



2023/0373(COD)

6.12.2023

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on preventing plastic pellet losses to reduce microplastic pollution
(COM(2023)0645 – C9-0378/2023 – 2023/0373(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: João Albuquerque

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	29

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution (COM(2023)0645 – C9-0378/2023 – 2023/0373(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0645),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0378/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of [date]¹,
 - having regard to the opinion of the Committee of the Regions of [date]²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal.

² OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) To enable competent authorities to verify compliance with the risk assessment plan's requirements, economic operators should provide the competent authority with the risk assessment plan they have conducted, ***together with a self-declaration of conformity.***

Amendment

(19) To enable competent authorities to verify compliance with the risk assessment plan's requirements, economic operators, ***with the exception of micro enterprises,*** should provide the competent authority with the risk assessment plan they have conducted. ***Such risk assessment plan should be certified by a third party.***

Or. en

Amendment 2

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Medium and large-sized enterprises that operate installations where plastic pellets are handled in quantities above ***1 000*** tonnes may bring higher risks of pellet losses to the environment. For this reason, these enterprises should be required to implement, for each installation, extra actions like carrying out an annual internal assessment, and adopting a training programme addressing specific training needs and modalities. In addition, for these enterprises, compliance with the requirements laid down in this Regulation should be demonstrated by obtaining, and renewing, a certificate issued by certifiers. These certifiers can either be an accredited conformity assessment body, or an environmental verifier licenced to carry out verification and validation in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council¹⁵ on the voluntary participation by

Amendment

(24) ***Small,*** medium and large-sized enterprises that operate installations where plastic pellets are handled in quantities above ***250*** tonnes may bring higher risks of pellet losses to the environment. For this reason, these enterprises should be required to implement, for each installation, extra actions like carrying out an annual internal assessment, and adopting a training programme addressing specific training needs and modalities. In addition, for these enterprises, compliance with the requirements laid down in this Regulation should be demonstrated by obtaining, and renewing, a certificate issued by certifiers. These certifiers can either be an accredited conformity assessment body, or an environmental verifier licenced to carry out verification and validation in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council¹⁵ on the voluntary participation by

organisations in a Community eco-management and audit scheme (EMAS). The certificate should correspond to a unique format in order to ensure homogeneous information.

organisations in a Community eco-management and audit scheme (EMAS). The certificate should correspond to a unique format in order to ensure homogeneous information.

¹⁵ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

¹⁵ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

Or. en

Amendment 3

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Micro *and small-sized* enterprises, and *medium and large-sized* enterprises operating installations where plastic pellets in quantities below **1 000** tonnes have been handled should be required to be subject to a self-declaration of conformity. They should also be given sufficient time to demonstrate their compliance.

Amendment

(25) Micro enterprises, and enterprises operating installations where plastic pellets in quantities below **250** tonnes have been handled should be required to be subject to a self-declaration of conformity. They should also be given sufficient time to demonstrate their compliance.

Or. en

Amendment 4

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) Micro, small and medium-sized

Amendment

(32) Micro, small and medium-sized

enterprises (SMEs) in the pellet supply chain should comply with the relevant obligations laid down in this Regulation, however they could face proportionally higher costs and difficulties when complying with some of the obligations. The Commission should raise awareness among economic operators and carriers regarding the necessity of preventing pellet losses. Additionally, the Commission should develop training materials to assist them in fulfilling their obligations, particularly with respect to the requirements of the risk assessment. Member States should provide access to information and assistance regarding compliance with obligations and the risk assessment requirements. Regarding the assistance of Member States, this could include technical and financial support as well as specialised training to SMEs. Member States actions should be taken in respect of applicable State aid rules.

enterprises (SMEs) in the pellet supply chain should comply with the relevant obligations laid down in this Regulation, however they could face proportionally higher costs and difficulties when complying with some of the obligations. The Commission *and competent authorities* should raise awareness among economic operators and carriers regarding the necessity of preventing pellet losses. Additionally, the Commission *and competent authorities* should develop training materials to assist them in fulfilling their obligations, particularly with respect to the requirements of the risk assessment. Member States should provide access to information and assistance regarding compliance with obligations and the risk assessment requirements. Regarding the assistance of Member States, this could include technical and financial support as well as specialised training to SMEs. Member States actions should be taken in respect of applicable State aid rules.

