



**2022/0396(COD)**

19.7.2023

# **OPINION**

of the Committee on Industry, Research and Energy

for the Committee on the Environment, Public Health and Food Safety

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

Rapporteur for opinion: Patrizia Toia

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## SHORT JUSTIFICATION

On the date that the draft opinion was tabled, the competences of the ITRE Committee were not yet clear. It may therefore be necessary to revise some of the proposals or to supplement them further.

### **The ITRE rapporteur's proposals**

**Innovative packaging** – the rapporteur proposes that the definition be tightened and that the derogation from recyclability obligations be extended from the five years proposed by the Commission to seven years.

**Free movement** – to prevent the fragmentation of the single market that this proposal for a Regulation seeks to create, individual Member States should not be able to introduce additional packaging labelling requirements.

**Delegation of powers to the Commission** – the proposal for a regulation delegates power to the Commission on a number of multi-faceted aspects. The rapporteur believes that European standardisation bodies (CEN) should be tasked with setting the design for recycling criteria. By contrast, the co-legislators should revise the restrictions on the uses of certain packaging and, therefore, the ordinary legislative procedure should be applied for that task.

**Recycled content requirements** – while the rapporteur agrees with the level of ambition set in the Commission proposal and the proposed recycled content targets, businesses must be given not only clarity on how long it will take for technical and secondary legislation and common standards to be established, but also a clear timeframe within which they will be expected to comply with the recycled content targets. The rapporteur therefore proposes that deadlines be introduced for the adoption of delegated and implementing acts and CEN standards, and that companies be given five years to comply with them.

Secondly, the rapporteur takes the view that recycled content requirements should be set as an average of the entire portfolio of each producer rather than on the individual packaging unit, and that non-structural packaging elements, such as adhesives, inks and coatings, should not be subject to those requirements.

Lastly, preference systems in access to recycled material should be introduced for operators who have to meet recycled content requirements for the packaging that they place on the market.

**Infrastructure** – as it stands, it is not possible for all sorting infrastructure for packaging waste everywhere to sort all types of packaging, even for some of the types for which the Commission proposal is proposing recycled content requirements. Investment in infrastructure development therefore needs to be stepped up. What is more, it is important to ensure that contributions paid by operators under extended producer responsibility schemes are channelled primarily into the development of collection, sorting and recycling infrastructure.

**Packaging forum** – the rapporteur is calling for the establishment of a consultative forum in

which Member States' representatives and all relevant stakeholders can participate in a balanced manner and in which they can help to shape the delegated and implementing acts. This idea mirrors what the Commission itself proposed in the proposal for an ecodesign regulation.

Restrictions on the uses of certain packaging formats – the rapporteur believes that some of the restrictions proposed by the Commission would not necessarily have environmental benefits and that they concern products that are currently recyclable and recycled and should therefore be removed.

Re-use targets – the rapporteur agrees with the overall structure of the Commission proposal and acknowledges the value that reusing certain packaging could have in some sectors and applications. However, more ambitious reuse targets for 2040 should only be set once a thorough life-cycle analysis of the solutions available has been carried out, taking account of health, hygiene and safety requirements.

Application of the re-use targets set for 2030 should also be subject to a prior analysis of that kind and be limited to Member States that have not achieved 90 % separate collection. The rapporteur welcomes the derogation introduced by the Commission for operators with a sales area of no more than 100 m<sup>2</sup>, including storage and shipping areas, but believes that, to better reflect small businesses' circumstances, that figure should be increased to 200 m<sup>2</sup>.

Separate collection and deposit and return schemes – with a view to ensuring that recycled material is available for use in other packaging, the rapporteur proposes that a separate collection target of 90 % of all packaging waste be introduced for 2030. Similarly, the requisite collection infrastructure should be established both in public spaces and at final distributors' premises. Deposit schemes are a tool available to Member States to help them to meet the separate collection and recycling targets.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take the following into account:

### Amendment 1

#### Proposal for a regulation Recital 44

*Text proposed by the Commission*

(44) It is necessary to inform consumers and to enable them to appropriately dispose

*Amendment*

(44) It is necessary to inform consumers ***in a way that is easy to understand*** and to

of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

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

## Amendment 2

### Proposal for a regulation

#### Recital 45

##### *Text proposed by the Commission*

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the **mandatory** deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.

##### *Amendment*

(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.

### Amendment 3

#### Proposal for a regulation

##### Recital 46

*Text proposed by the Commission*

(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they *may wish* to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

*Amendment*

(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they *are strongly encouraged to* display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.

### Amendment 4

#### Proposal for a regulation

##### Recital 70

*Text proposed by the Commission*

(70) Achieving re-use and refill targets can be challenging for smaller economic 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 2003/361<sup>60</sup>, 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*

*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 2003/361<sup>60</sup>, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to lay down further exemptions for other economic operators.

***formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.***

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<sup>60</sup> 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).

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<sup>60</sup> Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

## **Amendment 5**

### **Proposal for a regulation Recital 137**

*Text proposed by the Commission*

(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.

*Amendment*

(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs ***and micro-enterprises*** with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs ***and micro-enterprises***.

## **Amendment 6**

### **Proposal for a regulation Article 3 – paragraph 1 – point 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) ‘plastic packaging’ means a***

***packaging that is wholly or predominantly made of plastic;***

## Amendment 7

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 37

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 8

### Proposal for a regulation

#### Article 4 – paragraph 4

*Text proposed by the Commission*

4. ***In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the*** Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with ***those*** national requirements.

*Amendment*

4. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with national requirements.



## Amendment 9

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

*Text proposed by the Commission*

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 a deposit and return system other than those referred to in Article 44(1).

## Amendment 10

### Proposal for a regulation Article 4 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Medicinal products, as defined in Article 1, point (2) of Directive 2001/83/EC, that have been lawfully placed on the market before the date of application referred to in Article 65 of this Regulation or the date of entry into force of specific measures, and that have not been repackaged or relabeled after these dates, may be further made available on the market until their expiry date without being required to comply with the specific rules laid down in Articles 6, 7, 11 and 13.***

## Amendment 11

### Proposal for a regulation Article 6 – paragraph 1

*Text proposed by the Commission*

1. All packaging shall be recyclable.

*Amendment*

1. All packaging shall be recyclable ***in accordance with paragraph 2 of this article.***

**Amendment 12**

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

Point (a) shall apply ***5 years after the date of entry into force of the delegated act referred to in paragraph 4 and no earlier than*** 1 January 2030. Point (e) shall apply ***5 years after the date of entry into force of the delegated act referred to in paragraph 6 and no earlier than 5 years after the application of point (a).***

**Amendment 13**

**Proposal for a regulation**

**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. Recyclable packaging shall, ***from 1 January 2030,*** comply with the design for 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).

*Amendment*

3. ***Five years after the publication in the Official Journal of the European Union of the harmonised standard developed by CEN-European Committee for Standardisation referred to in paragraph 4 and no earlier than 1 January 2030,*** recyclable packaging shall comply with the design for recycling criteria as laid down in ***that harmonised standard. Five years after the publication in the Official Journal of the European Union of the harmonised standard developed by CEN-European Committee for Standardisation referred to in*** paragraph 6 ***and no earlier than 5 years after the application of point (a) of***

*paragraph 2, recyclable packaging shall also comply* with the recyclability at scale requirements *as* laid down in *that harmonised standard*. Where such packaging complies with those *standards*, it shall be considered to comply with paragraph 2, points (a) and (e).

## Amendment 14

### Proposal for a regulation

#### Article 6 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

The Commission *shall request the CEN-European Committee for Standardisation, to develop, at the latest by 31 December 2025, harmonised standards* to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex. *From the date of publication of the references to harmonised standards in the Official Journal of the European Union, packaging which is in conformity with those standards shall be presumed to be in conformity with the requirement laid down in paragraph 1.*

*The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish* rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the

art collection, sorting and recycling processes and shall cover all packaging components.

## Amendment 15

### Proposal for a regulation

#### Article 6 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 16

### Proposal for a regulation

#### Article 6 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

***Five years after the publication in the Official Journal of the European Union of the harmonised standard developed by CEN-European Committee for Standardisation laying down design for recycling criteria pursuant to paragraph 4 and no earlier than*** 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in ***those standards*** for the packaging category, to which the packaging belongs.

## Amendment 17

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

*Text proposed by the Commission*

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

*Amendment*

6. The Commission **is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish** for each packaging type listed in Table 1 of Annex II, the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

**Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

**7a. Where proven environmentally beneficial and technically feasible, Member States shall, especially through design of schemes established in compliance with Art. 40 and 44, prioritise recycling of packaging in closed material loops, whereby producers obliged to meet recycled content targets shall benefit from preferential access to the material derived from the recycled packaging.**

**Amendment 19**

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

*Text proposed by the Commission*

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

*Amendment*

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

the market.

