase in the consumption of very lightweight plastic carrier bags. Corrective measures are manifestly needed here.

2. Mandatory separate collection for packaging

The rapporteur proposes a separate collection target of 90% for 2029 regarding all types of packaging covered by the legislative proposal and no longer only for plastic beverage bottles under the SUP directive, in a bid to increase recycling rates and content in line with the wishes of the sectors concerned.

3. PFASs

PFASs, which are widely used to fireproof or waterproof packaging, particularly food packaging, will be subject to further restrictions under the forthcoming REACH review based

³ https://wedocs.unep.org/bitstream/handle/20.500.11822/39812/OEWG_PP_1_INF_1_UNEA%20resolution.pdf

⁴ Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment

⁵ <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20221116-1>

on a proposal tabled by four Member States and Norway. The rapporteur would like to take the opportunity to ban PFAS in paper and cardboard food packaging here and now, as Denmark did in 2020 and as Belgium is about to do.

4. Sustainable innovation

While the rapporteur supports the measures being advocated by the Commission to encourage innovation, she would like to take them further and incorporate these core concerns throughout the text:

- adding a digital reference instead of a standard reference;
- promoting sustainable biomass as a key resource for ‘defossilising, the plastics economy’;
- including a new definition of ‘innovative polymer’ of biological origin, which neither contains nor generates persistent synthetic polymers microparticles during biodegradation.

5. Re-use mechanisms

The rapporteur wishes to make better use of national best practices (six Member States have already set packaging re-use targets), in order to rethink in depth the system proposed by the Commission based on four radical proposals:

- Making a distinction between re-use and refill targets;
- Removing re-use targets for the food and drink takeaway sector under the current legislation. The rapporteur proposes shifting the obligation incumbent on the HORECA sector as part of a refill system (B2C-Business to Consumer);
- Assigning responsibility for re-use targets to the final distributor in the drinks sector. The rapporteur suggests drawing inspiration from national practices (recent laws in Spain and Austria) which include mandatory re-use targets for the final distributor only and indicative targets for the manufacturer.
- Asking the Commission to assess for 2028 the inclusion of new sectors with significant re-use potential: take-away food and drinks, detergents, hygiene, packaging of prepared meals, pet food.

6. Micro-companies

The Commission provides for a derogation from re-use measures for micro-companies (less than 10 employees and an annual turnover of no more than EUR 2 million), this being left, however, to the discretion of the Member States, which are free to decide whether to ban certain types of packaging, such as single-use packaging in the catering sector.

In order to clarify the situation for these small economic actors, prevent disparities between Member States and avoid an excessive administrative and economic burden, the rapporteur would like to apply this derogation at European level.

7. Legal certainty

The packaging sector, which has a key role to play in bringing about change, is being asked to incorporate the requirements of the regulation, adopting the requisite measures and adapting

as necessary, without being given any overview of the criteria to be used. The rapporteur refers here to the impressive number of delegated acts to which the Commission has had recourse and which she is seeking to limit by incorporating the essential requirements into the regulation. She is also seeking to anticipate a series of deadlines with the same objective of legal certainty, which is essential for the success of this (revolutionary) development.

8. Inclusion of e-commerce actors

In line with the German and French legislation, the rapporteur is seeking to ensure that online service providers are bound by the same EPR (extended producer responsibility) obligations as producers as defined in the regulation.

This new regulatory framework provision must set clear parameters for all concerned. This means ensuring that the relevant legislation incorporates firm principles, such as respect for waste hierarchy, fair competition and sustainable innovation.

The EU has everything to gain, starting with better control of its resources and a well-orchestrated and competitive European packaging strategy meeting environmental and social concerns.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
A.I.S.E - European association representing cleaning, detergents and household maintenance products
APEAL - Association of European Producers of Steel for Packaging
Ball Beverage Packaging Europe
Bio-Plastics Europe
CHEP & Brambles - Marketer of reusable pallets
CITEO - French organisation in charge of recycling household packaging and graphic paper
Comeos
Director-General DG Environment - Dr Florika Fink-Hooijer
Directorate-General for the Environment : Directorate B – Circular Economy Mr Aurel Ciobanu-Dordea (Director for Circular Economy), Mr Mattia Pellegrini (Head of Unit ENV.B3 “From Waste to Resources”), Ms Maja Desgrees du Lou (policy officer), Mr Wolfgang Trunk (policy officer), Mr Ioannis Antonopoulos (policy officer), Ms Alina Palade from (inter-institutional relations unit and our EP coordinator)
Eastman Chemical Company
EEB (European Environment Bureau)
EPPA (European Paper Packaging Alliance)
EURIC (European Recycling Industries' Confederation)
European Commission - Commissioner for Environment Virginijus Sinkevičius
Europen (European Organisation for Packaging and the Environment aisbl)
EXPRA (Extended Producer Responsibility Alliance)
FEAD - European Waste Management Association
FEFCO (European Federation of Corrugated Board Manufacturers)
FEVE - European Container Glass Federation
FEVIA - Belgian food industry federation
FIEB (Fédération royale de l'Industrie des Eaux et Boissons rafraîchissante ASBL)
Flexible Plastics Initiative (Ferrero, Mars, Mondelez, Nestlé, Pepsico, Unilever)
Fost Plus - Waste management
Futero S.A.
GSK (GlaxoSmithKline Pharmaceuticals s.a/n.v)

HOTREC (Association of Hotels, Restaurants, Pubs and Cafes and similar establishments in Europe)
Huhtamaki - Food packaging supplies and materials
Indufed - Paper, Cardboard, Glass
McDonald's
Metal Packaging Europe
The Minderoo Foundation
Mineral Water
Municipal Waste Europe
Neste
Nestlé - Zone Europe
New ERA - New Reuse Alliance
Belgian permanent representation to the EU
French permanent representation to the EU
Plastics Europe
Polymateria
Reloop
Rethink Plastic Alliance - alliance of leading European NGOs
Spirits Europe
Ms. Terhi Lehtonen - State Secretary at Ministry for the Environment, Finland
Sulapac Ltd
Syctom - public service in charge of household waste management
Tetra Pack & Alliance for Beverage Cartons and the Environment
The Brewers of Europe AISBL
Uber Eats
UNESDA - Soft Drink Europe
Zero Waste Europe

19.7.2023

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
(COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

Rapporteur for opinion: Patrizia Toia

SHORT JUSTIFICATION

On the date that the draft opinion was tabled, the competences of the ITRE Committee were not yet clear. It may therefore be necessary to revise some of the proposals or to supplement them further.

The ITRE rapporteur's proposals

Innovative packaging – the rapporteur proposes that the definition be tightened and that the derogation from recyclability obligations be extended from the five years proposed by the Commission to seven years.

Free movement – to prevent the fragmentation of the single market that this proposal for a Regulation seeks to create, individual Member States should not be able to introduce additional packaging labelling requirements.

Delegation of powers to the Commission – the proposal for a regulation delegates power to the Commission on a number of multi-faceted aspects. The rapporteur believes that European standardisation bodies (CEN) should be tasked with setting the design for recycling criteria. By contrast, the co-legislators should revise the restrictions on the uses of certain packaging and, therefore, the ordinary legislative procedure should be applied for that task.

Recycled content requirements – while the rapporteur agrees with the level of ambition set in the Commission proposal and the proposed recycled content targets, businesses must be given not only clarity on how long it will take for technical and secondary legislation and common standards to be established, but also a clear timeframe within which they will be expected to comply with the recycled content targets. The rapporteur therefore proposes that deadlines be introduced for the adoption of delegated and implementing acts and CEN standards, and that companies be given five years to comply with them.

Secondly, the rapporteur takes the view that recycled content requirements should be set as an average of the entire portfolio of each producer rather than on the individual packaging unit,

and that non-structural packaging elements, such as adhesives, inks and coatings, should not be subject to those requirements.

Lastly, preference systems in access to recycled material should be introduced for operators who have to meet recycled content requirements for the packaging that they place on the market.

Infrastructure – as it stands, it is not possible for all sorting infrastructure for packaging waste everywhere to sort all types of packaging, even for some of the types for which the Commission proposal is proposing recycled content requirements. Investment in infrastructure development therefore needs to be stepped up. What is more, it is important to ensure that contributions paid by operators under extended producer responsibility schemes are channelled primarily into the development of collection, sorting and recycling infrastructure.

Packaging forum – the rapporteur is calling for the establishment of a consultative forum in which Member States' representatives and all relevant stakeholders can participate in a balanced manner and in which they can help to shape the delegated and implementing acts. This idea mirrors what the Commission itself proposed in the proposal for an ecodesign regulation.

Restrictions on the uses of certain packaging formats – the rapporteur believes that some of the restrictions proposed by the Commission would not necessarily have environmental benefits and that they concern products that are currently recyclable and recycled and should therefore be removed.

Re-use targets – the rapporteur agrees with the overall structure of the Commission proposal and acknowledges the value that reusing certain packaging could have in some sectors and applications. However, more ambitious reuse targets for 2040 should only be set once a thorough life-cycle analysis of the solutions available has been carried out, taking account of health, hygiene and safety requirements.

Application of the re-use targets set for 2030 should also be subject to a prior analysis of that kind and be limited to Member States that have not achieved 90 % separate collection. The rapporteur welcomes the derogation introduced by the Commission for operators with a sales area of no more than 100 m², including storage and shipping areas, but believes that, to better reflect small businesses' circumstances, that figure should be increased to 200 m².

Separate collection and deposit and return schemes – with a view to ensuring that recycled material is available for use in other packaging, the rapporteur proposes that a separate collection target of 90 % of all packaging waste be introduced for 2030. Similarly, the requisite collection infrastructure should be established both in public spaces and at final distributors' premises. Deposit schemes are a tool available to Member States to help them to meet the separate collection and recycling targets.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

Amendment

(44) It is necessary to inform consumers ***in a way that is easy to understand*** and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

Amendment 2

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This

Amendment

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This

approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the **mandatory** deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.

approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.

Amendment 3

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they **may wish** to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

Amendment

(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they **are strongly encouraged to** display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

Amendment 4

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Achieving re-use and refill targets can be challenging for smaller economic

Amendment

(70) Achieving re-use and refill targets can be challenging for smaller economic

operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to ***establish re-use and refill targets for other products, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.***

⁶⁰ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to lay down further exemptions for other economic operators.

⁶⁰ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

Amendment 5

Proposal for a regulation Recital 137

Text proposed by the Commission

(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under

Amendment

(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs ***and micro-enterprises*** with their obligations

this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.

and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs *and micro-enterprises*.

Amendment 6

Proposal for a regulation Article 3 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘plastic packaging’ means a packaging that is wholly or predominantly made of plastic;

Amendment 7

Proposal for a regulation Article 3 – paragraph 1 – point 37

Text proposed by the Commission

Amendment

(37) ‘innovative packaging’ means **a form of** packaging that is manufactured using new materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery **or presentation** of products, and in demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the sole purpose of improved presentation of products and marketing;

(37) ‘innovative packaging’ means packaging that is manufactured using new **and innovative materials or polymers**, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery of products, and in demonstrable environmental benefits, **such as in end-of-life treatment**, with the exception of packaging that is the result of modification of existing packaging for the sole purpose of improved presentation of products and marketing;

Amendment 8

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. ***In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the*** Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with ***those*** national requirements.

4. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with national requirements.

Amendment 9

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying ***the extended producer responsibility scheme or*** a deposit and return system other than those referred to in Article 44(1).

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying a deposit and return system other than those referred to in Article 44(1).

Amendment 10

Proposal for a regulation Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Medicinal products, as defined in Article 1, point (2) of Directive 2001/83/EC, that have been lawfully placed on the market before the date of application referred to in Article 65 of this Regulation or the date of entry into force

of specific measures, and that have not been repackaged or relabeled after these dates, may be further made available on the market until their expiry date without being required to comply with the specific rules laid down in Articles 6, 7, 11 and 13.

Amendment 11

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. All packaging shall be recyclable.

Amendment

1. All packaging shall be recyclable ***in accordance with paragraph 2 of this article.***

Amendment 12

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Point (a) shall apply ***from*** 1 January 2030 ***and*** point (e) shall apply ***from 1 January 2035.***

Amendment

Point (a) shall apply ***5 years after the date of entry into force of the delegated act referred to in paragraph 4 and no earlier than*** 1 January 2030. Point (e) shall apply ***5 years after the date of entry into force of the delegated act referred to in paragraph 6 and no earlier than 5 years after the application of point (a).***

Amendment 13

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Recyclable packaging shall, ***from 1 January 2030,*** comply with the design for

Amendment

3. ***Five years after the publication in the Official Journal of the European***

recycling criteria as laid down in *the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also* with the recyclability at scale requirements laid down in *the delegated acts adopted pursuant to paragraph 6*. Where such packaging complies with those *delegated acts*, it shall be considered to comply with paragraph 2, points (a) and (e).

Union of the harmonised standard developed by CEN-European Committee for Standardisation referred to in paragraph 4 and no earlier than 1 January 2030, recyclable packaging shall comply with the design for recycling criteria as laid down in *that harmonised standard*. *Five years after the publication in the Official Journal of the European Union of the harmonised standard developed by CEN-European Committee for Standardisation referred to in paragraph 6 and no earlier than 5 years after the application of point (a) of paragraph 2, recyclable packaging shall also comply* with the recyclability at scale requirements *as* laid down in *that harmonised standard*. Where such packaging complies with those *standards*, it shall be considered to comply with paragraph 2, points (a) and (e).

Amendment 14

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission *is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order* to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, *as well as* rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all

Amendment

The Commission *shall request the CEN-European Committee for Standardisation, to develop, at the latest by 31 December 2025, harmonised standards* to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex. *From the date of publication of the references to harmonised standards in the Official Journal of the European Union, packaging which is in conformity with those standards shall be presumed to be in conformity with the requirement laid down in paragraph 1.*

packaging components.

The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.

Amendment 15

Proposal for a regulation Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment

The Commission is empowered, ***in close cooperation with stakeholders***, to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex ***II*** in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment 16

Proposal for a regulation Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in ***the***

Amendment

Five years after the publication in the Official Journal of the European Union of the harmonised standard developed by CEN-European Committee for

delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.

Standardisation laying down design for recycling criteria pursuant to paragraph 4 and no earlier than 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in *those standards* for the packaging category, to which the packaging belongs.

Amendment 17

Proposal for a regulation

Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. The Commission *shall*, for each packaging type listed in Table 1 of Annex II, *establish* the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment

6. The Commission *is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish* for each packaging type listed in Table 1 of Annex II, the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment 18

Proposal for a regulation

Article 6 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where proven environmentally beneficial and technically feasible, Member States shall, especially through design of schemes established in compliance with Art. 40 and 44, prioritise recycling of packaging in closed material loops, whereby producers obliged to meet recycled content targets shall benefit from preferential access to the material derived from the recycled packaging.

Amendment 19

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, and by way of derogation from **paragraphs 2 and 3**, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment

From 1 January 2030, and by way of derogation from ***the requirements of this article***, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment 20

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(34) of this Regulation.

Amendment

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(37) of this Regulation.

Amendment 21

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 3

Text proposed by the Commission

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.

Amendment

After the period referred to in the first subparagraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.

Member States shall continuously aim to improve collection and sorting infrastructures for innovative packaging

with expected environmental benefits.

Amendment 22

Proposal for a regulation

Article 6 – paragraph 10 – point c a (new)

Text proposed by the Commission

Amendment

(ca) any reusable transport packaging placed on the market prior to the date of application of this Regulation.

Amendment 23

Proposal for a regulation

Article 6 – paragraph 11

Text proposed by the Commission

Amendment

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the ***delegated acts*** referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the ***CEN Standards*** referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6). ***Financial contributions shall be earmarked to finance the net cost of collection and sorting infrastructures of the packaging type it is paid for, following the types set in Annex II, Table 1.***

Amendment 24

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. From 1 January 2030, **the** plastic **part in** packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, **per unit of** packaging:

1. From 1 January 2030, plastic packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste. **Targets shall be calculated as an average of the plastic packaging placed by a producer on the Union market.**

Amendment 25

Proposal for a regulation Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;

Amendment

(a) 30 % for contact sensitive **plastic** packaging made from polyethylene terephthalate (PET) as the major component;

Amendment 26

Proposal for a regulation Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment

(b) 10 % for contact sensitive **plastic** packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment 27

Proposal for a regulation Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) 35 % for packaging other than those referred to in points (a), (b) and (c).

Amendment

(d) 35 % for **plastic** packaging other than those referred to in points (a), (b) and (c).

Amendment 28

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. From 1 January 2040, **the** plastic **part in** packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, **per unit of** packaging:

Amendment

2. From 1 January 2040, plastic packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste. **Targets shall be calculated as an average of the plastic packaging placed by a producer on the Union market.**

Amendment 29

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to guarantee the availability of recycled content.

Amendment 30

Proposal for a regulation

Article 7 – paragraph 7

Text proposed by the Commission

7. By 31 December **2026**, the Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, **per unit** of plastic packaging, and the format for the technical documentation referred to in Annex VII. Those implementing acts shall be adopted

Amendment

7. By 31 December **2025**, the Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, **as an average** of plastic packaging **placed by a producer on the Union market**, and the format for the technical documentation referred to in

in accordance with the examination procedure referred to in Article 59(3).

Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 31

Proposal for a regulation Article 7 – paragraph 8

Text proposed by the Commission

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.

Amendment

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in ***plastic*** packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.

Amendment 32

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

By ***1 January 2028***, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.

Amendment

By ***31 December 2025***, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.