Or. en

Amendment 5

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant economic operator, EU carriers and non-EU carriers from the economic benefit derived from non-compliance with the obligations deriving from this Regulation, including in cases of repeated infringements. The gravity of the infringement should be the leading

Amendment

(39) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant economic operator, EU carriers and non-EU carriers from the economic benefit derived from non-compliance with the obligations deriving from this Regulation, including in cases of repeated infringements. The gravity of the infringement should be the leading

criterion for the measures taken by the enforcement authorities. The maximum amount of fines should, in case of an infringement committed by a legal person, represent at least 4% of the economic annual turnover in the *Member State concerned*.

criterion for the measures taken by the enforcement authorities. The maximum amount of fines should, in case of an infringement committed by a legal person, represent at least 4% of the economic annual turnover in the *Union*.

Or. en

Amendment 6

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down obligations for the handling of plastic pellets at all stages of the supply chain to prevent losses.

Amendment

1. This Regulation lays down obligations for the handling of plastic pellets at all stages of the supply chain to prevent **and eliminate pellet** losses.

Or. en

Amendment 7

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

Text proposed by the Commission

(a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, **having relatively uniform dimensions in a given lot**, that is used as feedstock in plastic product manufacturing operations;

Amendment

(a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, **regardless of its shape and form, and including powders, flakes and dust**, that is used as feedstock in plastic product manufacturing operations;

Or. en

Amendment 8

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘spill’ means a one-off escape of plastic pellets from **primary** containment;

Amendment

(b) ‘spill’ means a one-off escape of plastic pellets from containment;

Or. en

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘loss’ means a one-off or prolonged escape of plastic pellets from installation’s boundary to the environment or from **road vehicles, rail wagons or inland waterway vessels transporting** plastic pellets;

Amendment

(c) ‘loss’ means a one-off or prolonged escape of plastic pellets from installation’s boundary to the environment or from **the transport of** plastic pellets;

Or. en

Amendment 10

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘installation’ means any premises, structure, **environment** or place within which one or more economic activities involving the handling of plastic pellets are carried out;

Amendment

(d) ‘installation’ means any premises, structure, **area** or place within which one or more economic activities involving the handling of plastic pellets are carried out;

Or. en

Amendment 11

Proposal for a regulation

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘EU carrier’ means any natural or legal person established in a Member State, engaged in the transport of plastic pellets as part of its economic activity **by using road vehicles, rail wagons or inland waterway vessels**;

Amendment

(f) ‘EU carrier’ means any natural or legal person established in a Member State, engaged in the transport of plastic pellets as part of its economic activity;

Or. en

Amendment 12

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘non-EU carrier’ means any natural or legal person established in a third country, engaged in the transport of plastic pellets as part of its economic activity in the Union **by using road vehicles, rail wagons or inland waterway vessels**;

Amendment

(g) ‘non-EU carrier’ means any natural or legal person established in a third country, engaged in the transport of plastic pellets as part of its economic activity in the Union;

Or. en

Amendment 13

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall establish and maintain a **public** register containing the information they have received in accordance with paragraphs 3 and 4.

Amendment

4. Competent authorities shall establish and maintain a register containing the information they have received in accordance with paragraphs 2 and 3. **That register shall be public and easily accessible.**

Amendment 14

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Economic operators that are **medium and large-sized enterprises** operating installations where plastic pellets in quantities below **1 000** tonnes have been handled in the previous calendar year or that are micro **or small-sized** enterprises shall notify an update of the risk assessment plan for each installation as well as a renewal of the self-declaration of conformity to the competent authority every **5** years from the last notification.

Amendment

2. Economic operators that are operating installations where plastic pellets in quantities below **250** tonnes have been handled in the previous calendar year or that are micro enterprises shall notify an update of the risk assessment plan for each installation as well as a renewal of the self-declaration of conformity to the competent authority every **3** years from the last notification.

Or. en

Amendment 15

Proposal for a regulation Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

3. Competent authorities **may** require economic operators to take the following actions:

Amendment

3. Competent authorities **shall** require economic operators to take the following actions:

Or. en

Amendment 16

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

5. EU carriers and non-EU carriers

Amendment

5. EU carriers and non-EU carriers

shall ensure that the actions set out in Annex III are implemented during loading and unloading operations, transport journeys, cleaning and maintenance operations.

shall ensure that the actions set out in Annex III are implemented during loading and unloading operations, transport journeys, **storage**, cleaning and maintenance operations.