## Amendment 20

### Proposal for a regulation

#### Article 6 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(37) of this Regulation.

## Amendment 21

### Proposal for a regulation

#### Article 6 – paragraph 9 – subparagraph 3

*Text proposed by the Commission*

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

*Amendment*

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

***Member States shall continuously aim to improve collection and sorting infrastructures for innovative packaging with expected environmental benefits.***

## Amendment 22

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(ca) any reusable transport packaging placed on the market prior to the date of***

*application of this Regulation.*

## Amendment 23

### Proposal for a regulation Article 6 – paragraph 11

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 24

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

*Text proposed by the Commission*

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, plastic packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste. ***Targets shall be calculated as an average of the plastic packaging placed by a producer on the Union market.***

## Amendment 25

### Proposal for a regulation

## Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 26

### Proposal for a regulation

#### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 27

### Proposal for a regulation

#### Article 7 – paragraph 1 – point d

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 28

### Proposal for a regulation

#### Article 7 – paragraph 2 – introductory part

*Text proposed by the Commission*

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

*Amendment*

2. From 1 January 2040, plastic packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic



plastic waste, *per unit of* packaging:

waste. ***Targets shall be calculated as an average of the plastic packaging placed by a producer on the Union market.***

## Amendment 29

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

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to guarantee the availability of recycled content.***

## Amendment 30

### Proposal for a regulation Article 7 – paragraph 7

*Text proposed by the Commission*

*Amendment*

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

7. By 31 December **2025**, the Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, ***as an average of plastic packaging placed by a producer on the Union market***, and the format for the technical documentation referred to in Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).

## Amendment 31

### Proposal for a regulation Article 7 – paragraph 8

*Text proposed by the Commission*

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.

*Amendment*

8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in **plastic** packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.

## **Amendment 32**

### **Proposal for a regulation**

#### **Article 7 – paragraph 9 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

By **31 December 2025**, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.

***By 31 December 2035, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 2, points a, b and c, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.***

## **Amendment 33**

### **Proposal for a regulation**

#### **Article 7 – paragraph 9 – subparagraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, **and in paragraph 2, points a, b and c**, for specific plastic packaging,

packaging, and, as appropriate,

and, as appropriate,

## Amendment 34

### Proposal for a regulation

#### Article 7 – paragraph 11 a (new)

*Text proposed by the Commission*

*Amendment*

***11a. By 31 December 2025, the Commission shall assess the possibility to introduce recycled biobased feedstock targets for plastic packaging, considering their potential contribution to meet the targets set out in Article 7(1) and (2);***

## Amendment 35

### Proposal for a regulation

#### Article 8 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), points (f) and (g), sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities.

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), points (f) and (g), sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities, ***in line with the EN 13432 standard “Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging”.***

## Amendment 36

### Proposal for a regulation

#### Article 8 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that ***compostable*** packaging enters the organic waste management stream, Member States are empowered to require that lightweight plastic carrier bags, ***and any other packaging compliant with the requirements listed in Annex III***, shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags ***and other packaging*** are compostable in industrially controlled conditions.

**Amendment 37**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. By [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], ***compostable*** packaging other than that referred to in paragraphs 1 and 2 ***and labelled as compostable may be placed on the market if compliant with criteria listed in Annex III.***

**Amendment 38**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the***

*Amendment*

***deleted***

*types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.*

## **Amendment 39**

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

*Text proposed by the Commission*

*Amendment*

**5a.** *The Commission shall, no later than 31 December 2025, request the European standardisation organisations to update the harmonised standard on the requirements for packaging recoverable through composting and biodegradation - test schemes and evaluation criteria. This standard shall consider, in line with the scientific and technological developments and the relevant legislation, the proper composting times, quality of the output and admissible levels of visual contamination.*

## **Amendment 40**

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

*Text proposed by the Commission*

*Amendment*

**5b.** *By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall assess the possibility to add other types of packaging to the types of packaging covered by paragraphs 1 and 2 when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the*

*conditions set out in Annex III. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.*

## Amendment 41

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

*Text proposed by the Commission*

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

*Amendment*

*Packaging placed on the market from 30 months after the adoption of the implementing acts referred to in paragraphs 5 and 6 shall be marked with a harmonized label containing information on the destination of each separate component of the packaging, in order to facilitate uniform and intelligible information as well as consumer sorting. This obligation does not apply to transport packaging nor to packaging covered by a deposit or return system. However, it applies to e-commerce packaging.*

## Amendment 42

### Proposal for a regulation Article 11 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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 43

## Proposal for a regulation Article 11 – paragraph 2

*Text proposed by the Commission*

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

## Amendment 44

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

*Text proposed by the Commission*

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

*Amendment*

2. **Reusable packaging placed on the market from 36 months after the adoption of the implementing acts referred to in paragraph 5** shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

*Amendment*

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

***Where this is not possible or not warranted on account of the nature and size of the packaging or where it is relevant to provide for non-discriminatory access to information from vulnerable groups, particularly visually impaired persons, labels referred to in paragraphs 1 and 3 shall be provided via a single***

*electronically readable code or other type of data carrier.*

## Amendment 45

### Proposal for a regulation

#### Article 11 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging.

*Amendment*

Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging. ***This data carrier may include further information, such as material composition and the presence of substances of concern, but shall not include information for selling or marketing purposes.***