By 31 December 2035, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 2, points a, b and c, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2 – point a

Text proposed by the Commission

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, and, as appropriate,

Amendment

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, **and in paragraph 2, points a, b and c**, for specific plastic packaging, and, as appropriate,

Amendment 34

Proposal for a regulation

Article 7 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. By 31 December 2025, the Commission shall assess the possibility to introduce recycled bio-based feedstock targets for plastic packaging, considering their potential contribution to meet the targets set out in Article 7(1) and (2);

Amendment 35

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), points (f) and (g), sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities.

Amendment

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), points (f) and (g), sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities, **in line with the EN 13432 standard**

“Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging”.

Amendment 36

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging ***referred to in paragraph 1*** enters the organic waste management stream, Member States are empowered to require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags ***have been entirely manufactured from biodegradable plastic polymers, which*** are compostable in industrially controlled conditions.

Amendment

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that ***compostable*** packaging enters the organic waste management stream, Member States are empowered to require that lightweight plastic carrier bags, ***and any other packaging compliant with the requirements listed in Annex III***, shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags ***and other packaging*** are compostable in industrially controlled conditions.

Amendment 37

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. By [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, ***including packaging made of biodegradable plastic polymers, shall allow material recycling without affecting the recyclability of other waste streams.***

Amendment

3. By [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], ***compostable*** packaging other than that referred to in paragraphs 1 and 2 ***and labelled as compostable may be placed on the market if compliant with criteria listed in Annex III.***

Amendment 38

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.*

deleted

Amendment 39

Proposal for a regulation Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *The Commission shall, no later than 31 December 2025, request the European standardisation organisations to update the harmonised standard on the requirements for packaging recoverable through composting and biodegradation - test schemes and evaluation criteria. This standard shall consider, in line with the scientific and technological developments and the relevant legislation, the proper composting times, quality of the output and admissible levels of visual contamination.*

Amendment 40

Proposal for a regulation Article 8 – paragraph 5 b (new)

5b. *By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall assess the possibility to add other types of packaging to the types of packaging covered by paragraphs 1 and 2 when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.*

Amendment 41

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment

Packaging placed on the market from 30 months after the adoption of the implementing acts referred to in paragraphs 5 and 6 shall be marked with a harmonized label containing information on the destination of each separate component of the packaging, in order to facilitate uniform and intelligible information as well as consumer sorting. This obligation does not apply to transport packaging nor to packaging covered by a deposit or return system. However, it applies to e-commerce packaging.

Amendment 42

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Packaging subject to deposit and return systems referred to in Article 44(1) shall, ***in addition to the labelling referred to in the first subparagraph***, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Amendment 43

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. ***From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging*** shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment 44

**Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1**

Text proposed by the Commission

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and ***indelibly*** on the packaging.

Amendment

Packaging subject to deposit and return systems referred to in Article 44(1) shall be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Amendment

2. ***Reusable packaging placed on the market from 36 months after the adoption of the implementing acts referred to in paragraph 5*** shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and ***firmly*** on the packaging, ***so***

Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

that it cannot be easily erased. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Where this is not possible or not warranted on account of the nature and size of the packaging or where it is relevant to provide for non-discriminatory access to information from vulnerable groups, particularly visually impaired persons, labels referred to in paragraphs 1 and 3 shall be provided via a single electronically readable code or other type of data carrier.

Amendment 45

Proposal for a regulation Article 11 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging.

Amendment

Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging. *This data carrier may include further information, such as material composition and the presence of substances of concern, but shall not include information for selling or marketing purposes.*

Amendment 46

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. By [OP: Please insert the date = **18** months after the date of entry into force of

Amendment

5. By [OP: Please insert the date = **12** months after the date of entry into force of

this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 47

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. By [OP: Please insert the date = **24** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying ***the material composition*** of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

6. By [OP: Please insert the date = **18** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying ***each separate component*** of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 48

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging

Amendment

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging

characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation. ***From [OP: Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding aspects that are likely to mislead or confuse consumers or other end users.***

Amendment 49

Proposal for a regulation Article 11 – paragraph 8

Text proposed by the Commission

8. Packaging ***included in an extended producer responsibility scheme or*** covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment

8. Packaging covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment 50

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Packaging Forum

The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with packaging industry, including waste treatment industry

representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. These parties shall contribute in particular to preparing the delegated and implementing acts provided for in this Regulation to develop and further detail the sustainability requirements and ensure a strong focus on innovative solutions to reduce the environmental impact of packaging and packaging waste, as well as examining the effectiveness of the established market surveillance mechanisms. To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the ‘Packaging Forum’.

Amendment 51

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.

Amendment

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that, ***as an average of all such packaging that the economic operator places on the market per calendar year,*** the empty space ratio is maximum 40 %.

Amendment 52

Proposal for a regulation Article 21 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool,

Amendment

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool,

polystyrene or Styrofoam chips, shall be considered as empty space.

polystyrene or Styrofoam chips, shall be considered as empty space.

Empty spaces are exempted if they occur due the shape of a product, where the minimisation of empty spaces would lead to an increased amount of packaging material.

Amendment 53

Proposal for a regulation Article 21 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Economic operators using reusable packaging shall be exempted from the obligation laid down in paragraph 1.

Amendment 54

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.

deleted

Amendment 55

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may exempt economic operators from point 3 of Annex V if they comply with the definition

deleted

of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.

Amendment 56

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. *The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.*

Amendment 57

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. From 1 January 2030, economic

Amendment

4. *By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall review the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.*

1. From 1 January 2030, economic

operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.

operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging, ***excluding cardboard***, within a system for re-use.

Amendment 58

Proposal for a regulation

Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From 1 January 2030, final distributors with a sales area larger than 400 m² shall endeavour to create dedicated spaces for refill stations for food and non-food products without prejudice to requirements on health, hygiene and safety.

Amendment 59

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:

(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by

deleted

enabling refill.

Amendment 60

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:

deleted

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 61

Proposal for a regulation Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Economic operators shall endeavour to offer end users the possibility to use their own containers to take away beverages or food without prejudice to requirements on health, hygiene and safety.

Amendment 62

Proposal for a regulation
Article 26 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

deleted

Amendment 63

Proposal for a regulation
Article 26 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

deleted

Amendment 64

Proposal for a regulation
Article 26 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

deleted

Amendment 65

Proposal for a regulation
Article 26 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 90 % of

deleted

*such packaging used is reusable
packaging within a system for re-use.*

Amendment 66

Proposal for a regulation Article 26 – paragraph 8 – point b

Text proposed by the Commission

Amendment

*(b) from 1 January 2040, 50 % of
such packaging used is reusable
packaging within a system for re-use;*

deleted

Amendment 67

Proposal for a regulation Article 26 – paragraph 9 – point b

Text proposed by the Commission

Amendment

*(b) from 1 January 2040, 30 % of
such packaging used for transport is
reusable packaging within a system for
re-use;*

deleted

Amendment 68

Proposal for a regulation Article 26 – paragraph 10 – introductory part

Text proposed by the Commission

Amendment

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping *or distribution* unit shall ensure that:

Amendment 69

Proposal for a regulation
Article 26 – paragraph 10 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.

deleted

Amendment 70

Proposal for a regulation
Article 26 – paragraph 12 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Transport packaging used by an economic operator shall be reusable where it is used for transporting products:

By 1 January 2030, 95% of the transport packaging used by an economic operator shall be reusable where it is used for transporting products:

Amendment 71

Proposal for a regulation
Article 26 – paragraph 13 – subparagraph 1

Text proposed by the Commission

Amendment

Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.

By 1 January 2030, economic operators delivering products to another economic operator within the same Member State shall use only **at least 95%** reusable transport packaging for the purpose of the transportation of such products.

Amendment 72

Proposal for a regulation
Article 26 – paragraph 14 – introductory part

Text proposed by the Commission

Amendment

14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 10 if, during a calendar year, they:

14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 1 to 10 if, during a calendar year, they:

Amendment 73

Proposal for a regulation Article 26 – paragraph 15

Text proposed by the Commission

15. Economic operators shall be exempted from the obligation to meet the targets in *paragraphs 2 to 6 if, during a calendar year*, they have a sales area of not more than **100** m², including also all storage and dispatch areas.

Amendment

15. Economic operators shall be exempted from the obligation to meet the targets in *this Article if*:

a) they have a sales area of not more than 200 m², including also all storage and dispatch areas;

b) reuse is not the option that delivers the best overall environmental outcome on the basis of a life cycle assessment, in line with the waste hierarchy as defined in article 4 of Directive 2008/98/EC, and without prejudice to requirements on health, hygiene and safety.

Amendment 74

Proposal for a regulation Article 26 – paragraph 15 a (new)

Text proposed by the Commission

Amendment

15a. Economic operators shall be exempted from the obligation under this Article if the rate of separate collection as required under Article 43(3), (4) (4b) of the respective packaging material as reported to the Commission under Article 50(1) point (c) is above 85% by weight of such packaging placed on the market on

the territory of the Member State in which they operate in the calendar years 2026 and 2027.

Where such reporting shows that the rate of separate collection of the respective packaging material is below 85%, the Member State submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 85% separate collection rate by weight of the respective packaging material within two years

Amendment 75

Proposal for a regulation Article 26 – paragraph 16 – point a

Text proposed by the Commission

Amendment

(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),

deleted

Amendment 76

Proposal for a regulation Article 26 – paragraph 16 – point c

Text proposed by the Commission

Amendment

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or environmental issues preventing the achievement of those targets.

deleted

Amendment 77

Proposal for a regulation
Article 26 – paragraph 16 – point c a (new)

Text proposed by the Commission

Amendment

(ca) requirements for the preparation of a life cycle assessment to justify an exemption under paragraph 15, point b.

Amendment 78

Proposal for a regulation
Article 26 – paragraph 17

Text proposed by the Commission

Amendment

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall **review the situation regarding reuse of packaging** and, on this basis, assess the **appropriateness of establishing** measures, reviewing the targets laid down in this Article, **and setting new targets for the reuse and refill of packaging, and where necessary present** a legislative proposal.

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall **assess the impact of the packaging reuse targets** and, on this basis, assess the **need for new** measures, reviewing the targets laid down in this Article. **To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a** legislative proposal.

Amendment 79

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

1. **By 1 January 2029** Member States shall ensure that systems **and infrastructures** are set up to provide for the return and separate collection of all packaging waste from the end users **for each packaging format listed in Table 1 of Annex II placed on the market in a given year** in order to ensure that it is treated in accordance with Articles 4 and 13 of

Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment 80

Proposal for a regulation

Article 43 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) be open to data access, regarding the reporting in weight and cost of management of packaging waste flows, up to date and provided by means of:

(i) a website or other means of electronic communication, in the official language of the concerned Member State;

(ii) public reports in the official language of the concerned Member State.

Point (ca) should be without prejudice to commercially sensitive information or data protection laws.

Amendment 81

Proposal for a regulation

Article 43 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 1 January 2029, the final distributor making available on the market food and beverages filled and consumed within the premises in the HORECA sector shall ensure that separate collection systems are set up for the different fractions of packaging waste materials, to help the consumer sort packaging waste.

Amendment 82

Proposal for a regulation
Article 43 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. By 1 January 2029, Member states shall ensure that, in public spaces, separate collection systems are set up for the different fractions of packaging waste materials.

Amendment 83

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. **By 1 January 2029, Member States shall take the necessary measures to ensure that** deposit and return systems are set up for:

1. **The systems referred to in article 43, paragraph 1 may take the form of a** deposit and return systems are set up for:

Amendment 84

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) single use plastic beverage bottles with the capacity of up to three litres; and

(a) single use plastic beverage bottles with the capacity of **0,1 litre** up to three litres; and

Amendment 85

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) single use metal beverage

(b) single use metal beverage

containers with a capacity of up to three litres.

containers with a capacity of **0,1 litre** up to three litres;

Amendment 86

Proposal for a regulation

Article 44 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) single use glass beverage bottles;

Amendment 87

Proposal for a regulation

Article 44 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) beverage cartons; and

Amendment 88

Proposal for a regulation

Article 44 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) reusable packaging, where technically and economically feasible.

Amendment 89

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

Amendment

2. The obligation laid down in paragraph 1 does not apply to packaging for:

deleted

(a) wine, aromatised wine products, and spirit drinks;

(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.

Amendment 90

Proposal for a regulation Article 44 – paragraph 3

Text proposed by the Commission

Amendment

3. Without prejudice to paragraph 1 of this Article, a Member State will be exempted from the obligation under paragraph 1 under the following conditions: *deleted*

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.

Amendment 91

Proposal for a regulation Article 44 – paragraph 4

Text proposed by the Commission

Amendment

4. *Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.* **deleted**

Amendment 92

Proposal for a regulation Article 44 – paragraph 5

Text proposed by the Commission

Amendment

5. *If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.* **deleted**

Amendment 93

Proposal for a regulation

Article 44 – paragraph 6

Text proposed by the Commission

Amendment

6. *Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging where technically and economically feasible.*

deleted

Amendment 94

Proposal for a regulation Article 44 – paragraph 9

Text proposed by the Commission

Amendment

9. By 1 January 2028, Member States shall ensure that all deposit and return systems, *including those established under paragraph 5*, meet the minimum criteria listed in Annex X.

9. By 1 January 2028, Member States shall ensure that all *existing and future* deposit and return systems meet the minimum criteria listed in Annex X *and ensure equal and fair access to vulnerable end-users, particularly disabled persons.*

Amendment 95

Proposal for a regulation Annex V

Text proposed by the Commission

RESTRICTIONS ON USE OF PACKAGING FORMATS

	Packaging format	Restricted use	Illustrative example
1.	Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users	Collation films, shrink wrap

		to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	
2.	<i>Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables</i>	<i>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.</i>	<i>Nets, bags, trays, containers</i>
3.	<i>Single use plastic, single use composite packaging or other single use packaging</i>	<i>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>	<i>Trays, disposable plates and cups, bags, foil, boxes</i>
4.	<i>Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector</i>	<i>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</i>	<i>Sachets, tubs, trays, boxes</i>
5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap

Amendment

	Packaging format	Restricted use	Illustrative example
1.	Single-use	Plastic packaging used at retail level to	Collation

	plastic grouped packaging	group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	films, shrink wrap
2.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
3.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
4.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
360° Foodservice
A.I.S.E - European association representing cleaning, detergents and household maintenance products
AB InBev
ACE - The alliance for beverage cartons and the environment
AIM - European Brands Association
ALDI Nord
Alleanza delle Cooperative Italiane
ALPLA - Werke Alwin Lehner GmbH & Co KG
Amazon
APEAL - Association of European Producers of Steel for Packaging
APPLiA - Home Appliance Europe
Ball Beverage Packaging Europe
BDE - Bundesverband der Deutschen Entsorgungs-, Wasser- und Kreislaufwirtschaft e. V.
Beam Suntory
BGVZ - Bund Getränkeverpackungen der Zukunft
Braskem
Brown-Forman
Carbios
CEEV - Comité Européen des Entreprises Vins
CEFLEX - The Circular Economy for Flexible Packaging
Cerame-Unie
CITEO - French organisation in charge of recycling household packaging and graphic paper
Coldiretti
CONAI - Consorzio Nazionale Imballaggi
Confagricoltura
Confartigianato
Confcommercio
CONFIDA - Confederazione Italiana Distribuzione Automatica
Confindustria

Confindustria Lecco e Sondrio
Danone
DIGITALEUROPE
DOW Inc.
EAFA - European Aluminium Foil Association
Eastman Chemical Company
ECCIA - European Cultural and Creative Industries Alliance
ECF - European Coffee Federation
Ecommerce Europe
EDA - European Dairy Association
EDANA - nonwovens and related industries
EEB - European Environment Bureau
EGMF - European Garden Machinery industry Federation
EGUALIA - Industrie farmaci accessibili
EPPA - European Paper Packaging Alliance
EUBP - European Bioplastics
EuPC - European Plastics Converters
EURIC - European Recycling Industries' Confederation
Europen - European Organisation for Packaging and the Environment
Farindustria
FEAD - European Waste Management Association
Federalimentare - Federazione Italiana dell'Industria Alimentare
Federazione Carta e Grafica
Federdistribuzione
Federvini - Federazione Italiana Industriali Produttori, Esportatori ed Importatori di Vini, Acquaviti, Liquori, Sciroppi, Aceti ed affini
FEFCO - European Federation of Corrugated Board Manufacturers
FEICA - Association of the European Adhesive & Sealant Industry
FEVE - European Container Glass Federation
Flexible Packaging Initiative (Ferrero, Mars, Mondelez, Nestlé, Pepsico, Unilever)
Fondazione per lo Sviluppo Sostenibile
Foodanddrink Europe
FPE - Flexible Packaging Europe
GIFLEX - Gruppo Imballaggio Flessibile
Guala Closures S.p.A.
HOTREC - Association of Hotels, Restaurants, Pubs and Cafes and similar establishments in Europe
Huhtamaki - Food packaging supplies and materials
Innocent drinks

JACOBS DOUWE EGBERTS (JDE) PEET'S
Kemira
KST - Keep Sweden Tidy
LEGO Group
LVMH - Louis Vuitton Moët Hennessy
McDonald's
Medicines for Europe
MedTech Europe
Metal Packaging Europe
Metsä
Municipal Waste Europe
Natural Mineral Waters Europe
Neste
Nestlé Italiana S.p.A.
Novamont
PaperFoam
PCEP - Polyolefin Circular Economy Platform
PepsiCo
Plastics Europe
Plastics Recyclers Europe
Polymateria Limited
PortionPack Group
Procter & Gamble
Profood
RCTP - Roundtable for reusable containers trays and pallets
Reloop
Rethink Plastic Alliance - alliance of leading European NGOs
RPE - Reusable Packaging Europe
Schwarz Group
SEFA - European association of steel drum manufacturers
SFIF - Swedish Forest Industries Federation
Stora Enso
Sulapac Ltd
Syctom - public service in charge of household waste management
Tetra Pack & Alliance for Beverage Cartons and the Environment
The Minderoo Foundation
THIE - Tea & Herbal Infusions Europe
TIE - Toy Industries of Europe