Or. en

Amendment 17

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Economic operators **and** EU carriers shall have the following obligations:

Economic operators, EU carriers **and non-EU carriers** shall have the following obligations:

Or. en

Amendment 18

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) keep records of annually estimated quantities of losses and of the total volume of plastic pellets handled.

(c) keep records of annually estimated quantities of losses and of the total volume of plastic pellets **produced and** handled.

Or. en

Amendment 19

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 3

Text proposed by the Commission

Amendment

Economic operators **and** EU carriers shall retain records referred to in points (b) and

Economic operators, EU carriers **and non-EU carriers** shall retain records referred to

(c) of this paragraph for a period of five years and make them available to competent authorities and, where applicable, to certifiers on demand.

in points (b) and (c) of this paragraph for a period of five years and make them available to competent authorities and, where applicable, to certifiers on demand.

Or. en

Amendment 20

Proposal for a regulation Article 4 – paragraph 8

Text proposed by the Commission

8. Where an action taken for the prevention, containment and clean-up of spills and losses fails, economic operators, carriers and non-EU carriers shall take corrective actions, as soon as possible.

Amendment

8. Where an action taken for the prevention, containment and clean-up of spills and losses fails, economic operators, **EU** carriers and non-EU carriers shall take corrective actions, as soon as possible.

Or. en

Amendment 21

Proposal for a regulation Article 4 – paragraph 9 – introductory part

Text proposed by the Commission

9. Every year economic operators that are not micro **or small-sized** enterprises **and** that operate installations where plastic pellets in quantities above **1 000** tonnes have been handled in the previous calendar year shall, for each installation, carry out an internal assessment on the state of compliance of the installation with the requirements of the risk assessment plan laid down in Annex I. The internal assessment **may** among others cover the following subjects:

Amendment

9. Every year economic operators that are not micro enterprises **or** that operate installations where plastic pellets in quantities above **250** tonnes have been handled in the previous calendar year shall, for each installation, carry out an internal assessment on the state of compliance of the installation with the requirements of the risk assessment plan laid down in Annex I. The internal assessment **shall** among others cover the following subjects:

Or. en

Amendment 22

Proposal for a regulation

Article 4 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The economic operators referred to in the first subparagraph shall maintain records of the assessments and of any actions taken subsequently and shall make such records available to competent authorities on demand.

Or. en

Amendment 23

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. By ... [OP: please insert the date = 24 months after the entry into force of this Regulation], and thereafter every three years, economic operators that are large-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above **1 000** tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

1. By ... [OP: please insert the date = 24 months after the entry into force of this Regulation], and thereafter every three years, economic operators that are large-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above **250** tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

Or. en

Amendment 24

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. By ... [OP: please insert the date =

2. By ... [OP: please insert the date =

36 months after the entry into force of this Regulation], and thereafter every *four* years, economic operators that are medium-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above *1 000* tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

36 months after the entry into force of this Regulation], and thereafter every *three* years, economic operators that are *small and* medium-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above *250* tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

Or. en

Amendment 25

Proposal for a regulation Article 5 – paragraph 4 – point a

Text proposed by the Commission

(a) be issued in accordance with the model form set out in Annex IV and in electronic form;

Amendment

(a) be issued *by third-party certifiers* in accordance with the model form set out in Annex IV and in electronic form;

Or. en

Amendment 26

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Economic operators which are registered to the Community eco-management and audit scheme in accordance with Regulation (EC) No 1221/2009 are exempt from compliance with the notification obligation laid down in Article 4(2) and the obligations laid down in Article 5(1) and (2) of this Regulation provided that the environmental verifier as defined in Article 2(20) of Regulation (EC) No 1221/2009 has checked that requirements laid down in Annex I have been included in the

Amendment

Economic operators which are registered to the Community eco-management and audit scheme in accordance with Regulation (EC) No 1221/2009 *from ... [the date of entry into force of this Regulation]* are exempt from compliance with the notification obligation laid down in Article 4(2) and the obligations laid down in Article 5(1) and (2) of this Regulation provided that the environmental verifier as defined in Article 2(20) of Regulation (EC) No 1221/2009 has checked that

environmental management system of the economic operator and have been implemented.

requirements laid down in Annex I have been included in the environmental management system of the economic operator and have been implemented.

