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2023/0373 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a regulation of the European Parliament and
of the Council on preventing plastic pellet losses to reduce microplastic pollution**

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 16 October 2023
(document COM(2023) 645 final – 2023/0373 (COD):

Date of the opinion of the European Economic and Social Committee: 14 February 2024

Date of the position of the European Parliament, first reading: 23 April 2024

Date of transmission of the amended proposal: N/A

Date of adoption of the position of the Council: 22 September 2025

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The objective of the proposal is to ensure that economic operators and carriers handling plastic pellets take the necessary precautionary measures to prevent losses to the environment, thereby contributing to the reduction of microplastic pollution. To this end, the proposal sets out requirements on best handling practices, mandatory certification and self-declaration, and provides for the development of a harmonised methodology to estimate losses.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted at first reading fully reflects the provisional political agreement reached between the European Parliament and the Council on 9 April 2025. The Commission supports this agreement, the main points of which are set out below.

- **Aspirational goal of zero plastic pellet losses:** The co-legislators have agreed to introduce a reference to the goal of zero plastic pellet losses both in Article 1(1) and Recital 13, as the language clearly reflected its aspirational nature.
- **Certification of small companies handling above a certain threshold:** The co-legislators reached an agreement based on a one-time certification only, 60 months after the entry into force of the Regulation, without any obligation of renewal.

Additionally, they agreed to increase the threshold of pellets handled per year by companies from the originally proposed 1000 tonnes to 1500 tonnes. Taken together, these two provisions will still ensure a lighter regime for small companies and a reduce the number of companies subject to third-party certification.

- **Obligations regarding the transport of plastic pellets by sea:** The co-legislators have agreed to introduce provisions imposing obligations on actors involved in the transport of pellets by sea in freight containers. These provisions are largely inspired by the recommendations approved in 2024 by the Marine Environment Protection Committee of the International Maritime Organization on the same subject and aim to make these recommendations legally binding within the Union.
- **Assistance to stakeholders by Member States:** The co-legislators have agreed to put greater focus on smaller and medium-sized enterprises (SMEs) by adding a reference to ‘certification of small companies’ under the point on financial support by Member States.
- **Information provision in the form of a pictogram:** The co-legislators have agreed to introduce an obligation for manufacturers, importers, downstream users, and distributors placing plastic pellets on the market to provide information in the form of a pictogram and a statement. The agreed text clarifies that the addressees of this obligation may fulfil it when providing the information required under Annex XVII, entry 78, of Regulation (EC) No 1907/2006 (REACH Regulation).
- **Possibility for Member States to use permits and Environmental Management Systems (EMS), instead of self-declaration or certification:** The co-legislators have agreed, in line with the Council’s mandate, to include provisions allowing Member States to use permits and verified Environmental Management Systems (EMS) instead of self-declaration, certification or EMAS, as a valuable example of simplification while allowing for the same level of compliance.
- **Incidents and accidents:** The co-legislators have agreed to include additional provisions in Article 9(1) to (i) immediately inform emergency services where relevant; (ii) immediately take all possible measures to limit the damage; and (iii) provide, no later than 30 days after the event, information on estimated quantities lost, causes of the loss and measures taken.
- **Obligations for carriers:** The co-legislators have agreed to extended to non-EU carriers the obligations initially proposed for EU carriers only, namely staff training and the keeping of records on estimated quantities of losses and total quantities of plastic pellets handled. Accordingly, they have agreed to introduce an additional obligation for the non-EU carriers to appoint an authorised representative to ensure effective enforcement of the Regulation and to delete the obligation to keep records of actions taken for all carriers.
- **Dates of application:** The co-legislators have agreed on a 24-month period for most provisions of the Regulation to become applicable after its entry into force, and an extended period of 36 months for the provisions related to the maritime transport of plastic pellets.

4. CONCLUSION

The Commission supports the results of the interinstitutional negotiations and can therefore accept the Council’s position at first reading.