TOMRA
UNESDA - Soft Drink Europe
UNILEVER
Unione Italiana Food
Unionplast - Federazione Gomma Plastica
UPM - The Biofore Company
Utilitalia - Federazione Utilities
VDMA - Machinery and Equipment Manufacturers Association
Versalis S.p.A.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
References	COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)
Committee responsible Date announced in plenary	ENVI 13.3.2023
Opinion by Date announced in plenary	ITRE 13.3.2023
Associated committees - date announced in plenary	15.6.2023
Rapporteur for the opinion Date appointed	Patrizia Toia 25.1.2023
Discussed in committee	23.5.2023
Date adopted	19.7.2023
Result of final vote	+: 58 –: 11 0: 3
Members present for the final vote	Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Vasile Blaga, Michael Bloss, Paolo Borchia, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Nicola Danti, Marie Dauchy, Pilar del Castillo Vera, Martina Dlabajová, Christian Ehler, Valter Flego, Niels Fuglsang, Jens Geier, Nicolás González Casares, Christophe Grudler, Henrike Hahn, Robert Hajšel, Ivo Hristov, Ivars Ijabs, Romana Jerković, Seán Kelly, Zdzisław Krasnodębski, Andrius Kubilius, Thierry Mariani, Marisa Matias, Marina Mesure, Dan Nica, Niklas Nienass, Ville Niinistö, Johan Nissinen, Mauri Pekkarinen, Tsvetelina Penkova, Morten Petersen, Markus Pieper, Manuela Ripa, Robert Roos, Sara Skyttedal, Maria Spyrali, Grzegorz Tobiszowski, Patrizia Toia, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
Substitutes present for the final vote	Damian Boeselager, Franc Bogovič, Francesca Donato, Matthias Ecke, Ladislav Ilčič, Elena Lizzi, Dace Melbārde, Jutta Paulus, Massimiliano Salini, Jordi Solé, Susana Solís Pérez, Ivan Štefanec, Nils Torvalds, Emma Wiesner
Substitutes under Rule 209(7) present for the final vote	Rosanna Conte, Arnaud Danjean, César Luena, Nicola Procaccini, Elżbieta Rafalska, Antonio Maria Rinaldi, Daniela Rondinelli, Nacho Sánchez Amor, Edina Tóth

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

58	+
ECR	Ladislav Ilčić, Zdzisław Krasnodębski, Johan Nissinen, Nicola Procaccini, Elżbieta Rafalska, Robert Roos, Grzegorz Tobiszowski
ID	Paolo Borchia, Rosanna Conte, Marie Dauchy, Elena Lizzi, Thierry Mariani, Antonio Maria Rinaldi
PPE	François-Xavier Bellamy, Hildegard Bentele, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Pilar del Castillo Vera, Arnaud Danjean, Christian Ehler, Seán Kelly, Andrius Kubilius, Dace Melbārde, Markus Pieper, Massimiliano Salini, Sara Skytvedal, Maria Spyrali, Ivan Štefanec, Henna Virkkunen, Pernille Weiss
Renew	Nicola Beer, Nicola Danti, Martina Dlabajová, Valter Flego, Ivars Ijabs, Mauri Pekkarinen, Morten Petersen, Susana Solís Pérez, Nils Torvalds, Emma Wiesner
S&D	Beatrice Covassi, Matthias Ecke, Niels Fuglsang, Jens Geier, Nicolás González Casares, Robert Hajšel, Ivo Hristov, Romana Jerković, César Luena, Dan Nica, Tsvetelina Penkova, Daniela Rondinelli, Nacho Sánchez Amor, Patrizia Toia, Carlos Zorrinho

11	-
The Left	Marisa Matias, Marina Mesure
Verts/ALE	Michael Bloss, Damian Boeselager, Ignazio Corrao, Henrike Hahn, Niklas Nienass, Ville Niinistö, Jutta Paulus, Manuela Ripa, Jordi Solé

3	0
NI	Francesca Donato, Edina Tóth
Renew	Christophe Grudler

Key to symbols:

+ : in favour

- : against

0 : abstention

20.7.2023

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
(COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

Rapporteur for opinion: Virginie Joron

(*) Associated committee – Rule 57 of the Rules of Procedure

EXPLANATORY MEMORANDUM

At the time of writing this draft opinion, the decision on whether to allocate competences to the IMCO Committee has not yet been taken. With this in mind, the rapporteur reserves the right to amend the proposal for a regulation at a later stage.

First of all, the rapporteur welcomes the proposal's ambition with regard to the need to combat waste, protect the environment and develop a more circular economy. She believes that industry must indeed make efforts with regards to packaging and that the appropriate infrastructure needs to be put in place by the competent national and local authorities, as well as by the bodies responsible for waste collection and recycling, while still holding consumers responsible for what they buy and how they sort and throw away packaging.

However, she shares the reservations expressed by the Regulatory Scrutiny Board, referred to in the impact assessment accompanying the proposal for a regulation, reservations which are also shared by the majority of those working in the sector.

In order for this proposal for a regulation to achieve more realistic objectives and thus to encourage the smooth development of the waste packaging treatment sector, create local jobs in the sector and bring about more innovation, the rapporteur considers it necessary to make a number of clarifications, in particular:

- **Consumer protection:** the rapporteur points out that consumers play a key role in the collection and sorting of waste and believes that Member States should continue with initiatives to promote accessible and easily understandable tools for consumers to sort and dispose of their waste.

- **Set deadlines for the adoption of the many delegated and implementing acts:** the rapporteur seeks to provide legal certainty by setting clear deadlines allowing stakeholders to properly anticipate the provisions introduced, such as those on recycled content requirements.
- **Set up an expert group via the ‘Forum on Packaging and Packaging Waste’:** the rapporteur proposes involving not only the representatives of the Member States but also the entire sector concerned in defining, among others, the various targets, exemptions, design criteria for recycling, or the minimum percentages of recycled content.
- **Micro-enterprises and SMEs:** the rapporteur is of the opinion that Member States should ensure that the labelling requirements laid down in Article 11 do not entail disproportionate administrative and economic burdens for micro-enterprises and SMEs.
- **Minimum recycled content in plastic packaging:** the rapporteur has modified the proposal to the effect that, provided in particular that the appropriate infrastructure is in place and operational, the obligation is calculated as an average for all plastic packaging placed on the market by each undertaking, and not per unit of packaging.
- **Reusable packaging:** while reusable packaging can contribute effectively to the preservation of the environment, it is important that the whole supply chain of reusable packaging be sustainable. The rapporteur recalls that the production of reusable packaging should be encouraged in the Union and the purchase of reusable packaging from third countries should be minimised, while ensuring the competitiveness of European economic operators. Products from third countries must also comply with the European regulatory framework.
- **Labelling requirements:** the rapporteur stresses the importance of respecting the specific rules in place for protected geographical indications and intellectual property. She also endorses the focus on QR codes and other types of digital data carriers.
- **Restrictions on use of certain packaging formats:** the rapporteur proposes postponing such restrictions until 2030 in order to give economic operators the time that she deems necessary. She also proposes to exempt micro- and small-enterprises in the Horeca sector from the restriction on the use of single-use packaging for food and beverages.
- **Re-use targets:** the rapporteur considers it necessary to exempt certain economic sectors and to set deadlines as late as 2030 for the others. She believes that re-usability should be based on a comprehensive life-cycle analysis of the different systems and, to that end, provides for an exemption for when it can be demonstrated that alternative packaging formats deliver better environmental, economic, health and hygiene outcomes and on the basis of the waste hierarchy principle.

Lastly, the rapporteur proposes postponing the entry into force of this proposal in order to give Member States and economic operators more time to adapt to this new framework and the ensuing secondary legislation.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

Amendment

(44) It is necessary to inform consumers ***in a clear and intellegible manner which is fully accessible by persons with disabilities***, and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised ***colour*** labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding ***colour*** labels on waste receptacles. ***The need for such a harmonised labelling system to be recognized by all citizens irrespective of their circumstances should be a guiding factor in their design. This can be achieved through the use of pictograms without the need for national text. This would also serve to minimize the costs for translation of language otherwise required. The labelling system should also inform consumers about substances in packaging that may be hazardous, in line with relevant CLP labelling requirements. To this end, the Commission and Member States should provide the necessary tools and incentives, including economic ones, with special attention to micro and small enterprises.***

Amendment 2

Proposal for a regulation

Recital 44 a (new)

(44a) Sorting is an essential step to ensure greater packaging circularity. The improvement of sorting capacities, notably through technological innovations, should be encouraged in order to allow a better quality of sorting, and thus a better quality of feedstock for recycling.

Amendment 3

Proposal for a regulation

Recital 45

Text proposed by the Commission

Amendment

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the mandatory deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. ***The label on the packaging should be easily understood and without the need for a national text.*** This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary ***to assess the possibilities*** to harmonise symbols associated with the mandatory deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of

the e-commerce packaging, *and for reusable packaging. Similarly, packaging subject to deposit and return systems should be identified by means denoting participation in the system without the need to indicate material composition.*

Amendment 4

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) Labelling of recycled content in packaging should *not* be mandatory as this information *is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers* will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

Amendment

(46) Labelling of recycled content in packaging should be mandatory as this information *could have an impact on the purchase decisions of consumers. Manufacturers* will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

Amendment 5

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear *a QR* code or other data carrier that provides such information. *The QR code* should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.

Amendment

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear *an electronically readable* code or other data carrier that provides such information, *which* should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale. *To this end, the*

Commission and the Member States should provide incentives, including economic ones, especially to micro-enterprises and SMEs.

Amendment 6

Proposal for a regulation

Recital 49

Text proposed by the Commission

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. ***To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system⁵⁸, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.***

⁵⁸ <https://www.pro-e.org/the-green-dot-trademark>

Amendment 7

Proposal for a regulation

Recital 58

Amendment

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That ***harmonised*** symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging.

Text proposed by the Commission

(58) Any **importer or distributor** that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.

Amendment

(58) Any **economic operator other than manufacturer** that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.

Amendment 8

Proposal for a regulation

Recital 98

Text proposed by the Commission

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with **producers** offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online **platforms** should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online **platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers** should **obtain from those producers information about their compliance** with the extended producer responsibility **rules** set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

Amendment

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with **traders** offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online **marketplaces and fulfilment service providers** should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online **marketplaces and fulfilment service providers** should **be required to comply** with the extended producer responsibility **requirements, unless they can prove that the traders offering packaging to consumers located in the Union are complying with the applicable requirements** set out in this Regulation **prior to placing these products on the market or handling these products**. The rules on traceability of traders selling

packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

Amendment 9

Proposal for a regulation Recital 110

Text proposed by the Commission

(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows that some Member States still have difficulties with meeting the existing targets. For this reason, measures encouraging manufacturers to place on the market more recyclable packaging, and thereby helping Member States to achieve the recycling targets, should be set up. In the future, more recyclable packaging, coupled with greater granularity of data on the packaging flows, should be reported to the Commission. That will enable the Commission to review the targets with the possibility of maintaining or increasing them. In order to take account of the effect of the measures aimed at improving the packaging recyclability, the review should not take place earlier than the envisaged general evaluation of the Regulation, i.e. 8 years after its entry into force. During that review, attention should also be paid to the possibility of introducing new targets on a more granular basis than the current

Amendment

(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows that some Member States still have difficulties with meeting the existing targets. For this reason, measures encouraging manufacturers to place on the market more recyclable packaging, and thereby helping Member States to achieve the recycling targets, should be set up. In the future, more recyclable packaging, coupled with greater granularity of data on the packaging flows, should be reported to the Commission. That will enable the Commission to review the targets with the possibility of maintaining or increasing them. In order to take account of the effect of the measures aimed at improving the packaging recyclability, the review should not take place earlier than the envisaged general evaluation of the Regulation, i.e. 6 years after its entry into force. During that review, attention should also be paid to the possibility of introducing new targets on a more granular basis than the current

targets.

targets.

Amendment 10

Proposal for a regulation Recital 123 a (new)

Text proposed by the Commission

Amendment

(123a) In deciding on which checks to perform, market surveillance authorities should follow a risk-based approach taking into account factors such as the risks of circumvention of the requirements in this Regulation, the nature and material composition of the packaging, the length and complexity of the packaging's value chain, the economic operator's past record of non-compliance, or consumer complaints and other information received from other authorities, economic operators, media and other sources that might indicate non-compliance.

Amendment 11

Proposal for a regulation Recital 124

Text proposed by the Commission

Amendment

(124) Packaging should be placed on the market only if it does not present a known risk to the environment ***and*** human health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement, may adversely

(124) Packaging should be placed on the market only if it does not present a known risk to the environment ***or to*** human ***or animal*** health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement,

affect the environment or other public interests protected by the relevant requirements.

may adversely affect the environment or other public interests protected by the relevant requirements.

Amendment 12

Proposal for a regulation Recital 125

Text proposed by the Commission

(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to determine whether national measures in respect of non-compliant products are justified or not.

Amendment

(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. ***The right to be heard for the economic operator and the principle of due process should always be respected.*** It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to determine whether national measures in respect of non-compliant products are justified or not.

Amendment 13

Proposal for a regulation Recital 127

Text proposed by the Commission

(127) In case of human health concerns, the market surveillance shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities, competent for controlling the risks and appointed pursuant to Regulation (EU)

Amendment

(127) In case of human health concerns, the market surveillance shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but ***without undue delay*** alert the authorities, competent for controlling the risks and appointed pursuant to Regulation

2017/625 of the European Parliament and of the Council⁷⁴, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

(EU) 2017/625 of the European Parliament and of the Council⁷⁴, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

⁷⁴ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

⁷⁴ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

Amendment 14

Proposal for a regulation Article 3 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, final distributors, **and** fulfilment service providers;

Amendment

(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, final distributors, fulfilment service providers **and authorised representative**;

Amendment 15

Proposal for a regulation Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, **makes available** packaging for the first time within a territory of a Member **States** on a professional basis under its own name or trademark;

Amendment

(10) ‘producer’ means any **natural or legal person**, manufacturer, **filler**, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, **places** packaging **or a packaged product** for the first time within a territory of a Member **State** on a professional basis under its own name or trademark;

Amendment 16

Proposal for a regulation Article 3 – paragraph 1 – point 59

Text proposed by the Commission

(59) ‘**online platform**’ means online **platform** as defined in Article 3 point (i) of Regulation (EU) **2022/2065**;

Amendment

(59) ‘**providers of online marketplaces**’ means **providers of online marketplaces** as defined in Article 3 point **14** of Regulation (EU)**2023/988**;

Amendment 17

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

From [OP: Please insert the date = **42** months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment

From [OP: Please insert the date = **36** months after the entry into force of this Regulation] **or if there is a delay with the adoption of the implementing acts as referred to in paragraph 5, 24 months after the adoption of such implementing acts**, packaging shall be marked with a label **that shall be easily understood to facilitate consumer sorting**, containing

information on its material composition, **recyclability, as well as on the presence of substances of concern. This label shall serve the purpose of a uniform and intelligible information for all consumers, including for persons with disabilities.**

This obligation does not apply to **packaging covered by a deposit or return system or transport packaging, and to reusable packaging placed on the market before 36 months after the entry into force of this Regulation.** However, it applies to e-commerce packaging.

Amendment 18

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Amendment

Packaging subject to deposit and return systems referred to in Article 44(1) **and set up after the entry into force of this Regulation** shall, **by derogation** in addition to the labelling referred to in the first subparagraph, be marked with a harmonised **colour** label established in the relevant implementing act adopted pursuant to paragraph 5. **The packaging-related labelling information shall work with the hazard and safety-related CLP labelling requirements. Therefore, it shall be clear which labelling refers to the packaging and which relates to the product inside the packaging. All labelling shall be clearly visible, readable and fully accessible by persons with disabilities.**

Amendment 19

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. From [OP: Please insert the date = **48** months after the date of entry into force of this Regulation], packaging shall bear a label on packaging reusability **and** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the **calculation** of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment

2. From [OP: Please insert the date = **42** months after the date of entry into force of this Regulation] **or if there is a delay with the adoption of the implementing act referred to in paragraph 5, 30 months after the adoption of such implementing acts, reusable packaging placed on the market** shall bear a label on packaging reusability. **Further information on reusability may be made available through** a QR code or other type of digital data carrier that provides further information on packaging reusability **and recyclability** including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the **calculation** of trips and rotations **as well as using statistical statements based on inventory data**. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment 20

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. Where a unit of packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where a unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to

Amendment

3. Where a unit of packaging covered by Article 7 is marked with a label containing **consumer relevant** information on the share of recycled content **from post-consumer plastic waste**, that label **and a QR code or other type of digital data carrier** shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). **The implementing act adopted pursuant to Article 11(5) shall provide a specific framework under which recycled content traced through mass balance shall be communicated**. Where a

Article 11(5).

unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

Amendment 21

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Packaging referred to in paragraphs 1, 2 and 3, manufactured or imported before these deadlines, may be marketed until their end of life.

Amendment 22

Proposal for a regulation

Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.

Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 **to 3** shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging, **or an adhesive label to remain on the packaging until reconditioning.** Where this is not possible or not warranted on account of the nature and size of the packaging, **or due to other mandatory labelling requirements laid down in other EU legislation,** they shall be affixed to the grouped packaging **or provided via digital means.**

Amendment 23

Proposal for a regulation

Article 11 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where information is provided by electronic means in accordance with paragraphs 2 to 3, the following requirements shall apply:

(a) adequate, relevant personal data may be collected only for the limited purpose of giving the user access to relevant compliance information referenced in paragraphs 2 to 3 (in respect of 2016/679/EU Article 5(1))

(b) the information shall not be displayed with other information intended for sales or marketing purposes.