Or. en

Amendment 27

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

The accreditation of certifiers referred to in Article 3, point (k)(i) shall include an evaluation of compliance with the following requirements:

Amendment

The accreditation of certifiers referred to in Article 2, point (k)(i) shall include an evaluation of compliance with the following requirements:

Or. en

Amendment 28

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. At the latest by ... [OP please insert the date = the first day of the month after **four** years following the date of entry into force of this Regulation] and every three years thereafter Member States shall, submit a report to the Commission containing qualitative and quantitative information on the implementation of this Regulation during the previous calendar year. The information shall include:

Amendment

2. At the latest by ... [OP please insert the date = the first day of the month after **three** years following the date of entry into force of this Regulation] and every three years thereafter Member States shall, submit a report to the Commission containing qualitative and quantitative information on the implementation of this Regulation during the previous calendar year. The information shall include:

Or. en

Amendment 29

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Directive 2004/35/EC, in the event of an incidental or accidental loss **significantly** affecting human health or the environment, economic operators, EU carriers and non-EU carriers shall immediately:

Amendment

1. Without prejudice to Directive 2004/35/EC, in the event of an incidental or accidental loss affecting human health or the environment, economic operators, EU carriers and non-EU carriers shall immediately:

Or. en

Amendment 30

Proposal for a regulation

Article 9 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) take measures to contain and clean-up incidental or accidental loss in an ecologically sensitive manner;

Or. en

Amendment 31

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) take measures to limit the health or environmental consequences and to prevent further incidents or accidents.

(b) take measures to limit the health or environmental consequences, ***to restore ecosystems*** and to prevent further incidents or accidents.

Or. en

Amendment 32

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. In the event of any incident or accident **significantly** affecting human health or the environment in another Member State, the competent authority in whose territory the accident or incident occurred shall immediately inform the competent authority of that other Member State.

Amendment

3. In the event of any incident or accident affecting human health or the environment in another Member State, the competent authority in whose territory the accident or incident occurred shall immediately inform the competent authority of that other Member State.

Or. en

Amendment 33

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Where the infringement of the rules laid down in this Regulation poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, the competent authority **may** suspend the operation of the installation until compliance is restored in accordance with paragraph 1, points (b) and (c).

Amendment

2. Where the infringement of the rules laid down in this Regulation poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, the competent authority **shall** suspend the operation of the installation until compliance is restored in accordance with paragraph 1, points (b) and (c).

Or. en

Amendment 34

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall designate one

Amendment

1. Member States shall designate one

or more competent authorities for the application and enforcement of this Regulation.

or more competent authorities for the application and enforcement of this Regulation **and shall inform the Commission accordingly.**

Or. en

Amendment 35

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. The Commission shall develop awareness raising and training material on the sound implementation of the obligations laid down in this Regulation in consultation with representatives of economic operators, carriers, and certifiers, including micro, small and medium-sized enterprises and in collaboration with competent authorities.

Amendment

1. The Commission shall develop awareness raising and training material on the sound implementation of the obligations laid down in this Regulation in consultation with representatives of economic operators, carriers, and certifiers, including micro, small and medium-sized enterprises, and ***civil society representatives and*** in collaboration with competent authorities.

Or. en

Amendment 36

Proposal for a regulation Article 12 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) financial support;

Amendment

(a) financial support, ***including through fiscal incentives;***

Or. en

Amendment 37

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringements of the economic benefits derived from those infringements. The level of the fines shall be gradually increased for repeated infringements. In the case of an infringement committed by a legal person, the maximum amount of such fines shall be at least 4 % of the economic operator's annual turnover in the **Member State concerned** in the business year preceding the fining decision.

Amendment

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringements of the economic benefits derived from those infringements. The level of the fines shall be gradually increased for repeated infringements. In the case of an infringement committed by a legal person, the maximum amount of such fines shall be at least 4 % of the economic operator's annual turnover in the **Union** in the business year preceding the fining decision.

