



2022/0396(COD)

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

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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

(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

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

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)

(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

(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.

(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. ***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.

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<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 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)

PE745.499v03-00

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<https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf>

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. ***It also stressed that food safety or hygiene standards must not be compromised.***

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https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html

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(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.

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

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 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

(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 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 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 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

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.

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

(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.

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)

Text proposed by the Commission

Amendment

(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 life-cycle and the life cycle of products, for which it was designed.

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. *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

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.

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.

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.

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.

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

(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.

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 ***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

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.

⁴⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European

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 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).

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).

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).

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

(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

Amendment

(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 ***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

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.

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

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***

respect to the specific packaging materials and categories.

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 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.

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 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 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.**

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, **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**

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).

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).

^{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 harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

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 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

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 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.

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.

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

(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).

(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

(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.

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 ***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 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

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 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

(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 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).

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).

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

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.**

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.

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* 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 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.

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.
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

Amendment

(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, including hygiene requirements.

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 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

(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.

(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}.***

^{57a} 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).

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 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

(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

(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 delegated to the Commission to amend the list.

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 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

Amendment

(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

(63) Reusable packaging has to be safe for its users ***and should guarantee that the organoleptic characteristics and conformity requirements of foodstuffs are***

reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.

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 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 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 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 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, 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 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

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.

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).

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

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

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

greenhouse gas emissions.

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***

Amendment

(100) Member States ***may*** set up return and collection systems for packaging waste. The systems should be open for

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.

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***

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

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 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 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.

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 **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

(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 Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.

Amendment

(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).

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 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

deleted

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

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***

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.

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 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,

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 ***and should not negatively impact on other labelling requirements and the provision of food information to consumers under EU law.*** The information should be

such as electronic access to websites provided by QR codes affixed to the packaging.

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 and the functioning of the internal market.

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 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

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

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.

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 prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.

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 ***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

Amendment

(f) tea, coffee ***or herbal and fruit infusion*** bags necessary to contain a tea, coffee ***or herbal or fruit*** product and

together with the product;

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

Amendment

(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;

deleted

Amendment 67

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

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;

(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 **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

Amendment

(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;

(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

(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 **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

(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 **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 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, or Directive 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

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

the composting process or activity into which it is introduced in industrially controlled conditions;

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

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.

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

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.

Amendment

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

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).

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). ***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

1. All packaging shall be recyclable.

Amendment

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

- (a) it is designed for recycling;

Amendment

- (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 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**.

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 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

Amendment

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.

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

(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 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 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 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

Amendment

(b) contact sensitive plastic packaging

of medical devices covered by Regulation (EU) 2017/745;

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) No 609/2013.

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

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

Amendment

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

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

procedure referred to in Article 59(3).

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 is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:

Based on *these assessments*, the 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

Amendment

(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,

(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 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 **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 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

Amendment

5. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of

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.

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

Amendment

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

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.

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

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, 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 or other filling materials shall be considered as empty space.

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. ***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

(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;

Amendment

(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

(f) it can be emptied, unloaded, refilled

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;

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

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.

Amendment

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

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 = **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

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) 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

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

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.

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 this Regulation.

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. ***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, as appropriate.

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.

Amendment 156

Proposal for a regulation

Article 17 – paragraph 2 – point c

Text proposed by the Commission

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.

(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

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 161

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 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

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.

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

deleted

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 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 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 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

(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

deleted

Amendment 173

Proposal for a regulation

Article 26 – paragraph 5

Text proposed by the Commission

5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic

Amendment

deleted

beverages in the form of wine, with the exception of sparkling wine, shall ensure that:

(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

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 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:

Amendment

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 drink, shall ensure that:

Amendment 175

Proposal for a regulation

Article 26 – paragraph 6 – point b

Text proposed by the Commission

(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

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

Amendment

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and

7. Economic operators using transport packaging ***within the territory of the EU*** in the form of pallets, plastic crates, foldable

drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:

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

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

Amendment

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

(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 182

Proposal for a regulation

Article 26 – paragraph 8 – point b

Text proposed by the Commission

(b) **from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;**

Amendment

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**

Amendment

deleted

re-use;

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

(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 packaging within a system for re-use;

Amendment 187

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

deleted

Amendment 188

Proposal for a regulation

Article 26 – paragraph 12 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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

This obligation applies to pallets, boxes, ***excluding cardboard***, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.

Amendment

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

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. ***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

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. **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

Amendment

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

deleted

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

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

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 and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets, ***including 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 paragraphs 5 and 6;

(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, ***especially for micro- and small-sized enterprises;***

Amendment 208

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 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

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.

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. **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

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. **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

Amendment

2. The **obligation** laid down in paragraph 1 **does** not apply to packaging

2. The **provisions** laid down in paragraph 1 **do** not apply to packaging for:

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 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 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 *deleted*

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.

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

Amendment

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.

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

Flower pots intended to ***stay*** with the plant ***throughout its life time***

Amendment

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

Conditions to be considered when mandating the use of compostable packaging format:

Amendment

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

(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,

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, ***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

Amendment

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.

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
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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>
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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 sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, sauces, coffee creamer, sugar and seasoning, except <i>in the following cases:</i>	Sachets, tubs, trays, boxes
	<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 Ara-Kovács, Carmen Avram, Adrian-Dragoş 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 Ropė, 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