Amendment 24

Proposal for a regulation

Article 11 – paragraph 4 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Micro-companies as defined in Art. 22(3), shall be exempt from the obligations of this paragraph.

Amendment 25

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. By [OP: Please insert the date = **18** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure

5. By [OP: Please insert the date = **12** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure

referred to in Article 59(3).

referred to in Article 59(3).

Amendment 26

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. By [OP: Please insert the date = **24** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

6. By [OP: Please insert the date = **12** months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 27

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators **shall not** provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

Amendment

7. Without prejudice to requirements concerning other harmonised EU labels, **Member States shall not require nor shall** economic operators provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.

From ... [24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding aspects that are likely to mislead or confuse consumers or other end users.

Amendment 28

Proposal for a regulation Article 11 – paragraph 8

Text proposed by the Commission

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a ***corresponding symbol throughout the territory in which that scheme or system applies***. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment

8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may ***only*** be identified by means of a ***harmonized EU pictogram, that may be displayed through a digital label, such as a QR code, a data carrier or in other accompanying documents***. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.

Amendment 29

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Packaging Forum

For the preparation of the implementing acts referred to in this Chapter, the Commission shall ensure a broad and balanced participation of Member States' representatives and all relevant parties involved with the packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups, Producer Responsibility Organisations (PROs) and consumer organisations. To that end, the Commission shall establish an expert group, referred to as Packaging Forum,

in which those parties shall meet regularly, in view of the objectives laid down in Article 1 paragraph 2.

Amendment 30

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market.

Amendment

3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market ***and make such documentation available to competent authorities in accordance with paragraph 9 of this Article.***

Amendment 31

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical specifications by reference to which conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers. In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.

Amendment

4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical specifications by reference to which conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers. In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out ***without undue delay*** a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.

Amendment 32

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. Manufacturers shall ensure that the packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the **packaged product**.

Amendment

5. Manufacturers shall ensure that the packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the **packaging**.

Amendment 33

Proposal for a regulation Article 13 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. With regard to this Regulation, for medicinal products, as defined in Article 1, point (2), of Directive 2001/83/EC, the marketing authorisation holder shall be responsible for the information provided, in accordance with Article 6(1a) of Directive 2001/83/EC.

Amendment 34

Proposal for a regulation Article 13 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the

Amendment

7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, **and accessible for persons with disabilities**, and does not replace, obscure or can be confused with information required by other Union

labelling of the packaged product.

legislation on the labelling of the packaged product.

Amendment 35

Proposal for a regulation Article 13 – paragraph 8

Text proposed by the Commission

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market ***after the entry into force of this Regulation*** is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform ***their distributors and*** the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment 36

Proposal for a regulation Article 13 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Manufacturers shall establish publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account the accessibility needs for persons with disabilities, in order to allow end-users to submit complaints or concerns regarding the potential non-conformity of packaging.

Manufacturers shall take appropriate measures when they consider that there is

a case of non-compliance with the requirements set out in this Regulation, and inform market surveillance authorities. Manufacturers shall keep a register of complaints and concerns only as long as it is necessary for the purpose of this Regulation and make it available upon request from a market surveillance authority. Personal data stored in the internal register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint.

Amendment 37

Proposal for a regulation Article 13 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

9b. If manufacturers significantly fail to cooperate with market surveillance authorities or if the information and documentation provided is clearly incomplete or incorrect, market surveillance authorities may take appropriate and proportionate measures, including to withdraw the relevant packaging from the market until the manufacturer cooperates or provides complete and correct information.

Amendment 38

Proposal for a regulation Article 13 – paragraph 9 c (new)

Text proposed by the Commission

Amendment

9c. The provisions of paragraphs 1 to 6 shall not apply to custom transport packaging for configurable devices and system, that are destined to be used in industrial and healthcare environments.

Amendment 39

Proposal for a regulation

Article 15 – paragraph 2 – introductory part

Text proposed by the Commission

2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

Amendment

2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. ***It shall provide a copy of the mandate to the market surveillance authorities upon request.*** The mandate shall allow the authorised representative to do at least the following

Amendment 40

Proposal for a regulation

Article 15 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) inform the manufacturer if the authorised representative has clearly a reason to believe that a packaging is not in conformity with the applicable requirements set out in Articles 5 to 11;

Amendment 41

Proposal for a regulation

Article 15 – paragraph 2 – point e

Text proposed by the Commission

(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.

Amendment

(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation ***and inform the market surveillance authority of the Member State in which it is established without undue delay.***

Amendment 42

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Importers shall only place on the market packaging which is compliant with the requirements of Articles 5 to 11.

Amendment

1. Importers shall only place on the market packaging which is compliant with the ***applicable*** requirements of Articles 5 to 11.

Amendment 43

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.

Amendment

4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible ***and accessible for persons with disabilities***, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.

Amendment 44

Proposal for a regulation
Article 16 – paragraph 7

Text proposed by the Commission

7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment

7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available ***as well as the manufacturer and where applicable, the authorised representative*** of the suspected non-compliance and of any corrective measures taken.

Amendment 45

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.

Amendment

10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the ***applicable*** requirements set out in Articles 5 to 11.

Amendment 46

Proposal for a regulation
Article 16 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Importers shall verify whether the communication channels referred to in Article 13(9a) are publicly available to consumers allowing them to present complaints or concerns regarding the potential non-conformity of packaging. If such channels are not available the importer shall provide for them, taking into account accessibility needs for persons with disabilities.

Amendment 47

Proposal for a regulation
Article 16 – paragraph 10 b (new)

Text proposed by the Commission

Amendment

10 b. Personal data stored in the internal register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint.

Amendment 48

Proposal for a regulation
Article 16 – paragraph 10 c (new)

Text proposed by the Commission

Amendment

10 c. If importers significantly fail to cooperate with market surveillance authorities or if the information and documentation provided is incomplete or incorrect, market surveillance authorities may take all appropriate measures to prohibit or restrict its packaging from being available on the market, to withdraw it from the market or to recall it until importers cooperate or provide complete and correct information.

Amendment 49

Proposal for a regulation
Article 17 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **40**;

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **39**;

Amendment 50

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been

Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been

brought into conformity or until the manufacturer complies.

brought into conformity or until the manufacturer complies. ***Any information disclosed by the manufacturer to the distributor shall not be used by the distributor for any other purpose other than to verify compliance with applicable requirements.***

Amendment 51

Proposal for a regulation Article 17 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

Amendment

Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available ***as well as the manufacturer and where applicable, the authorised representative*** of the suspected non-compliance and of any corrective measures taken.

Amendment 52

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.

Amendment

Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the ***applicable*** requirements set out in Articles 5 to 11.

Amendment 53

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Obligations of providers of online marketplaces

Providers of online marketplaces shall comply without undue delay with the relevant requirements of Regulation (EU) 2022/2065 regarding packaging regulation, and ensure that they have internal processes in place for compliance.

Amendment 54

**Proposal for a regulation
Article 19 – title**

Text proposed by the Commission

Amendment

Case in which obligations of manufacturers apply to ***importers and distributors***

Case in which obligations of manufacturers apply to ***other economic operators***

Amendment 55

**Proposal for a regulation
Article 19 – paragraph 1**

Text proposed by the Commission

Amendment

An ***importer or a distributor*** shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article ***14***, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

An ***economic operator other than manufacturer*** shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article ***13***, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

Amendment 56

Proposal for a regulation Article 34 – paragraph 4

Text proposed by the Commission

4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation.

Amendment

4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation **and with all applicable Union acts**.

Amendment 57

Proposal for a regulation Article 40 – paragraph 3 – introductory part

Text proposed by the Commission

3. Providers of online **platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065**, allowing consumers to conclude **distance contracts with producers shall obtain the following information from producers** offering packaging to consumers located in the Union:

Amendment

3. Providers of online **marketplaces, as well as fulfilment service providers, shall comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless they can prove that traders, prior to allowing them to conclude sales on their platform or use their services** offering packaging to consumers located in the Union **are complying with these requirements by obtaining:**

Amendment 58

Proposal for a regulation Article 40 – paragraph 3 – point b

Text proposed by the Commission

(b) a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article are complied with in the Member State where

Amendment

(b) **information on compliance with** a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article are

the consumer is located.

complied with in the Member State where the consumer is located.

Amendment 59

Proposal for a regulation Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Upon receiving the information referred to paragraph 3 and prior to allowing the producer concerned to use its services, the provider of online marketplaces shall assess whether the information referred to in point (a) and (b) is reliable and complete.

Amendment 60

Proposal for a regulation Article 52 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are *relevant* to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or *to human or animal* health, they shall, *without undue delay*, carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are *relevant* to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

Amendment 61

Proposal for a regulation Article 52 – paragraph 1 – subparagraph 1a (new)

In the course of the evaluation, the market surveillance authorities shall consider the objections raised by the economic operators.

Amendment 62

Proposal for a regulation Article 52 – paragraph 2

Text proposed by the Commission

2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

Amendment

2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but ***without undue delay*** alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

Amendment 63

Proposal for a regulation Article 54 – paragraph 1

Text proposed by the Commission

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it

Amendment

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it

presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

presents a risk to the environment or *to* human **and animal** health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.

In the course of the evaluation, the market surveillance authorities shall consider the objections raised by the economic operators.

Amendment 64

Proposal for a regulation Article 54 – paragraph 2

Text proposed by the Commission

2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

Amendment

2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but ***without undue delay*** alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.

Amendment 65

Proposal for a regulation Article 54 a (new)

Text proposed by the Commission

Amendment

Article 54a

***Activities of market surveillance
authorities***

Market surveillance authorities shall perform appropriate checks within their territory with respect to packaging and establish procedures for following up on complaints or reports on issues relating to risks or non-compliance with this Regulation, in accordance with Article 11 of Regulation (EU) 2019/1020.

Amendment 66

**Proposal for a regulation
Article 63 – paragraph 1**

Text proposed by the Commission

Amendment

By [OP: Please insert the date = 8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

By ... [6 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
References	COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)
Committee responsible Date announced in plenary	ENVI 13.3.2023
Opinion by Date announced in plenary	IMCO 13.3.2023
Associated committees - date announced in plenary	15.6.2023
Rapporteur for the opinion Date appointed	Virginie Joron 9.2.2023
Discussed in committee	23.5.2023 28.6.2023
Date adopted	18.7.2023
Result of final vote	+: 32 -: 3 0: 5
Members present for the final vote	Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Kateřina Konečná, Maria-Manuel Leitão-Marques, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Pilar del Castillo Vera, Claude Gruffat, Ivars Ijabs, Karen Melchior, Tsvetelina Penkova, Kosma Złotowski
Substitutes under Rule 209(7) present for the final vote	Eric Minardi, Paulo Rangel

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

32	+
ID	Virginie Joron, Eric Minardi
PPE	Pablo Arias Echeverría, Pilar del Castillo Vera, Deirdre Clune, Krzysztof Hetman, Antonius Manders, Paulo Rangel, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Sandro Gozi, Ivars Ijabs, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Biljana Borzan, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Kim Van Sparrentak

3	-
ECR	Adam Bielan, Eugen Jurzyca, Kosma Złotowski

5	0
ID	Alessandra Basso, Markus Buchheit, Marco Campomenosi
Renew	Vlad-Marius Botoș, Svenja Hahn

Key to symbols:

+ : in favour

- : against

0 : abstention

21.8.2023

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
(COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

Rapporteur for opinion: Salvatore De Meo

SHORT JUSTIFICATION

Thanks to the development of the internal market, agri-food products can move entirely freely within the European Union, giving citizens of all Member States the opportunity to consume food and specialities from other countries. The quality benchmark of European products is what makes the European food market, characterised by very high-quality products and culinary excellence, distinctive.

The objectives of the proposal for a regulation on packaging and packaging waste are worthy of support and correspond to the sustainability targets backed by the AGRI Committee.

Agri-food, and in particular fruit and vegetables, is certainly one of the areas in which this new regulation can improve and make packaging more efficient, while reducing waste.

However, given the specific characteristics and delicate nature of the products concerned, greater and specific attention must be given to this sector in order to avoid having a negative impact on all actors in the supply chain and on the products themselves.

Packaging plays a key role in preserving the quality of food, including its organoleptic properties, by protecting products from mechanical damage and/or physical shocks, microbial contamination or loss of texture, smell, colour or taste, ensuring a longer shelf life, especially for fresh and highly perishable products.

The packaging of agri-food products directly contributes to limiting waste. It also ensures that consumers have better access to fresh vegetables and fruit, encouraging their consumption and healthy eating habits, in line with the EU's objectives.

The materials that make up the packaging that is in contact with agri-food products are well regulated at EU level, so it is important to ensure that this regulation does not adversely affect them for the reasons mentioned above.

In particular, care will have to be taken to ensure that the targets for recyclable plastic content in food packaging do not jeopardise food quality, given the limitations faced by most recycling chains in Europe and the limited availability of this material on the market, which may cause raw material prices to increase. To this end, chemical recycling should be considered as a complementary method to mechanical recycling, so it can be developed and so as to benefit from its significant use applied to food contact materials.

The agri-food chain involves a number of stages and actors. Some of the objectives of this regulation risk jeopardising its proper functioning by imposing unrealistic obligations for the functioning of a sector that has already made huge investments in innovation and research, improving its sustainability and serving as a virtuous model when it comes to recycling.

Lastly, it should be noted that the ambitious reuse targets will require us to consume huge amounts of energy and water – a valuable resource whose scarcity risks posing difficulties for Europe’s production and food security and self-sufficiency. It would therefore be good idea for the Member States to be able to adapt their production model according to the availability of this resource.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.

Amendment

(1) Products need **appropriate** packaging to be protected and easy to transport from where they are produced to where they are used or consumed. **The packaging used should be appropriate to the characteristics of products.** Prevention of barriers **and any obstacles** to the internal market for packaging is key for the **efficient** functioning of the internal market for products. Fragmented rules and vague requirements cause **uncertainty and** additional cost to the economic operators.

Amendment 2

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) In regulating packaging at EU level, the differences between packaging waste collection, sorting and recycling infrastructures at the level of the Member States should be taken into account.

Amendment 3

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. It commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. It commits ***to reduce food waste and encourages circular approaches to the use of water. It tasks*** the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Amendment 4

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Plastic is overall the most used material for the packaging of agri-food products, as it ensures their safety while keeping their quality and conformity throughout the supply chain, including transport, as well as contributing to increasing the shelf life of fresh and highly perishable products. Most non-plastic food contact materials are not currently covered by specific European legislation and recycling technologies currently available do not always guarantee a high quality recycled plastic. For this reason, any initiative aimed at substituting single-use packaging, including plastic products, in the food sector, should be done in a technically and economically feasible way. Chemical recycling constitutes a complementary option to mechanical recycling to achieve the targets set in this Regulation, especially for plastic packaging in contact with food.

Amendment 5

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6 b) In order to achieve the targets set in this Regulation and without prejudice to the definition in Article 3(17) of the Waste Framework Directive 2008/98/EC, it is appropriate to apply the principle of technological neutrality to recycling, covering any mechanical or chemical process used to transform a waste material into recycled products, materials

or substances.

Amendment 6

Proposal for a regulation Recital 6 c (new)

Text proposed by the Commission

Amendment

(6 c) The availability of high quality recycled plastics should be ensured through both mechanical and chemical recycling of plastic waste and sustainable renewable bio-based plastics.

Amendment 7

Proposal for a regulation Recital 6 d (new)

Text proposed by the Commission

Amendment

(6 d) Fostering a sustainable bio-economy can contribute to decreasing Europe's dependence on imported raw materials. Improving market conditions for bio-based recyclable packaging and compostable biodegradable packaging and reviewing existing law hampering the use of those materials can stimulate further research and innovation and help the transition towards renewable sources for the production of packaging where beneficial from a lifecycle perspective.

Amendment 8

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) The Council underlined in its Conclusions of December 2020³⁸, that the revision of Directive 94/62/EC should

(7) The Council underlined in its Conclusions of December 2020³⁸, that the revision of Directive 94/62/EC should

update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste should be discarded to facilitate sorting and recycling.

update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste should be discarded to facilitate sorting and recycling. ***At the same time, it noted the need to comply with hygiene and food safety standards and it stressed that any potential application of bio-based, "biodegradable" or "compostable" plastics should be based on lifecycle assessments of the impacts on the environment taking into full consideration the role of renewable materials in climate change mitigation, in biodiversity conservation and in food security.***

38

<https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf>

38

<https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf>

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan³⁹ reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and

Amendment

(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan³⁹ reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and

ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use.

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https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html

Amendment 10

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use. ***It also stressed that food safety or hygiene standards must not be compromised.***

39

https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html

Amendment

(8a) In its Resolution of 15 September 2022 on the consequences of drought, fire, and other extreme weather phenomena: increasing the EU's efforts to fight climate change^{39a} the European Parliament stressed how water is an increasingly valuable yet scarce resource and underlined the importance of sustainable water management for guaranteeing food security, calling on the Commission to refrain from proposing further EU legislation that endangers or risks endangering EU food security. In light of its scarcity, the use of water should be prioritised in sectors where it is essential, such as agriculture.

^{39a}

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0330_EN.html

Amendment 11

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This Regulation complements Regulation [Ecodesign for Sustainable Products]⁴⁰, under which packaging is not addressed as a specific product category. However, it should be recalled that with respect to specific products, delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] may establish additional or more detailed requirements for their packaging, in particular in relation to packaging minimisation when design or re-design of products can lead to environmentally less impactful packaging.