Or. en

Amendment 38

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – introductory part

Text proposed by the Commission

Economic operators shall **consider** at least the following, taking into account the nature and size of the installation as well as the scale of its operations:

Amendment

Economic operators shall **put in place** at least the following, taking into account the nature and size of the installation as well as the scale of its operations:

Or. en

Amendment 39

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – point b

Text proposed by the Commission

(b) For containment: catchment devices placed along the exterior edge of loading and unloading areas; industrial vacuum cleaners and hand tools for immediate cleaning; **internal and external** drain covers, storm water drainage or filtration systems to manage reasonably foreseeable flood or storm events; a sewage treatment system;

Amendment

(b) For containment: **spill trays and** catchment devices placed along the exterior edge of loading and unloading areas; industrial vacuum cleaners and hand tools for immediate cleaning; **indoor and outdoor** drain covers **on all drains with a mesh size smaller than the smallest pellets handled on site**, storm water drainage or filtration systems to manage reasonably foreseeable flood or storm events; a sewage treatment system;

Or. en

Amendment 40

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – point c

Text proposed by the Commission

(c) For clean-up: industrial vacuum cleaners for internal and external usage; dedicated appropriate containers for recovered pellets that are **covered**, labelled and secured to prevent further spills and losses; hand tools (e.g., brooms, dustpan and brush, buckets, repair tapes); reinforced collection bags.

Amendment

(c) For clean-up: industrial vacuum cleaners for internal and external usage; dedicated appropriate containers for recovered pellets that are **sealed**, labelled and secured to prevent further spills and losses; hand tools (e.g., brooms, dustpan and brush, buckets, repair tapes); reinforced collection bags.

Or. en

Amendment 41

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Economic operators that are micro enterprises shall consider at least the elements set out in this point, taking into

account the nature and size of the installation as well as the scale of its operations.

Or. en

Amendment 42

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – introductory part

Text proposed by the Commission

Economic operators shall *consider* at least the following, *taking into account the nature and size of the installation as well as the scale of its operations*:

Amendment

Economic operators shall *put in place* at least the following *measures*:

Or. en

Amendment 43

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point a

Text proposed by the Commission

(a) for prevention: limits on the volumes of pellets transported in certain packaging (e.g., pellets must be packaged and sealed in 25kg *sacks*, and loaded no more than 1tonne per pallet); regular inspection and maintenance of packaging, containers and storage facilities; use of spill trays under transfer points and during loading and unloading; clear protocols for opening, loading, closing and sealing containers at the start and end of loading; physical testing and monitoring of the effectiveness of prevention procedures;

Amendment

(a) for prevention: limits on the volumes of pellets transported in certain packaging (e.g., pellets must be packaged and sealed in 25kg *tear- and impact-resistant packaging that can withstand degradation in aquatic environments*, and loaded no more than 1tonne per pallet); regular inspection and maintenance of packaging, containers and storage facilities; use of spill trays under transfer points and during loading and unloading; clear protocols for opening, loading, closing and sealing containers at the start and end of loading; physical testing and monitoring of the effectiveness of prevention procedures;

Or. en

Amendment 44

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point b

Text proposed by the Commission

(b) for containment: regular inspection, cleaning and maintenance of catchment devices; regular inspection, cleaning and maintenance of drain covers, storm water drainage or filtration systems; regular inspection and cleaning of vehicles leaving and/or entering a site, outgoing water facilities and fences on the ***perimeter of the facility*** that are in public areas when applicable; immediate replacement or repair of leaking packaging; checks for broken and discarded packaging or containers for residual pellets before disposal or repair; maintenance of sewage treatment system.

Amendment

(b) for containment: regular inspection, cleaning and maintenance of catchment devices; regular inspection, cleaning and maintenance of drain covers, storm water drainage or filtration systems; regular inspection and cleaning of vehicles leaving and/or entering a site, outgoing water facilities and fences on the ***installation's boundaries*** that are in public areas when applicable; immediate replacement or repair of leaking packaging; checks for broken and discarded packaging or containers for residual pellets before disposal or repair; maintenance of sewage treatment system.

Or. en

Amendment 45

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point c

Text proposed by the Commission

(c) for clean-up: spilled plastic pellets are cleaned up immediately to prevent losses to the environment, at the latest upon termination of the operation, and collected in a designated container. If possible, spilled plastic pellets are reused as raw material to reduce wastage. If spilled plastic pellets cannot be reused as raw materials, they are retrieved and disposed of in accordance with waste legislation.

