



2022/0396(COD)

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

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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