⁴⁰ https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en

Amendment 12

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be

Amendment

(9) This Regulation complements Regulation [Ecodesign for Sustainable Products]⁴⁰, under which packaging is not addressed as a specific product category. However, it should be recalled that with respect to specific products, delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] may establish additional or more detailed requirements for their packaging, in particular in relation to packaging minimisation when design or re-design of products can lead to environmentally less impactful packaging. ***The proposed Regulation [Ecodesign for Sustainable Products] exempts, among others, foodstuffs as it is already clear that ecodesign requirements, including packaging minimisation, would not be suitable.***

⁴⁰ https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en

Amendment

(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. ***Particular attention should be paid to the agri-food industry, to ensure a balanced approach in terms of***

restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.

the socio-economic circumstances affecting this sector. For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.

Amendment 13

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags *as well as coffee or tea system single-serve units*, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹.

Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as

Amendment

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council.

packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 14

**Proposal for a regulation
Recital 12**

Text proposed by the Commission

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

Amendment

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through ***increasing recycling***, packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging ***while delivering the best environmental outcome and without causing or increasing food waste, or endangering food safety***. In addition, the measures aim at increasing the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

Amendment 15

**Proposal for a regulation
Recital 12 a (new)**

(12a) It is estimated that 88 million tonnes of food waste are generated in the EU each year and over 50 % of food waste is estimated to come from households and the consumer level. Packaging can play an important role in reducing food waste as it preserves essential elements of food, so that its composition and organoleptic properties are not compromised, as well as it ensures food protection from mechanical damage and physical shocks, and it is an effective barrier against microbiological degradation, oxygen or loss of aromas, therefore increasing the shelf life of agri-food products. Packaging for fresh vegetables and fruit can ensure that consumers have access to fresh, healthy products that last longer therefore encouraging their consumption and healthy eating habits. According to the European Food Safety Agency (EFSA), food packaging protects food from microorganisms and makes it easier to store and to prolong the shelf life of food. Packaging and other articles such as containers also improve hygiene and make it more convenient for people to buy, sell and handle food. Any initiative to reduce the amount of packaging placed on the market and packaging waste should not outweigh the EU ambitions of food waste reduction.

Amendment 16

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire

Amendment

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire

life-cycle and the life cycle of products, for which it was designed.

life-cycle and the life cycle of products, for which it was designed. ***This can also justify deviations from the waste hierarchy according to Article 4(2) of Directive 2008/98/EC, for example with regard to the use of recyclable single-use packaging and reusable packaging.***

Amendment 17

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In line with the objectives of the Circular Economy Action Plan⁴² and the Chemicals Strategy for Sustainability⁴³, and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management.

⁴² Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.

⁴³ Communication from the Commission to the European Parliament, the Council, the

Amendment

(14) In line with the objectives of the Circular Economy Action Plan⁴² and the Chemicals Strategy for Sustainability⁴³, and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management. ***This Regulation should also address the impact on food security and SMEs, which represent 99 % of the food and beverage sector in the EU.***

⁴² Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.

⁴³ Communication from the Commission to the European Parliament, the Council, the

European Economic and Social Committee
and the Committee of the Regions
Chemicals Strategy for Sustainability
Towards a Toxic-Free Environment,
COM/2020/667 final.

European Economic and Social Committee
and the Committee of the Regions
Chemicals Strategy for Sustainability
Towards a Toxic-Free Environment,
COM/2020/667 final.

Amendment 18

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) According to Regulation (EC) No 178/2002 of the European Parliament and of the Council^{43a} to ensure a sufficiently comprehensive and integrated approach to food safety, there should be a broad definition of food law covering a wide range of provisions with a direct or indirect effect on the safety of food and feed, including provisions on materials and articles in contact with food, animal feed and other agricultural inputs at the level of primary production. Moreover, Regulation (EC) No 178/2002 stipulates that it is necessary to adopt measures aimed at guaranteeing that unsafe food is not placed on the market and that all measures governing food and feed shall be based on risk analysis, including risk assessments, as they facilitate the avoidance of unjustified barriers to the free movement of foodstuff. Such Regulation also stipulates that EFSA should be consulted before provisions liable to affect public health are adopted under specific measures.

^{43a} Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L

31, 1.2.2002).

Amendment 19

Proposal for a regulation

Recital 14 b (new)

Text proposed by the Commission

Amendment

(14 b) Food packaging materials represents a positive contribution to the prevention of food loss and food waste along the supply chain, for example packaging reduces food loss in transport, storage and distribution, it preserves the quality and hygiene of food for longer, and it extends its shelf life.

Amendment 20

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) Taking into consideration the scientific and technological progress, packaging should be designed and manufactured in a way as to limit the presence of certain heavy metals and other substances of concern in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have an adverse effect on human health or the environment, throughout their life-cycle.

(15) Taking into consideration the scientific and technological progress, packaging should be designed and manufactured in a way as to limit the presence of certain heavy metals and other substances of concern ***or substances which may affect product quality standards*** in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have an adverse effect on human health, ***food security*** or the environment,

throughout their life-cycle.

Amendment 21

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In line with the Zero Pollution Action Plan⁴⁴, Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴⁵ and Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁴⁶ should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. Substances in packaging and packaging components are therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that the provisions of that Regulation apply for adopting or amending restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴⁷, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged

Amendment

(16) In line with the Zero Pollution Action Plan⁴⁴, Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴⁵ and Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁴⁶ should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. Substances in packaging and packaging components are therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that the provisions of that Regulation apply for adopting or amending restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴⁷, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged food. ***Accordingly, any material or article***

food.

intended to come into contact directly or indirectly with food, including packaging, should preclude substances from being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties. Regulation (EC) No 1935/2004 also stipulates that the traceability of materials and articles intended to come into contact with food should be ensured at all stages in order to facilitate control, the recall of defective products, consumer information and the attribution of responsibility.

⁴⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’ COM(2021) 400 final.

⁴⁵ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁴⁶ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁴⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’ COM(2021) 400 final.

⁴⁵ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁴⁶ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁴⁷ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4–17).

⁴⁷ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4–17).

Amendment 22

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) A comprehensive system of traceability for food and feed items is essential through all stages of production, processing and distribution to ensure the functioning of the internal market in food or feed, so that targeted and accurate withdrawals can be undertaken or information given to consumers or control officials, thereby avoiding the potential for unnecessary wider disruption in the event of food safety problems. In these regards, packaging, including sticky labels, is fundamental and non-replaceable as it ensures that food or feed which is placed on the market is adequately labelled or identified, therefore can be traced. In case of problems, traceability of foodstuff and feedstuffs through their packaging is also essential to attribute responsibilities on the right operator, therefore constituting an important element to safeguard the work of farmers and agri-food businesses.

Amendment 23

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) Designing packaging with the

(20) Designing packaging with the

objective of its recycling, once it becomes packaging waste, is one of the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only **as of 1 January 2030** in order to give sufficient time to the economic operators to adapt.

objective of its recycling, once it becomes packaging waste, is one of the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging **while ensuring packaging performs its functions as outlined in Article 3(1) of this Regulation. The designing of packaging should guarantee a high standard of quality, including hygiene and food safety, the protection of intellectual property and consumers' ability to recognise products, all of which are important to safeguard the reputation of Union's products on the global market and prevent their imitation, and evocation, especially for geographical indications**. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only **5 years after the entry into force of the relevant delegated acts** in order to give sufficient time to the economic operators to adapt.

Amendment 24

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) As design for recycling assessment in itself does not ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice based on the state-of-the-art separate collection, sorting and recycling processes and infrastructure actually available in the Union. Related reporting from Member States and, where relevant, economic operators should support establishing the recyclability “at scale” thresholds and update, on this basis, the recyclability performance grades with respect to the specific packaging materials and categories.

Amendment

(21) As design for recycling assessment in itself does not ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice based on the state-of-the-art separate collection, sorting and recycling processes and infrastructure actually available in the Union. ***Such methodology and criteria should be based on scientific evidence and take into account the actual benefit on the environment, consumers’ protection standards and products recognition, food security, hygiene and safety.*** Related reporting from Member States and, where relevant, economic operators should support establishing the recyclability “at scale” thresholds ***in a proportionate manner and with a reasonable transition period*** and update, on this basis, the recyclability performance grades with respect to the specific packaging materials and categories.

Amendment 25

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for

Amendment

(22) In order to establish harmonised rules on packaging design to ensure its recyclability ***without compromising its functionality***, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging

categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.

recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling *as laid down in the new Circular Economy Action Plan (COM/2020/98)*.

Amendment 26

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of *five* years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

Amendment

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of *eight* years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

Amendment 27

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) In order to protect human and animal health and safety, due to the nature

Amendment

(24) In order to protect human and animal health and safety, due to the nature

of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *as well as* contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² and of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³. ***These exemptions should apply until 1 January 2035.***

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, *to* contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² and of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³ ***as well as to packaging for food intended for special medical purposes and vulnerable groups, such as infants and young children as defined under Regulation (EU) No 609/2013^{53a}.***

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

(OJ L 117, 5.5.2017, p. 176).

(OJ L 117, 5.5.2017, p. 176).

^{53a} Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013).

Amendment 28

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such

Amendment

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. ***To ensure a consistent and predictable framework for economic operators,*** it is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria

harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

Amendment 29

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, **as well as** for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

Amendment

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746, **as well as for packaging of food intended for special medical purposes and vulnerable groups, such as infants and young children as defined under Regulation (EU) No 609/2013 and for packaging of non-medical products manufactured to ISO standard 15378.** This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

Amendment 30

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that ***the plastic part of each unit of*** packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

Amendment

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that packaging ***where plastics is the predominant material*** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste ***calculated as an average of all the plastic packaging placed by a manufacturer on the Union market per year. This should not apply to plastic packaging in contact with food or feed if the recycled content poses a risk to food, human and animal safety or if it risks compromising the organoleptic characteristics of products.***

Amendment 31

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) In order to ensure uniform conditions for the implementation of the rules on ***calculating and verifying, per unit of post-consumer plastic waste in packaging,*** the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

Amendment

(31) In order to ensure uniform conditions for the implementation of the rules on ***calculation and verification of*** the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵. ***The Commission should also assess an EU harmonized mass balance method as part of these implementing acts.***

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 32

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34 a) Agricultural biomass plays a fundamental role in the manufacturing of compostable packaging. Certified compostable packaging, which is designed and labelled for organic recycling, can help to separately collect organic waste and to reduce the contamination of bio-waste with conventional materials such as plastic and ultimately decrease micro plastics from conventional fossil-based polymers in the compost. Organic recycling is a fundamental component of waste management, therefore Member States should encourage the reduction of contamination in organic waste streams and promote its technology in line with the objectives of this Regulation.

Amendment 33

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to

waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, **mandating it only when its use brings a clear benefit for the environment or for human health**. This is particularly the case when the use of compostable packaging helps collect or **dispose of** bio-waste.

environmental and economic impacts and waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging. This is particularly the case when the use of compostable packaging helps collect or **recycle** bio-waste. ***European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion, including standard EN 13432, lay down the requirements and procedures to determine the compostability and anaerobic treatability of packaging and packaging materials in industrial controlled conditions and represent the framework of which type of packaging can be considered industrially compostable and biodegradable across Member States. However, no standard is foreseen for home composting since its conditions can differ significantly.***

Amendment 34

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) For **limited** packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be **a limited** flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its territory. In order to avoid consumer

Amendment

(36) For **specific** packaging applications made of biodegradable plastic polymers, **in particular those linked to food and food waste prevention**, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic

confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.

carrier bags on its territory. In order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.

Amendment 35

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁵⁶ for the purpose of expressing detailed technical specifications of those requirements and take into account, in line with the latest scientific and technological developments, the parameters, including **composting** times and admissible levels of contamination, **which reflect the actual conditions in bio-waste treatment facilities, including anaerobic digestion processes**.

⁵⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision

Amendment

(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁵⁶ for the purpose of expressing detailed technical specifications of those requirements and take into account, in line with the latest scientific and technological developments, the parameters, including **quality of the output, proper processing** times and admissible levels of contamination.

⁵⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision

87/95/EEC and Decision No
1673/2006/EC of the European Parliament
and of the Council Text with EEA
relevance (OJ L 316, 14.11.2012, p. 12).

87/95/EEC and Decision No
1673/2006/EC of the European Parliament
and of the Council Text with EEA
relevance (OJ L 316, 14.11.2012, p. 12).

Amendment 36

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be *part of* performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products *that* are registered *and* protected *under the* EU geographical indication protection *scheme*, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, *false bottoms* and other characteristics only aimed to increase the perceived product

Amendment

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions, *including those referred to in Article 3(1) of this Regulation, without compromising a high standard of quality, including hygiene and food safety, the protection of registered intellectual property rights and consumer's ability to recognise products.* The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, *without causing food waste in the process*, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000⁵⁷, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging *presentation, design, and differentiation functionality*, they should not be *the main* performance criteria justifying on their own additional packaging weight and volume. However, *as set out in Article 9 of this Regulation*, this should not compromise product *or packaging* specifications *designs or shapes* for craft and industrial products and food, *wine, spirit drinks, other alcoholic beverages*

volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

and agricultural products *which* are registered *EU geographical indications, or otherwise* protected *by Union intellectual property law or agreements between the EU and third countries which recognise EU geographical indication protection schemes*,, as part of the Union's objective to protect *intellectual property*, cultural heritage and traditional, *artisanal or of rural origin* know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality. ***The minimisation of packaging should not limit the format of packaging of foodstuffs, which are necessary to protect them from physical shocks contamination and microbes.***

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

⁵⁷ Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

Amendment 37

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing

Amendment

(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing

detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.

detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.

Packaging design and minimisation should not compromise the requirements or safety specified under EU rules on food contact materials and they should not affect the organoleptic properties of food.

Amendment 38

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised. For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to provide for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use,

Amendment

(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised ***without prejudice to Article 4(2) of Directive 2008/98/EC and where re-use does not pose risks to the quality of food.*** For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to provide for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including

including hygiene requirements.

minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements. ***In light of the significant amount of water needed to implement a re-use system at industrial level, Member States should maintain a level of flexibility in adopting such provision. The Commission should produce a risk assessment of the implementation of reusable packaging vis-à-vis EU water management strategy and European water waste reduction objectives.***

Amendment 39

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.

Amendment

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. ***All information that consumers can find through the QR code should be available in the languages of all the Member States where the packaging is available on the market, so that consumers receive the correct information.*** In addition, reusable sales packaging should be clearly identified at the point of sale. ***In case of packaging used for foodstuffs, the introduction of a QR code or other data on recyclability should be clearly distinguishable and should not affect the provision of nutrition information on packaging as set out in Regulation (EU) No 1169/2011 on the provision of food information to consumers^{57a}.***

57^a Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011).

Amendment 40

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.

Amendment

(54) In order to safeguard the functioning of the internal market **and create a level playing field**, it is necessary to ensure that products from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.

Amendment 41

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

Amendment

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging ***without affecting the quality of the packaged product***. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %, ***unless, in case of foodstuffs, such obligation risks exposing products to physical shocks therefore compromising their quality and generating food waste. Air between or within packed foodstuff or protective gases should not be considered an empty space***. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

Amendment 42

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, ***and*** facilitate the achievement of the packaging waste prevention targets, ***unnecessary or avoidable*** packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be

Amendment

(61) In order to ensure a high level of environmental protection in the internal market, as well as a high level of food safety and hygiene, ***to prevent food waste prevention comply with the EU food traceability requirements and to*** facilitate the achievement of the packaging waste prevention targets, packaging ***formats that do not contribute to these aims*** should not be allowed to be placed on the market. ***These provisions should not apply to foodstuffs packaging when it constitutes a barrier against microbiological***

delegated to the Commission to amend the list.

degradation, oxygen or loss of aromas to preserve the composition and organoleptic properties of products, as well as to ensure protection from mechanical damage, therefore increasing the shelf life of products, especially in case of products from agricultural production. The list of such packaging formats is provided in Annex V of this Regulation. *When determining which packaging formats should be restricted by Annex V, the Commission should consider whether the use of alternative packaging solutions would provide for better environmental outcomes, taking into account the overall environmental impact of the full lifecycle of the packaging.* In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list, *provided that such amendments are scientifically justified and take into account the availability of suitable alternatives.*

Amendment 43

Proposal for a regulation Recital 61 a (new)

Text proposed by the Commission

Amendment

(61 a) The Regulation (EU) No 1308/2013^{1a} applies to products of the fruit and vegetables sector which are intended to be sold fresh to the consumer and that may only be marketed if they are sound, fair and of marketable quality and if the country of origin is indicated. These marketing standards referred to in paragraph 1, should apply at all marketing stages including packaging.

^{1a} *Regulation (EU) No 1308/2013 of the*

European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671–854).

Amendment 44

Proposal for a regulation Recital 63

Text proposed by the Commission

(63) Reusable packaging has to be safe for its users. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.

Amendment

(63) Reusable packaging has to be safe for its users ***and should guarantee that the organoleptic characteristics and conformity requirements of foodstuffs are not compromised.*** Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down. ***Providing information on the reconditioning process could improve consumers' understanding when buying a product in reusable packaging.***

Amendment 45

Proposal for a regulation Recital 67

Text proposed by the Commission

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use and refill targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, ***namely food and beverages for take-away***, large-white

Amendment

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use and refill targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, large-white goods and transport packaging. This was

goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. The use of single use packaging **for food and beverages filled and consumed within the premises** in the HORECA sector should **not be allowed**.

appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. ***In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market.*** The use of single use packaging in the HORECA sector should ***be guaranteed for those products for which food safety cannot be guaranteed through re-use and refill, or in case recyclable single use packaging delivers a better overall environmental outcome which is justified by life-cycle thinking and impacts for health and safety is not compromised, in line with Article 4 paragraph 2 of Directive 2008/98/EC.***

Amendment 46

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. ***In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.*** The targets should be calculated as a percentage of sales in reusable

Amendment

(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. ***A detailed assessment should be carried out***

packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

to ensure that reuse targets can be implemented in a safe, economically viable and environmentally sustainable way that would bring tangible benefits compared to recyclable alternatives. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

Amendment 47

Proposal for a regulation Recital 69

Text proposed by the Commission

(69) Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State.