Amendment

(c) for clean-up: spilled plastic pellets are cleaned up immediately to prevent losses to the environment, at the latest upon termination of the operation, and collected in a designated container. If possible, spilled plastic pellets are reused as raw material to reduce wastage. If spilled plastic pellets cannot be reused as raw materials, they are retrieved and disposed of in accordance with waste legislation; ***where pellets are lost, clean-up methods must be appropriate to the environment and ecologically sensitive in***

order to prevent further damage to, and having an impact on, biodiversity and ecosystems.

Or. en

Amendment 46

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Economic operators that are micro enterprises shall consider at least the elements set out in this point, taking into account the nature and size of the installation as well as the scale of its operations.

Or. en

Amendment 47

Proposal for a regulation

Annex I – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

Amendment

(9) in addition to elements described in points (1) to (8), economic operators *that are medium or large-sized enterprises and operate installations where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year* shall also take the following actions:

(9) in addition to elements described in points (1) to (8), economic operators shall also take the following actions:

Or. en

Amendment 48

Proposal for a regulation

Annex I – paragraph 1 – point 9 – point c

Text proposed by the Commission

(c) set the procedures for informing drivers, suppliers and subcontractors about the relevant procedures to prevent, contain and clean up spills and losses.

Amendment

(c) **with the exception of micro enterprises**, set the procedures for informing drivers, suppliers and subcontractors about the relevant procedures to prevent, contain and clean up spills and losses.

Or. en

Amendment 49

**Proposal for a regulation
Annex III – paragraph 1 – point 1**

Text proposed by the Commission

(1) For prevention: verification during and after loading and unloading, that pellets are properly removed from the outside of the transport equipment before leaving the loading/unloading site; clear **communication** on stowage requirements; prevention of any leakage, including during the transport journey, e.g., by technical suitability of the transport means and containers, supplemented, if necessary, with appropriate **sealing**; ensuring that protective covers on e.g. forklifts/hydraulic equipment are used to prevent the piercing of packaging; regularly cleaning the loading compartments and the containers to minimise the loss of spilled pellets; visual checking of openings and integrity of the loading compartments prior and, to the extent possible, during the journey, including in the multimodal terminals, rail terminals, inland and seaports.

Amendment

(1) For prevention: verification during and after loading and unloading, that pellets are properly removed from the outside of the transport equipment before leaving the loading/unloading site; clear, **visible labelling on safe stowage and storage** requirements; prevention of any leakage, including during the transport journey, e.g., by technical suitability of the transport means and containers, supplemented, if necessary, with appropriate **sealed tear- and impact-resistant packaging that can withstand degradation in aquatic environments; spill trays and catchment devices**; ensuring that protective covers on e.g. forklifts/hydraulic equipment are used to prevent the piercing of packaging; regularly cleaning the loading compartments and the containers to **contain and** minimise the loss of spilled pellets; visual checking of openings and integrity of the loading compartments prior and, to the extent possible, during the journey, including in the multimodal terminals, rail terminals, inland and seaports.

Amendment 50**Proposal for a regulation
Annex III – paragraph 1 – point 2***Text proposed by the Commission*

(2) For containment and clean-up: where possible, repair damaged packaging (e.g. by using booms, barriers and tape) and contain the remaining pellets in the loading compartment; collect the spilled pellets in closed containers or bags for proper disposal; in case of transport of pellets in bulk tanks, opening the bottom manhole/cone of the silo tank only after entering the cleaning bay; replace the container liner only in suitable and non-public areas, where any spillage can be contained; notify the authorities such as international and national emergency, or environmental authorities, as appropriate, from the Member State where the event occurred.

Amendment

(2) For containment and clean-up: **replace or** where possible repair damaged packaging (e.g. by using booms, barriers and tape) and contain the remaining pellets in the **container or** loading compartment; collect the spilled pellets in closed containers or bags for proper disposal; in case of transport of pellets in bulk tanks, **deploy appropriate spill trays and catchment devices before** opening the bottom manhole/cone of the silo tank only after entering the cleaning bay; replace the container liner only in suitable and non-public areas, where any spillage can be contained; notify the authorities such as international and national emergency, or environmental authorities, as appropriate, from the Member State where the event occurred.

Or. en

Amendment 51**Proposal for a regulation
Annex III – paragraph 1 – point 3***Text proposed by the Commission*

(3) Equipment on board: at least one portable **lightening apparatus**, hand tools (e.g. brooms, dustpan and brush, buckets, repair tapes, etc.); closed collection containers/reinforced collection bags.

Amendment

(3) Equipment on board: at least one portable **lighting device**, hand tools (e.g. brooms, dustpan and brush, buckets, repair tapes, etc.); closed collection containers/reinforced collection bags.

Or. en

Amendment 52

Proposal for a regulation
Annex III – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) Training: establish an awareness and training programme, based on the employees' specific roles and responsibilities, on prevention, containment and clean-up, the installation, use and maintenance of equipment, the execution procedures, as well as the monitoring and reporting of pellet losses.

Or. en

EXPLANATORY STATEMENT

According to research, there is currently more than 2 million tonnes of microplastics floating in the sea. Data from the United Nations Environment Programme points to more than 430 million tonnes of plastic produced annually. Two-thirds are short-lived products that soon become waste, filling the ocean and, often, working their way into the human food chain.

As the Commission clearly states in its impact assessment, which is also widely acknowledged by the stakeholders of this sector, the biggest issue with microplastics from pellets plastic production lies on the handling and transporting of these products. Once in the environment, these microplastics are almost impossible to capture. Therefore, all major efforts should be put into monitoring and prevention, thus avoiding any kind of preventable losses.

The impact of microplastics, once lost in the environment, are prejudicial for nature, ecosystems and biodiversity, but also for food chains and to human health. They also contribute to the increase of carbon emissions and negatively impact other agents that are responsible for carbon captures in the sea. Furthermore, the fact that they are of a very small dimension (no bigger than 5mm), contributes to its very high mobility, which means that they can easily be moved by different means, including air, land, surface waters and marine currents. They can also be found in soil, comprising agricultural land, whether directly or through the reuse of residual waters for agriculture, which can be detrimental to the quality of soils food consumption and human health.

There is also recognition that plastic pellets are the third main source of microplastics pollution through unintentional releases, which also include paints, tyres and textiles as other major sources. The current Regulation presented by the Commission aims at tackling the specific pollution from pellets releases into the environment, which shall be complemented by a much-needed revision of the REACH regulation, besides other relevant EU legislation such as the EURO 7, the Plastics Strategy, the Circular Economy Action Plan and the Zero Pollution Action Plan, among others.

Considering the Commission's approach, it is the Rapporteur's understanding that it sets a solid base for tackling the main challenge, namely the handling and transport of plastic pellets, based on a comprehensive impact assessment. It insists on the idea of increasing and improving monitoring, reporting and certification methods and instruments, thus providing a better overview of the total actual amount of the losses.

It also sets the different actions and measures to be taken by the different agents of the value chain, such as producers, operators and carriers, as well as the role of competent authorities in the Member-states. At the same time, it sets different approaches and targets according to the size of the enterprise, creating exemptions and introducing less costly procedures for SMEs.

However, it is the Rapporteur's opinion that there is room for improvement of the proposal.

The first matter of improvement is the definition of microplastics, which is consensually understood by the scientific community to include also powders, flakes and dust, which was omitted in the Commission's proposal.

Secondly, the Rapporteur wants to introduce the possibility for a reduction of the tonnage per year which would allow for exemptions according to the Commission's proposal, from 1000 tonnes to 250 tonnes. The same logic shall apply to exemptions to Small and Medium Enterprises, as the Rapporteur believes that the proposed exemptions should only apply to Micro Enterprises. This is also the approach established by the OSPAR Recommendation.

Finally, the Rapporteur's approach on the previous points derives from the conviction that not only preventive measures, as well as repairing of detected flaws, is much more cost effective for enterprises, by allowing a return on investment on the recovery of the losses, but also by driving the ambition up in reducing the quantity of microplastics in the environment and all its collateral consequences, including for human health.

The Rapporteur strongly feels that there is a broad consensus in society regarding the need to reduce the presence of microplastics in the environment. For this reason, following the good recommendation elaborated by OSPAR and the openness and availability of the economic sector to improve the initial proposal of the Commission, this Report aims at improving the requisites of spilling prevention in all phases of pellets production and handling, including transportation, while at the same time guaranteeing important safeguards for companies to not significantly impact their economic operations.