Amendment

(69) Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State. ***Pursuant to Article 4(2) of Directive 2008/98/EC, exceptions must be possible if, according to a life cycle assessment, the use of easily recyclable single-use packaging is more suitable than the use of reusable packaging, in particular in the transport of agri-food products.***

Amendment 48

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to ***establish re-use and refill targets for other products, to*** lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.

⁶⁰ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

Amendment 49

Proposal for a regulation Recital 84

Amendment

(70) Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets. ***Such delegated act should lay down the requirements for the preparation of life cycle assessments according to which exemptions from the obligation to reusable packaging pursuant to Article 4(2) of Directive 2008/98/EC can be justified.***

⁶⁰ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

Text proposed by the Commission

(84) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.

Amendment

(84) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, ***contributing to food security in the EU and efficiency in the use and re-use of limited resources such as water***, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.

Amendment 50

Proposal for a regulation
Recital 90

Text proposed by the Commission

(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.

Amendment

(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging. ***All measures aimed at restricting the use of certain packaging, change its design, as well as shifting from single use packaging to reusable***

packaging should be only applied where beneficial to the environment and unless the packaging is essential in preventing food waste or ensuring food safety. The Commission should assess the link between these measures and the setting of EU food waste reduction targets.

Amendment 51

Proposal for a regulation

Recital 100

Text proposed by the Commission

(100) Member States **should** set up return and collection systems for packaging waste, **so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy**. The systems should be open for participation for all interested parties, in particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems **should** also be applicable for packaging of imported products under non-discriminatory provisions.

Amendment

(100) Member States **may** set up return and collection systems for packaging waste. The systems should be open for participation for all interested parties, in particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems **may** also be applicable for packaging of imported products under non-discriminatory provisions.

Amendment 52

Proposal for a regulation

Recital 101

Text proposed by the Commission

(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled content in plastic packaging.

Amendment

(101) Member States should also take measures promoting **and encouraging** recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled content in plastic packaging.

Amendment 53

Proposal for a regulation Recital 102

Text proposed by the Commission

(102) ***It has been shown that well-functioning*** deposit and return systems ***ensure*** a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, ***it is appropriate that*** Member States establish deposit and return systems. Those systems ***will*** contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.

Amendment

(102) Deposit and return systems ***may support*** a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, Member States ***may*** establish deposit and return systems. Those systems ***may*** contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.

Amendment 54

Proposal for a regulation Recital 103

Text proposed by the Commission

(103) ***Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers.*** Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be

Amendment

(103) Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this

allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.

Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.

Amendment 55

Proposal for a regulation Recital 104

Text proposed by the Commission

(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not ***be obligatory for*** packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁶⁷. ***Member States may establish deposit and return systems covering also other packaging.***

⁶⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

Amendment

(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not ***apply to*** packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁶⁷.

⁶⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

Amendment 56

Proposal for a regulation Recital 107

Text proposed by the Commission

(107) ***Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and***

Amendment

deleted

return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Amendment 57

Proposal for a regulation

Recital 108

Text proposed by the Commission

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions, ***where economically feasible, taking into account food specificities and unless the use of easily recyclable single-use packaging is shown to be the best option according to a life cycle assessment.*** They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Amendment 58

Proposal for a regulation

Recital 117

Text proposed by the Commission

(117) Producers and producer responsibility organisations should be actively involved in providing information

Amendment

(117) Producers and producer responsibility organisations should be actively involved in providing information

to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as reporting on packaging should make use of modern information technologies. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.

to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as reporting on packaging should make use of modern information technologies **and should not negatively impact on other labelling requirements and the provision of food information to consumers under EU law**. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.

Amendment 59

Proposal for a regulation Recital 136

Text proposed by the Commission

(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging

Amendment

(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The **evaluation should have a dedicated part to, inter alia, the impact of this Regulation on the agri-food system and food waste**. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of

and the functioning of the internal market.

the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.

Amendment 60

Proposal for a regulation

Recital 137

Text proposed by the Commission

(137) It is necessary to provide for sufficient time for economic operators to ***comply with their obligations under*** this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.

Amendment

(137) It is necessary to provide for sufficient time for economic ***and businesses*** operators to ***adapt to the requirements established by*** this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.

Amendment 61

Proposal for a regulation

Recital 139

Text proposed by the Commission

(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this Directive should be deferred.

Amendment

(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators ***that need a transition period to adapt to the new measures imposed,*** the application of this Directive should be deferred.

Amendment 62

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.

Amendment

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, **prevention**, collection, treatment and recycling of packaging waste.

Amendment 63

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.

Amendment

3. This Regulation contributes to the transition to a circular economy **and achieving climate neutrality by 2050**, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC **and by taking into account the possibilities of a biobased economy**.

Amendment 64

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without

Amendment

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without

prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.

prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste **and as regards the requirements of the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC.**

Amendment 65

Proposal for a regulation

Article 3 – paragraph 1 – point 1 – point f

Text proposed by the Commission

(f) tea **or** coffee bags necessary to contain a tea **or** coffee product and intended to be used and disposed of together with the product;

Amendment

(f) tea, coffee **or herbal and fruit infusion** bags necessary to contain a tea, coffee **or herbal or fruit** product and intended to be used and disposed of together with the product;

Amendment 66

Proposal for a regulation

Article 3 – paragraph 1 – point 1 – point g

Text proposed by the Commission

(g) **coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;**

Amendment

deleted

Amendment 67

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, makes available packaging

Amendment

(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, makes available packaging

for the first time within *a territory of a Member States* on a professional basis under its own name or trademark;

for the first time within *the Union market* on a professional basis under its own name or trademark;

Amendment 68

Proposal for a regulation Article 3 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and therefore form a single integral unit;

Amendment

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, *coatings, linings, paints, inks, adhesives*, closures and sealing, *which are considered as part of the weight of the main packaging material and* which cannot be separated manually and therefore form a single integral unit, *unless a given material constitutes an insignificant part of the packaging unit, and in no case more than 15 % of the total mass of the packaging unit*;

Amendment 69

Proposal for a regulation Article 3 – paragraph 1 – point 24 a (new)

Text proposed by the Commission

Amendment

(24a) ‘traceability’ means the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of manufacture, processing and distribution;

Amendment 70

Proposal for a regulation Article 3 – paragraph 1 – point 26 a (new)

Text proposed by the Commission

Amendment

(26 a) ‘High quality recycling’ means any process as defined in Article 3(17) of Directive 2008/98/EC by which materials are effectively collected, sorted and converted into recycled materials with minimal loss of quantity, quality or function to their inherent properties, guaranteeing high yield and so that the resulting recycled materials are of sufficient quality to substitute raw materials in future applications;

Amendment 71

Proposal for a regulation Article 3 – paragraph 1 – point 28

Text proposed by the Commission

Amendment

(28) ‘refill’ means an operation by which an end user fills *its own* container, which fulfils the packaging function, with a product or several products ***offered by the final distributor in the context of a commercial transaction;***

(28) ‘refill’ means an operation ***entailing a system for refill*** by which an end user fills *a* container, which fulfils the packaging function, with a product or several products ***purchased through a*** final distributor;

Amendment 72

Proposal for a regulation Article 3 – paragraph 1 – point 31

Text proposed by the Commission

Amendment

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with ***state-of-the-art*** collection, sorting and recycling processes;

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with ***proven*** collection, sorting and recycling processes;

Amendment 73

Proposal for a regulation
Article 3 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘recycled at scale’ means collected, sorted and recycled through installed state-of-the-art infrastructure and processes, **covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5);**

Amendment

(32) ‘recycled at scale’ means collected, sorted and recycled **in line with the requirements of Article 6(2)(e)** through installed state-of-the-art infrastructure and processes;

Amendment 74

Proposal for a regulation
Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that **needs to be** disassembled completely and permanently from the main packaging unit in order to access the product, and that is typically discarded prior to and separately from the packaging unit;

Amendment

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that **can be easily and manually** disassembled completely and permanently from the main packaging unit **by the end consumer** in order to access the product, and that is typically discarded prior to and separately from the **main body of** packaging unit;

Amendment 75

Proposal for a regulation
Article 3 – paragraph 1 – point 40

Text proposed by the Commission

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive

Amendment

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive

2008/68/EC;

2008/68/EC, *or for products as defined in Article 1 of Decision (2014/763/EU)*;

Amendment 76

Proposal for a regulation

Article 3 – paragraph 1 – point 41

Text proposed by the Commission

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions;

Amendment

(41) ‘compostable packaging’ means packaging ***marketed with the intent of recovery through organic waste management stream and*** capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions, ***in line with the requirements laid down in European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion***;

Amendment 77

Proposal for a regulation

Article 3 – paragraph 1 – point 43 a (new)

Text proposed by the Commission

Amendment

(43 a) ‘plastic packaging’ means a packaging that is wholly or predominantly made of plastic;

Amendment 78

Proposal for a regulation

Article 3 – paragraph 1 – point 56 a (new)

Text proposed by the Commission

Amendment

(56a) ‘shelf-life’ means either the period corresponding to the period preceding the ‘use by’ or the minimum durability date until which the foodstuff retains its specific properties when properly stored;

Amendment 79

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.

2. Member States shall not prohibit, restrict or impede the placing on the market **or use** of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.

Amendment 80

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.

3. Member States shall not prohibit, restrict or impede the placing on the market **or use** of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.

Amendment 81

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further

labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).

labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1). ***These requirements shall include the option for micro- and small-sized enterprises as defined in Commission Recommendation 2003/361 to be exempted.***

Amendment 82

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. To ensure human health and safety, there should be a European ban on packaging that can leak harmful inks and mineral oils and other carcinogens.

Amendment 83

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. All packaging shall be recyclable.

1. All packaging shall be recyclable ***in accordance with paragraph 2 of this Article.***

Amendment 84

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) it is designed for recycling;

(a) it is designed for recycling ***or, for compostable packaging, it is compliant with points a), b) and c) of Annex III;***

Amendment 85

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point e – point i (new)

Text proposed by the Commission

Amendment

- i) it is effectively and efficiently separately collected in accordance with Article 43(1) and (2);*

Amendment 86

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point e – point ii (new)

Text proposed by the Commission

Amendment

- ii) it is sorted into defined waste streams without affecting the recyclability of other waste streams;*

Amendment 87

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point e – point iii (new)

Text proposed by the Commission

Amendment

- iii) it can be recycled so that the resulting secondary raw materials are of sufficient quality to be used in a manufacturing process as raw materials;*

Amendment 88

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.

Point (a) shall apply from 1 January 2030 ***to all packaging placed on the market*** and point (e) shall apply from 1 January 2035 ***to all packaging placed on the market.***

Amendment 89

Proposal for a regulation Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Member States shall endeavour towards phasing out the disposal through landfilling and/or incineration of packaging waste compliant with Article 6(2).*

Amendment 90

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).*

3. *Recyclable packaging placed on the market shall:*

Amendment 91

Proposal for a regulation Article 6 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(a) *from 5 years after the entry into force of the delegated acts adopted pursuant to paragraph 4, comply with the design for recycling criteria and,*

Amendment 92

Proposal for a regulation

Article 6 – paragraph 3 – point b (new)

Text proposed by the Commission

Amendment

(b) from 5 years after the entry into force of the delegated acts adopted pursuant to paragraph 6, comply with the recyclability at scale requirements.

Amendment 93

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).

Amendment 94

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic

Within 12 months from the adoption of this Regulation, the Commission shall adopt delegated acts, in close cooperation with stakeholders and in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out

packaging, the percentage of recycled content. Design-for-recycling criteria shall consider *state of the art collection, sorting and recycling processes and shall cover all packaging components*.

in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider:

Amendment 95

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) *state of the art collection;*

Amendment 96

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) *sorting and recycling processes ensuring that packaging is able to perform its features and functions as outlined in Article 3(1) and covers all packaging components; and*

Amendment 97

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) *criteria needed for consumers' product recognition.*

Amendment 98

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment

The Commission is empowered to adopt delegated acts, ***in close cooperation with stakeholders and*** in accordance with Article 58 to amend Table 1 of Annex ***II*** in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.

Amendment 99

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act ***adopted pursuant to paragraph 4*** for the packaging category, to which the packaging belongs.

Amendment

From ***5 years after the entry into force of the delegated act adopted pursuant to paragraph 4 and in any case no earlier than*** 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the ***aforementioned*** delegated act for the packaging category, to which the packaging belongs.

Amendment 100

Proposal for a regulation
Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

6. The Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment

6. ***Within 12 months from the adoption of this Regulation,*** the Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

Amendment 101

Proposal for a regulation

Article 6 – paragraph 7 – point a

Text proposed by the Commission

(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;

Amendment

(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 2 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;

Amendment 102

Proposal for a regulation

Article 6 – paragraph 9 – subparagraph 1

Text proposed by the Commission

From 1 January 2030, and by way of derogation from paragraphs 2 and 3, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

Amendment

From 1 January 2030, and by way of derogation from paragraphs 2 and 3, innovative packaging may be placed on the market for a maximum period of 8 years after the end of the calendar year when it has been placed on the market.

Amendment 103

Proposal for a regulation

Article 6 – paragraph 10 – introductory part

Text proposed by the Commission

10. *Until 31 December 2034*, this Article shall not apply to the following:

Amendment

10. This Article shall not apply to the following:

Amendment 104

Proposal for a regulation

Article 6 – paragraph 10 – point b

Text proposed by the Commission

Amendment

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 **and by Regulation (EU) 2019/6**;

Amendment 105

Proposal for a regulation

Article 6 – paragraph 10 – point c a (new)

Text proposed by the Commission

Amendment

(ca) items that are sold along with the product with the objective to be used for the application or dispensing of the product by the end user and will therefore be in contact with the products covered under points (a), (b) or (c);

Amendment 106

Proposal for a regulation

Article 6 – paragraph 10 – point c b (new)

Text proposed by the Commission

Amendment

(cb) packaging for food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) No 609/2013.

Amendment 107

Proposal for a regulation

Article 6 – paragraph 11

Text proposed by the Commission

Amendment

11. The financial contributions to be paid by producers to comply with their extended producer responsibility

11. The financial contributions to be paid by producers to comply with their extended producer responsibility

obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).

obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6). ***Financial contributions shall be earmarked to finance the net cost of collection, sorting and recycling infrastructures of the packaging type it is paid for, following the categories set in Annex II, Table 1.***

Amendment 108

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. From 1 January 2030, ***the plastic part in*** packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, ***per unit of*** packaging:

Amendment

1. From 1 January 2030, packaging ***where plastics is the predominant material*** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste ***calculated as an average of all the plastic packaging placed by a manufacturer on the Union market per year:***

Amendment 109

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;

Amendment

(a) 30 % for contact sensitive ***plastic*** packaging made from polyethylene terephthalate (PET) as the major component;

Amendment 110

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

Amendment

deleted

Amendment 111

Proposal for a regulation

Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) 35 % for packaging other than those referred to in points (a), **(b)** and (c).

Amendment

(d) 35 % for **plastic** packaging other than those referred to in points (a) and (c), **except for contact sensitive plastic packaging made from plastic materials other than PET.**

Amendment 112

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. From 1 January 2040, **the plastic part in** packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, **per unit of** packaging:

Amendment

2. From 1 January 2040, packaging **where plastics is the predominant material** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste **calculated as an average of the plastic packaging placed by a manufacturer on the Union market.**

Amendment 113

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) 65 % for plastic packaging other than those referred to in points (a) and (b);

Amendment

(c) 65 % for plastic packaging other than ***contact sensitive packaging made from plastic materials other than PET and*** those referred to in points (a) and (b);

Amendment 114

Proposal for a regulation Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;

Amendment

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 ***and by Regulation (EU) 2019/6;***

Amendment 115

Proposal for a regulation Article 7 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d a) items that are sold along with the product with the objective to be used for the application or dispensing of the product by the end user and will therefore be in contact with the products covered under point (a), (b), (c);

Amendment 116

Proposal for a regulation Article 7 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(d b) packaging for food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU)

Amendment 117

Proposal for a regulation Article 7 – paragraph 3 – point d c (new)

Text proposed by the Commission

Amendment

(d c) packaging for non-medical products which should be manufactured to ISO standard 15378 to ensure the safety and quality of the product for consumer health.

Amendment 118

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging.

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging ***as well non-fossil plastic packaging, inks, adhesives, varnishes and coatings used on packaging, especially when in contact with food.***

Amendment 119

Proposal for a regulation Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Paragraphs 1 and 2 shall not apply to plastic packaging intended to come into contact with food or feed in case the amount of recycled content poses threat to human and animal health and risks compromising the organoleptic properties and compliance requirement of products.

Amendment 120

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

7. By 31 December 2026, the Commission **is empowered to** adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, **per unit of plastic packaging**, and the format for the technical documentation referred to in Annex VII. **Those** implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment

7. By 31 December 2026, the Commission **shall** adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, and the format for the technical documentation referred to in Annex VII. **An EU harmonized mass balance method should be assessed as part of these** implementing acts **that** shall be adopted in accordance with the examination procedure referred to in Article 59(3).

Amendment 121

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By 1 January 2030, the Commission shall assess the market availability at scale of high quality recyclates for contact sensitive plastic packaging.

Amendment 122

Proposal for a regulation Article 7 – paragraph 9 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

By 1 January 2036, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 2, points a, b and c for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic

packaging.

Amendment 123

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1 c (new)

Text proposed by the Commission

Amendment

These assessments shall be based on market availability and prices of recycled plastics on an annual basis from the year of entry into force of this Regulation. These assessments shall consider Eurostat data for the EU-27 achieved plastic packaging recycling levels, recycled plastic price indices and annual rates of price change based on a monitoring tool to be established by the Commission, and be based on the uptake of new recycling technologies and their impact on available market volumes.

Amendment 124

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1 d (new)

Text proposed by the Commission

Amendment

By 1 January 2028, the Commission shall assess the possibility to introduce new bio-based feedstock targets for plastic packaging, considering their potential contribution to meet the targets set out in Article 7(1) and (2).

Amendment 125

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Based on *this assessment*, the Commission

Based on *these assessments*, the

is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:

Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:

Amendment 126

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2 – point a

Text proposed by the Commission

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, and, as appropriate,

Amendment

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points **a**, b and d, **and in paragraph 2, points a, b and c** for specific plastic packaging, and, as appropriate,

Amendment 127

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2 – subparagraph 1

Text proposed by the Commission

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.

Amendment

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice **or where there is no sufficient availability of recycled plastic on the market suitable for contact with food.**

Amendment 128

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. By **[OP: please insert the date = 24 months from the entry into force of this Regulation]**, packaging referred to in Article 3(1), **points (f) and (g), sticky**

Amendment

1. By **2030**, packaging referred to in Article 3(1), **point (f)** and very lightweight plastic carrier bags, **including bags for fruits and vegetables required for hygiene**

labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities.

reasons and to prevent food waste shall be compostable in industrially controlled conditions in bio-waste treatment facilities, ***in line with the requirements laid down in European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion.***

Amendment 129

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. *Where* appropriate waste collection schemes and waste treatment infrastructure are ***available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream,*** *Member States* are empowered to require that lightweight plastic carrier bags ***shall be made available*** on their market ***for the first time only if it can be demonstrated that those lightweight plastic carrier bags have been entirely manufactured from biodegradable plastic polymers, which are*** compostable in industrially controlled conditions.

Amendment

2. ***Member States which have*** appropriate waste collection schemes and waste treatment infrastructure are empowered to require that lightweight plastic carrier bags ***placed*** on their market ***shall be*** compostable in industrially controlled conditions. ***The same provision shall apply to compostable packaging formats mentioned in Annex V, points 1 and 4.***

Amendment 130

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. By [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, ***including*** packaging made of biodegradable plastic polymers, shall allow material recycling without affecting the recyclability of other waste streams.

Amendment

3. By ***2030*** [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], packaging ***labelled as compostable*** other than that referred to in paragraphs 1 and 2, ***shall comply with the criteria listed in Annex III.*** Packaging made of biodegradable plastic polymers shall ***allow*** material

recycling without affecting the recyclability of other waste streams.

Amendment 131

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission **shall be** empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.

Amendment

5. The Commission **is** empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III. ***A public register containing the lists of such applications should be established and updated by the Commission.***

Amendment 132

Proposal for a regulation Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. At the latest by [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall request the European standardisation organisations to update the harmonised standard on the requirements for packaging recoverable through composting and biodegradation - test schemes and evaluation criteria. This standard shall consider the composting times, admissible levels of visual contamination and other requirements needed to reflect the actual conditions in the bio-waste treatment facilities,

including anaerobic digestion processes, in line with the scientific and technological developments.

Amendment 133

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its **functionality** taking account of **the material that the packaging is made of**.

Amendment

1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its **functions as laid down in Article 3(1) of this Regulation** taking account of:

Amendment 134

Proposal for a regulation Article 9 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) the material that the packaging is made of;

Amendment 135

Proposal for a regulation Article 9 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) a particular shape or design protected by registered intellectual property rights;

Amendment 136

Proposal for a regulation Article 9 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) the preservation of a high standard of quality to ensure the safety of consumers; and

Amendment 137

Proposal for a regulation Article 9 – paragraph 1 – point d (new)

Text proposed by the Commission

Amendment

(d) consumers' product recognition, especially for those bearing geographical indications of origin or other quality schemes protected under Union law.

Amendment 138

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, **false bottoms**, and unnecessary layers, shall not be placed on the market, unless **the packaging design is subject to geographical indications of origin** protected under Union legislation.

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, and unnecessary layers, shall not be placed on the market, unless **it belongs to a product that has been given distinctive product recognition or that it is** protected under Union legislation **by:**

Amendment 139

Proposal for a regulation Article 9 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) registered intellectual property rights;

Amendment 140

Proposal for a regulation

Article 9 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) geographical indications of origin or other quality schemes that apply to EU and third country products.

Amendment 141

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Without prejudice to paragraph 1, manufacturers of products covered under points (a) and (b) of paragraph 2 shall make their best efforts to optimise their packaging design in line with this Article and the performance criteria listed in Annex IV.

Amendment 142

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips

For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips

or other filling materials shall be considered as empty space.

or other filling materials shall be considered as empty space. ***For sales packaging of food products that are subject to settlement during transportation or where headspace is required to protect the product, compliance with this paragraph shall be assessed at the point of filling.***

Amendment 143

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Paragraphs 1, 2 and 3 shall apply without detriment to food packaging so that it can ensure the safety, quality and shelf life of the packaged product, and protect products from physical shocks thereby preventing unnecessary food waste, regardless of the size or weight of the product being packaged. Air between or within packed foodstuff or protective gases shall not be considered an empty space.

Amendment 144

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;

(b) the identification of the design requirements, ***including those linked to registered intellectual property***, which prevent further reduction of the packaging weight or volume, for each of these performance criteria;

Amendment 145

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Micro- and small-sized enterprises as defined in Commission Recommendation 2003/361 are exempt from the requirements to provide technical documentation laid out in this paragraph.

Amendment 146

Proposal for a regulation
Article 10 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product, ***including foodstuffs***, and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

Amendment 147

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

2. Compliance with the requirements set out in paragraph 1 ***shall apply only to packaging placed on the market for the first time after the entry into force of this Regulation and*** shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

Amendment 148

Proposal for a regulation Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Micro- and small- sized enterprises as defined in Commission Recommendation 2003/361 are exempt from the requirements to provide technical documentation laid out in this paragraph.

Amendment 149

9

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

From [OP: Please insert the date = **42** months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

From [OP: Please insert the date = **48** months after the entry into force of this Regulation], packaging **placed on the market** shall be marked with a label containing information on its material composition. **The label on the packaging shall be easily understood.** This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

Amendment 150

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Packaging subject to deposit and return systems referred to in Article 44(1) shall, **in addition to the labelling referred to in the first subparagraph**, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Packaging subject to deposit and return systems referred to in Article 44(1) shall be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

Amendment 151

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear *a* label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment

2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], **reusable** packaging **placed on the market** shall bear **an easily understood** label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. **Such label, as well as the information provided through the QR code, shall be made available in the languages of all the Member States where the packaging is available on the market.** In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

Amendment 152

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in

Amendment

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in

this Regulation.

this Regulation. *For packaging used for foodstuffs, the label and the QR code should be clearly distinguishable and do not affect the provision of nutrition information on packaging, especially in light of the provisions on packaging minimisation referred to in Article 9.*

Amendment 153

Proposal for a regulation Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. *Packaging placed on the market before the dates mentioned in this article may be marketed until their end of life.*

Amendment 154

Proposal for a regulation Article 13 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(9a) *The obligations referred to in paragraphs 1 to 9 shall not apply to micro-enterprises as defined in Article 22(3), first half-sentence.*

Amendment 155

Proposal for a regulation Article 16 – paragraph 6

Text proposed by the Commission

Amendment

6. Importers who ***consider or have reason to believe that packaging, which they*** have placed on the market, is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it,

6. Importers who have placed ***packaging*** on the market ***that*** is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it,

as appropriate.

as appropriate.

Amendment 156

Proposal for a regulation

Article 17 – paragraph 2 – point c

Text proposed by the Commission

(c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.

Amendment

(c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively. ***These inspection obligations do not apply to micro-enterprises as defined in Article 22(3), 1st half-sentence.***

Justification

Exemption for micro-enterprises, in particular for direct marketers, provided that they are obliged to conduct inspections as “distributors” of packaging pursuant to Article 3(13) of the draft regulation. The inspection requirement should not apply to micro-enterprises.

Amendment 157

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.

Amendment

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space. ***In addition, if the shape of the product causes a situation where minimizing the empty space would lead to an increase of the amount of packaging material, it is possible to deviate from the principle of an empty space by minimizing the amount of packaging material.***

Justification

Due to the shape of many agricultural food products, empty space in the packaging will

exceed 40 %, for example egg carton.

Amendment 158

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment

1. ***From 1 January 2030*** economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment 159

Proposal for a regulation Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Compliance with the requirements set out in paragraph 1 shall apply without prejudice to the provisions laid down in Article 4 of Directive 2008/98/EC and in line with the scope of this Regulation as defined in Article 2 as well as with the requirements laid down by EU legislation on food safety, including traceability as laid down in Article 76 of Regulation (EC) No 178/2002.

Amendment 160

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

2. ***By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.***

Amendment

deleted

Amendment 161

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. Member States may exempt economic operators from point 3 of Annex V if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.

Amendment

3. Member States may exempt economic operators from point 4 of Annex V if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.

Amendment 162

Proposal for a regulation Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Compliance with the requirements set out in this article does not apply to packaging of products of geographical indications of origin or other quality schemes protected under Union legislation.

Amendment 163

Proposal for a regulation Article 22 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. By 1 January 2027 at the latest, the Commission is empowered to adopt a delegated act in accordance with Article 58 to establish a list of exceptions to the

formats and purposes listed in Annex V of packaging with clearly identified technical functions associated with health protection, product integrity or transport or as medium for conveying regulatory information. This delegated act shall be based on an impact assessment that takes into account the availability of alternative packaging solutions, the levels of food waste generation resulting from bulk sales, as well as economic sustainability.

Amendment 164

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. *The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.*

Amendment

4. *By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation] the Commission shall assess the impact of the restrictions on the use of specific packaging formats on the reduction of packaging waste as well as its overall environmental impact, and submit a report to the European Parliament and to the Council. The report shall present the impact of the restrictions on use of certain packaging formats in achieving demonstrably environmental outcomes, taking into account their full lifecycle. The report shall also take into account the availability of alternative packaging solutions and raw materials that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination, cross contamination with allergens, hygroscopic characteristics and food waste of the packaged product.*

Amendment 165

Proposal for a regulation
Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *Member States which have appropriate waste collection schemes and waste treatment infrastructures may exempt compostable packaging complying with Annex III in the formats and for the purposes listed in points 1 and 4 of Annex V from the provisions laid down in this Article.*

Amendment 166

Proposal for a regulation
Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.*

Amendment 167

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. From 1 January 2030, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.

1. From 1 January 2030, economic operators making large household appliances listed in point 1 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.

Amendment 168

Proposal for a regulation
Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The obligation laid down in paragraph 1 shall not apply to cardboard packaging.

Amendment 169

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:

deleted

(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 170

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further

deleted

preparation, and typically consumed from the receptacle, shall ensure that:

(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 171

Proposal for a regulation

Article 26 – paragraph 4 – introductory part

Text proposed by the Commission

4. ***The manufacturer and*** the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than ***wine, aromatised wine products and fruit wine, products based on spirit drinks, wine*** or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

Amendment

4. The final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than products ***falling under Nomenclature codes 2204 (wine of fresh grapes, incl. fortified wines; grape must, partly fermented and of an actual alcoholic strength of > 0,5 % vol or grape must with added alcohol of an actual alcoholic strength of > 0,5 % vol), 2205 (vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances) and 2208 (undenatured ethyl alcohol of an alcoholic strength of < 80 %; spirits, liqueurs and other spirituous beverages)***, or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

Amendment 172

Proposal for a regulation

Article 26 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

deleted

Amendment 173

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that:

deleted

(a) from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Amendment 174

Proposal for a regulation Article 26 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages

6. The final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to

which are immediately ready to drink, *pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat*, shall ensure that:

drink, shall ensure that:

Amendment 175

Proposal for a regulation Article 26 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

deleted

Amendment 176

Proposal for a regulation Article 26 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Member States shall be exempted from the obligation under paragraphs 4 and 6 when the following conditions apply:

(a) the rate of recycling is above 80 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on national data and including the description of the implemented measures, to demonstrate that the conditions for the exemption set out in this paragraph are fulfilled;

(b) at the latest 24 months before the deadline laid down in paragraphs 2 and 4 of this Article, the Member State notifies the Commission of its request for

exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 80 % recycling rate by weight of the packaging.

(c) a national deposit and return system is in place, as defined in Article 3(51), with a collection rate of at least 85 %;

Amendment 177

Proposal for a regulation

Article 26 – paragraph 7 – introductory part

Text proposed by the Commission

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:

Amendment

7. Economic operators using transport packaging ***within the territory of the EU*** in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 ***and which are not in direct contact with food*** shall ensure that:

Amendment 178

Proposal for a regulation

Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) from 1 January 2030, 30 % of such ***packaging used is*** reusable packaging within a system for re-use;

Amendment

(a) from 1 January 2030, 30 % of such ***products are made available in transport*** packaging within a system for re-use;

Amendment 179

Proposal for a regulation

Article 26 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.

deleted

Amendment 180

Proposal for a regulation

Article 26 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The obligations laid down in paragraph 7 shall not apply to food businesses as defined in Article 3, point (2), of Regulation (EC) No 178/2002, which are engaged in logistics and wholesale B2B distribution and large scale industrial production and processing.

Amendment 181

Proposal for a regulation

Article 26 – paragraph 8 – point a

Text proposed by the Commission

Amendment

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

(a) from 1 January 2030, 10 % of such products are made available in reusable transport packaging within a system for re-use;

Amendment 182

Proposal for a regulation

Article 26 – paragraph 8 – point b

Text proposed by the Commission

Amendment

(b) from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;

deleted

Amendment 183

Proposal for a regulation Article 26 – paragraph 9 – point a

Text proposed by the Commission

(a) from 1 January 2030, 10 % of such **packaging used is** reusable packaging within a system for re-use;

Amendment

(a) from 1 January 2030, 10 % of such **products are made available in** reusable **transport** packaging within a system for re-use;

Amendment 184

Proposal for a regulation Article 26 – paragraph 9 – point b

Text proposed by the Commission

(b) *from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;*

Amendment

deleted

Amendment 185

Proposal for a regulation Article 26 – paragraph 10 – introductory part

Text proposed by the Commission

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:

Amendment

10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping **or distribution** unit shall ensure that:

Amendment 186

Proposal for a regulation Article 26 – paragraph 10 – point a

Text proposed by the Commission

Amendment

(a) from 1 January 2030, 10 % of such **packaging used is** reusable packaging within a system for re-use;

(a) from 1 January 2030, 10 % of such **products are made available in** reusable packaging within a system for re-use;

Amendment 187

Proposal for a regulation Article 26 – paragraph 10 – point b

Text proposed by the Commission

Amendment

(b) *from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.*

deleted

Amendment 188

Proposal for a regulation Article 26 – paragraph 12 – subparagraph 2

Text proposed by the Commission

Amendment

This obligation applies to pallets, boxes, **excluding cardboard**, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes **and** materials, including flexible formats.

This obligation applies to pallets, boxes, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes, materials **and** including flexible formats **which are not in direct contact with food, and excluding cardboard.**

Amendment 189

Proposal for a regulation Article 26 – paragraph 13 – subparagraph 2

Text proposed by the Commission

Amendment

This obligation applies to pallets, boxes, **excluding cardboard**, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.

This obligation applies to pallets, boxes, plastic crates intermediate bulk containers, and drums, of all sizes and materials **and** including flexible formats **which are not in direct contact with food, and excluding cardboard.**

Amendment 190

Proposal for a regulation Article 26 – paragraph 14 a (new)

Text proposed by the Commission

Amendment

14a. Economic operators shall be exempt from the obligation to meet the targets in paragraphs 7, 12 and 13 in the event that transport packaging placed on the market is manufactured with fully recycled and recyclable materials in a loop system.

Amendment 191

Proposal for a regulation Article 26 – paragraph 15

Text proposed by the Commission

Amendment

15. Economic operators ***shall be exempted*** from the obligation to meet the targets in paragraphs 2 ***to 6 if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.***

15. ***Member States shall exempt*** economic operators from the obligation to meet the targets in paragraphs 2 ***and 6 if:***

Amendment 192

Proposal for a regulation Article 26 – paragraph 15 – point a (new)

Text proposed by the Commission

Amendment

(a) during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas;

Amendment 193

Proposal for a regulation
Article 26 – paragraph 15 – point b (new)

Text proposed by the Commission

Amendment

(b) reuse is not the option that delivers the best overall environmental outcome according to paragraph 2 of Article 4 of Directive 2008/98/EC or it is demonstrated that reuse is not technically feasible;

Amendment 194

Proposal for a regulation
Article 26 – paragraph 15 – point c (new)

Text proposed by the Commission

Amendment

(c) the product is subject to geographical indications of origin protected under Union legislation.

Amendment 195

Proposal for a regulation
Article 26 – paragraph 15 a (new)

Text proposed by the Commission

Amendment

15 a. The targets laid down in this Article shall be met without prejudice to relevant legislations related to:

(a) the health and hygiene of products;

(b) consumer health security;

(c) food safety;

(d) prevention of food waste;

(e) the protection of the environment and, in particular, of water and the efficient use of energy resources and raw materials.

Amendment 196

Proposal for a regulation

Article 26 – paragraph 16 – introductory part

Text proposed by the Commission

16. The Commission shall **be empowered to** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment

16. **By 1 January 2028** the Commission **shall** adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment 197

Proposal for a regulation

Article 26 – paragraph 16 – point a

Text proposed by the Commission

(a) **targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),**

Amendment

deleted

Amendment 198

Proposal for a regulation

Article 26 – paragraph 16 – point b

Text proposed by the Commission

(b) exemptions for economic operators additional to those listed in points (a) **to (c)** of paragraph 14 of this Article,

Amendment

(b) exemptions for economic operators additional to those listed in points (a) **and (b)** of paragraph 14 of this Article,

Amendment 199

Proposal for a regulation

Article 26 – paragraph 16 – point c

Text proposed by the Commission

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or environmental issues preventing the achievement of those targets.

Amendment

(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety, ***food security, risk of significant food waste*** or environmental issues preventing the achievement of those targets.

Amendment 200

**Proposal for a regulation
Article 26 – paragraph 16 a (new)**

Text proposed by the Commission

Amendment

16 a. At the latest when carrying out an evaluation of this Regulation as prescribed in Article 63, the Commission shall submit a report to the European Parliament and Council to present evidence that the obligations referred to in paragraphs 1 to 13 are environmentally beneficial, safe and economically viable, taking into account transport logistics, cleaning and the rate of return and reuse and, if necessary, justify the need of proposing new reuse targets.

Amendment 201

**Proposal for a regulation
Article 26 – paragraph 17**

Text proposed by the Commission

Amendment

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets for the

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets, ***including***

reuse and refill of packaging, and where necessary present a legislative proposal.

on other packaging formats, for the reuse and refill of packaging, and where necessary present a legislative proposal.

Amendment 202

Proposal for a regulation

Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(2) *to* (6), the final distributor, *or manufacturer, as appropriate*, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(4) *and* (6), the final distributor making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Amendment 203

Proposal for a regulation

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

By 31 December **2028**, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment

By 31 December **2026**, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26. *These targets shall apply 5 years after the adoption of the implementing acts referred to in this paragraph.*

Amendment 204

Proposal for a regulation

Article 27 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. In the absence of implementing acts establishing detailed calculation rules and methodology regarding the targets set

out in Article 26, the targets shall be suspended until the Commission delivers the implementing acts foreseen in paragraph 4.

Amendment 205

Proposal for a regulation Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For Member States that need additional support in the transition to the harmonised rules on packaging waste, a platform and/or toolbox should be created on the part of the Commission to help Member States enable the reduction of packaging waste.

Amendment 206

Proposal for a regulation Article 39 – paragraph 8 – point b a (new)

Text proposed by the Commission

Amendment

(b a) shall monitor the ability of micro- and small-sized enterprises as defined in Commission Recommendation 2003/361 to comply with the requirements laid down in this Article in order to ensure that they are proportionate;

Amendment 207

Proposal for a regulation Article 39 – paragraph 8 - point c

Text proposed by the Commission

Amendment

(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in

(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in

paragraphs 5 and 6;

paragraphs 5 and 6, *especially for micro- and small-sized enterprises*;

Amendment 208

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that systems are set up to provide for the return and separate collection of **all** packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment

1. **By 2030**, Member States shall ensure that systems are set up to provide for the return and separate collection of packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

Amendment 209

Proposal for a regulation Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Commission shall make available a toolbox to support Member States in setting up systems and infrastructures for the return and separate collection of packaging waste from end users.

Amendment 210

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with

Amendment

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with

other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection. ***Member States shall notify the Commission of any derogation from paragraph 1.***

Amendment 211

Proposal for a regulation Article 43 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. By 1 January 2030, Member States shall ensure that, in public spaces, separate collection systems are set up for the different fractions of packaging waste materials to help the consumer sort packaging waste.

Amendment 212

Proposal for a regulation Article 43 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. By 1 January 2030, a final distributor making available on the market food and beverages filled and consumed within the premises of the HORECA sector shall ensure that separate collection systems are set up for the different fractions of packaging waste materials. The European Commission and the Member States shall develop guidelines and provide financial support to guide and support the installation of separate collection systems by final distributors.

Amendment 213

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. **By 1 January 2029**, Member States **shall** take the necessary measures **to ensure that** deposit and return systems **are set up** for:

Amendment

1. **In order to facilitate the achievement of the recycling goals set forth in Article 46**, Member States **may** take the necessary measures **so that the systems referred to in Article 43(1) take the form of** deposit and return systems for:

Amendment 214

Proposal for a regulation

Article 44 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **obligation** laid down in paragraph 1 **does** not apply to packaging for:

Amendment

2. The **provisions** laid down in paragraph 1 **do** not apply to packaging for:

Amendment 215

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

(a) **wine, aromatised wine** products, **and spirit drinks**;

Amendment

(a) products **falling under Nomenclature codes 2204 (wine of fresh grapes, incl. fortified wines; grape must, partly fermented and of an actual alcoholic strength of > 0,5 % vol or grape must with added alcohol of an actual alcoholic strength of > 0,5 % vol), 2205 (vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances) and 2208 (undenatured ethyl alcohol of an alcoholic strength of < 80 %; spirits, liqueurs and other spirituous**

beverages);

Amendment 216

Proposal for a regulation

Article 44 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) olive oil;

Amendment 217

Proposal for a regulation

Article 44 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(b b) food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) No 609/2013.

Amendment 218

Proposal for a regulation

Article 44 – paragraph 3

Text proposed by the Commission

Amendment

3. Without prejudice to paragraph 1 of this Article, a Member State will be exempted from the obligation under paragraph 1 under the following conditions:

deleted

(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where

such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;

(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.

Amendment 219

Proposal for a regulation Article 44 – paragraph 4

Text proposed by the Commission

Amendment

4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request. **deleted**

Amendment 220

Proposal for a regulation Article 44 – paragraph 5

Text proposed by the Commission

Amendment

5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases **deleted**

and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.

Amendment 221

Proposal for a regulation Article 44 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging where technically and economically feasible.

deleted

Amendment 222

Proposal for a regulation Article 44 – paragraph 9

Text proposed by the Commission

Amendment

9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.

deleted

Amendment 223

Proposal for a regulation Article 47 – paragraph 4

Text proposed by the Commission

4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. ***Member States may derogate from this requirement where*** a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.

Amendment

4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging, ***unless*** a given material constitutes an insignificant part of the packaging unit, and in no case more than ***15*** % of the total mass of the packaging unit.

Amendment 224

Proposal for a regulation Article 49 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Micro-enterprises as defined in Article 22(3) first half-sentence are exempt from the obligations set forth in paragraphs 1 to 3.

Justification

Exemption for micro-enterprises, in particular for direct marketers, provided they are “producers” of packaging pursuant to Article 3(10) of the draft regulation. The information requirements should not apply to micro-enterprises.

Amendment 225

Proposal for a regulation Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to safeguard the functioning of the internal market, and create a level playing field, it is necessary to ensure that packaging from third countries entering the Union market

complies with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market complies with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.

Amendment 226

Proposal for a regulation Annex I – paragraph 6

Text proposed by the Commission

Flower pots intended to be used only for the selling and transporting of plants **and not intended to stay with the plant throughout its life time**

Amendment

Transport trays and carry packs for flower pots intended to be used only for the selling and transporting of plants

Amendment 227

Proposal for a regulation Annex I – paragraph 12

Text proposed by the Commission

Beverage system capsules (e.g. coffee, cacao, milk)

Amendment

Beverage system capsules (e.g. coffee, cacao, milk) **intended to be disposed empty after use**

Amendment 228

Proposal for a regulation Annex I – paragraph 15

Text proposed by the Commission

Amendment

Flower pots intended to *stay* with the plant *throughout its life time*

Flower pots, *including directly fillable bedding packs, used throughout different stages of production or* intended to *be sold* with the plant

Amendment 229

Proposal for a regulation

Annex III – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Conditions to be considered when mandating the use of compostable packaging format:

Conditions to be considered when mandating *or introducing* the use of compostable packaging format *on the market*:

Amendment 230

Proposal for a regulation

Annex III – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) it is of biodegradable nature allowing the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or methane, in the absence of oxygen, mineral salts, biomass and water,

(c) it is of biodegradable nature allowing the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or methane, in the absence of oxygen, mineral salts, biomass and water, *in compliance with standard EN 13432:2000 or any other relevant EU standard*;

Amendment 231

Proposal for a regulation

Annex IV – Part I – point 1

Text proposed by the Commission

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.

Amendment

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste **and ensure that the quality of the product is maintained.** Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, **moisture loss**, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.

Amendment 232

**Proposal for a regulation
Annex IV – Part I – point 6**

Text proposed by the Commission

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.

Amendment

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation **including the protection of geographical indications and relevant registered intellectual property rights protected under Union legislation.**

Amendment 233

**Proposal for a regulation
Annex IV – Part II a (new)**

Text proposed by the Commission

Amendment

II a Part III

Design criteria

1. Design elements required to indicate geographical origin or to distinguish different products, for example

distinguishing beverages in glass bottles such as wine from other products;

2. The functionality of packaging, including criteria for consumers' products recognition.

Amendment 234

**Proposal for a regulation
Annex V – point 1**

<i>Text proposed by the Commission</i>		
Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	Collation films, <i>shrink wrap</i>
<i>Amendment</i>		
Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	Collation films

Amendment 235

**Proposal for a regulation
Annex V – point 2**

<i>Text proposed by the Commission</i>		
<i>Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables</i>	<i>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.</i>	<i>Nets, bags, trays, containers</i>

<i>Amendment</i>		
<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

Amendment 236

Proposal for a regulation Annex V – point 3

<i>Text proposed by the Commission</i>		
<i>Single use plastic, single use composite packaging or other single use packaging</i>	<i>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>	<i>Trays, disposable plates and cups, bags, foil, boxes</i>
<i>Amendment</i>		
<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

Amendment 237

Proposal for a regulation Annex V – point 4

<i>Text proposed by the Commission</i>		
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, <i>preserves</i> , 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
<i>Amendment</i>		
Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, sauces, coffee	Sachets, tubs, trays, boxes

sector	creamer, sugar and seasoning, except <i>in the following cases:</i>	
	<i>(a) such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation;</i>	
	<i>(b) where it is difficult to substitute larger capacity containers, such as on means of transport (e.g. trains and flights) where the lack of stability and mobility restrictions of the users make the use of conventional containers very complicated; and</i>	
	<i>(c) in centres where individualised attention and service is required, such as hospitals, clinics, and nursing homes;</i>	
	<i>(d) in case of farms and agricultural businesses that carry out direct sales activities in farmers' markets regulated by national or regional law</i>	

Amendment 238

Proposal for a regulation Annex V a (new)

Text proposed by the Commission

Amendment

Annex Va

Single-use plastic packaging, single-use composite packaging or other single-use packaging for fresh fruit and vegetables shall be allowed, regardless of quantity, and is essential for the business activities and viability of European producers, cooperatives and traders, but also adds value to the product concerned, for example by differentiating and extending the shelf life of the product;

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
References	COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)
Committee responsible Date announced in plenary	ENVI 13.3.2023
Opinion by Date announced in plenary	AGRI 13.3.2023
Rapporteur for the opinion Date appointed	Salvatore De Meo 16.2.2023
Discussed in committee	28.2.2023 24.4.2023
Date adopted	19.7.2023
Result of final vote	+: 38 –: 7 0: 2
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Attila Arakovács, Carmen Avram, Adrian-Drağoş Benea, Daniel Buda, Isabel Carvalhais, Asger Christensen, Ivan David, Salvatore De Meo, Herbert Dorfmann, José Manuel Fernandes, Luke Ming Flanagan, Paola Ghidoni, Dino Giarrusso, Francisco Guerreiro, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Elsi Katainen, Camilla Laureti, Gilles Lebreton, Norbert Lins, Elena Lizzi, Chris MacManus, Colm Markey, Marlene Mortler, Ulrike Müller, Juozas Olekas, Daniela Rondinelli, Bronis Ropè, Anne Sander, Veronika Vrecionová, Sarah Wiener
Substitutes present for the final vote	Asim Ademov, Franc Bogovič, Christophe Clergeau, Rosanna Conte, Pär Holmgren, Peter Jahr, Alin Mituța, Nicola Procaccini, Michaela Šojdrová, Tom Vandenkendelaere, Achille Variati, Emma Wiesner

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
ECR	Mazaly Aguilar, Nicola Procaccini, Veronika Vrecionová
ID	Rosanna Conte, Ivan David, Paola Ghidoni, Gilles Lebreton, Elena Lizzi
NI	Dino Giarrusso
PPE	Asim Ademov, Franc Bogovič, Daniel Buda, Salvatore De Meo, Herbert Dorfmann, José Manuel Fernandes, Peter Jahr, Norbert Lins, Colm Markey, Marlene Mortler, Anne Sander, Michaela Šojdrová, Tom Vandenkendelaere
Renew	Atidzhe Alieva-Veli, Asger Christensen, Elsi Katainen, Alin Mituța, Ulrike Müller, Emma Wiesner
S&D	Clara Aguilera, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoș Benea, Isabel Carvalhais, Christophe Clergeau, Camilla Laureti, Juozas Olekas, Daniela Rondinelli, Achille Variati

7	-
The Left	Luke Ming Flanagan, Chris MacManus
Verts/ALE	Francisco Guerreiro, Martin Häusling, Pär Holmgren, Bronis Ropė, Sarah Wiener

2	0
ECR	Krzysztof Jurgiel
Renew	Martin Hlaváček

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC			
References	COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)			
Date submitted to Parliament	1.12.2022			
Committee responsible Date announced in plenary	ENVI 13.3.2023			
Committees asked for opinions Date announced in plenary	ITRE 13.3.2023	IMCO 13.3.2023	AGRI 13.3.2023	JURI 13.3.2023
Not delivering opinions Date of decision	JURI 31.1.2023			
Associated committees Date announced in plenary	ITRE 15.6.2023	IMCO 15.6.2023		
Rapporteurs Date appointed	Frédérique Ries 11.1.2023			
Discussed in committee	4.5.2023			
Date adopted	24.10.2023			
Result of final vote	+ : 56 - : 23 0 : 5			
Members present for the final vote	João Albuquerque, Catherine Amalric, Mathilde Androuët, Maria Arena, Traian Băsescu, Alexander Bernhuber, Malin Björk, Michael Bloss, Delara Burkhardt, Pascal Canfin, Sara Cerdas, Mohammed Chahim, Nathalie Colin-Oesterlé, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Bas Eickhout, Cyrus Engerer, Pietro Fiocchi, Hélène Fritzson, Malte Gallée, Gianna Gancia, Andreas Glueck, Teuvo Hakkarainen, Anja Hazekamp, Martin Hojsik, Pär Holmgren, Jan Huitema, Adam Jarubas, Karin Karlsbro, Petros Kokkalis, Ewa Kopacz, Joanna Kopcińska, Peter Liese, Sylvia Limmer, Javi López, César Luena, Marian-Jean Marinescu, Lydie Massard, Liudas Mažylis, Marina Measure, Dolors Montserrat, Alessandra Moretti, Ljudmila Novak, Grace O’Sullivan, Nikos Papandreou, Jutta Paulus, Francesca Peppucci, Stanislav Polčák, Jessica Polfjärd, Erik Poulsen, Frédérique Ries, Silvia Sardone, Christine Schneider, Ivan Vilibor Sinčić, Maria Spyraiki, Nils Torvalds, Edina Tóth, Achille Variati, Alexandr Vondra, Mick Wallace, Pernille Weiss, Michal Wiezik, Tiemo Wölken, Anna Zalewska			
Substitutes present for the final vote	Mercedes Bresso, Christophe Clergeau, Jens Gieseke, Martin Häusling, Stelios Kympouropoulos, Max Orville, Massimiliano Salini, Christel Schaldemose, Andrey Slabakov, Annalisa Tardino, Róza Thun und Hohenstein, Grzegorz Tobiszowski, Marie Toussaint, Nikolaj Villumsen, Sarah Wiener			
Substitutes under Rule 209(7) present for the final vote	Marie Dauchy, Carlo Fidanza, Georg Mayer, Maria Noichl			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

56	+
NI	Maria Angela Danzi
PPE	Traian Băsescu, Alexander Bernhuber, Adam Jarubas, Ewa Kopacz, Stelios Kympouropoulos, Esther de Lange, Peter Liese, Liudas Mažylis, Ljudmila Novak, Stanislav Polčák, Maria Spyraiki, Pernille Weiss
Renew	Catherine Amalric, Pascal Canfin, Martin Hojsík, Jan Huitema, Karin Karlsbro, Max Orville, Erik Poulsen, Frédérique Ries, Róza Thun und Hohenstein, Nils Torvalds, Michal Wiezik
S&D	João Albuquerque, Maria Arena, Mercedes Bresso, Delara Burkhardt, Sara Cerdas, Mohammed Chahim, Christophe Clergeau, Cyrus Engerer, Helène Fritzon, Javi López, César Luena, Alessandra Moretti, Maria Noichl, Nikos Papandreou, Christel Schaldemose, Tiemo Wölken
The Left	Malin Björk, Anja Hazekamp, Petros Kokkalis, Marina Measure, Nikolaj Villumsen, Mick Wallace
Verts/ALE	Michael Bloss, Bas Eickhout, Malte Gallée, Martin Häusling, Pär Holmgren, Lydie Massard, Grace O'Sullivan, Jutta Paulus, Marie Toussaint, Sarah Wiener

23	-
ECR	Carlo Fidanza, Pietro Ficchi, Teuvo Hakkarainen, Joanna Kopcińska, Andrey Slabakov, Grzegorz Tobiszowski, Alexandr Vondra, Anna Zalewska
ID	Mathilde Androuët, Marie Dauchy, Gianna Gancia, Sylvia Limmer, Georg Mayer, Silvia Sardone, Annalisa Tardino
NI	Edina Tóth
PPE	Marian-Jean Marinescu, Dolors Montserrat, Francesca Peppucci, Jessica Polfjärd, Massimiliano Salini, Christine Schneider
Renew	Andreas Glueck

5	0
NI	Ivan Vilibor Sinčić
PPE	Nathalie Colin-Oesterlé, Christian Doleschal, Jens Gieseke
S&D	Achille Variati

Key to symbols:

+ : in favour

- : against

0 : abstention