## Amendment 46

### Proposal for a regulation

#### Article 11 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 47



**Proposal for a regulation**  
**Article 11 – paragraph 6**

*Text proposed by the Commission*

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

**Amendment 48**

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

*Text proposed by the Commission*

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

**Amendment 49**

*Amendment*

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

*Amendment*

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation. ***From [OP: Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding aspects that are likely to mislead or confuse consumers or other end users.***

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

*Text proposed by the Commission*

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

**Amendment 50**

**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

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

*Amendment*

***Article 12a***

***Packaging Forum***

***The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. These parties shall contribute in particular to preparing the delegated and implementing acts provided for in this Regulation to develop and further detail the sustainability requirements and ensure a strong focus on innovative solutions to reduce the environmental impact of packaging and packaging waste, as well as examining the effectiveness of the established market***

*surveillance mechanisms. To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Packaging Forum'.*

## Amendment 51

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that, ***as an average of all such packaging that the economic operator places on the market per calendar year***, the empty space ratio is maximum 40 %.

## Amendment 52

### Proposal for a regulation Article 21 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, 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.

***Empty spaces are exempted if they occur due the shape of a product, where the minimisation of empty spaces would lead to an increased amount of packaging material.***

## Amendment 53

### Proposal for a regulation

## Article 21 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Economic operators using reusable packaging shall be exempted from the obligation laid down in paragraph 1.**

## Amendment 54

### Proposal for a regulation Article 22 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.**

*deleted*

## Amendment 55

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

*Text proposed by the Commission*

*Amendment*

**3. Member States may exempt economic operators from point 3 of Annex V if they comply with the definition 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.**

*deleted*

## Amendment 56

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

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

**Amendment 57**

**Proposal for a regulation**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

1. From 1 January 2030, economic 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.

**Amendment 58**

*Amendment*

4. ***By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall review the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.***

*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, ***excluding cardboard***, within a system for re-use.

**Proposal for a regulation**  
**Article 26 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. From 1 January 2030, final distributors with a sales area larger than 400 m<sup>2</sup> shall endeavour to create dedicated spaces for refill stations for food and non-food products without prejudice to requirements on health, hygiene and safety.**

**Amendment 59**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

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

**deleted**

**Amendment 60**

**Proposal for a regulation**  
**Article 26 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. A final distributor that is conducting its business activity in the**

**deleted**

***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:***

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

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

#### **Amendment 61**

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

*Text proposed by the Commission*

*Amendment*

***3a. Economic operators shall endeavour to offer end users the possibility to use their own containers to take away beverages or food without prejudice to requirements on health, hygiene and safety.***

#### **Amendment 62**

##### **Proposal for a regulation Article 26 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

## Amendment 63

### Proposal for a regulation Article 26 – paragraph 5 – point b

*Text proposed by the Commission*

*Amendment*

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

## Amendment 64

### Proposal for a regulation Article 26 – paragraph 6 – point b

*Text proposed by the Commission*

*Amendment*

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

## Amendment 65

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 66

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

*Text proposed by the Commission*

*Amendment*



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

#### **Amendment 67**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 68**

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

*Text proposed by the Commission*

*Amendment*

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

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

#### **Amendment 69**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 70**

## Proposal for a regulation

### Article 26 – paragraph 12 – subparagraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 71

## Proposal for a regulation

### Article 26 – paragraph 13 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

***By 1 January 2030,*** economic operators delivering products to another economic operator within the same Member State shall use only ***at least 95%*** reusable transport packaging for the purpose of the transportation of such products.

## Amendment 72

## Proposal for a regulation

### Article 26 – paragraph 14 – introductory part

*Text proposed by the Commission*

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

*Amendment*

14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs ***1*** to 10 if, during a calendar year, they:

## Amendment 73

## Proposal for a regulation

### Article 26 – paragraph 15

*Text proposed by the Commission*

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

*Amendment*

15. Economic operators shall be exempted from the obligation to meet the targets in **this Article if:**

**a) they have a sales area of not more than 200 m<sup>2</sup>, including also all storage and dispatch areas;**

**b) reuse is not the option that delivers the best overall environmental outcome on the basis of a life cycle assessment, in line with the waste hierarchy as defined in article 4 of Directive 2008/98/EC, and without prejudice to requirements on health, hygiene and safety.**

**Amendment 74**

**Proposal for a regulation  
Article 26 – paragraph 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**15a. Economic operators shall be exempted from the obligation under this Article if the rate of separate collection as required under Article 43(3), (4) (4b) of the respective packaging material as reported to the Commission under Article 50(1) point (c) is above 85% by weight of such packaging placed on the market on the territory of the Member State in which they operate in the calendar years 2026 and 2027.**

**Where such reporting shows that the rate of separate collection of the respective packaging material is below 85%, the Member State submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 85% separate collection rate by weight of the respective**

*packaging material within two years*

#### **Amendment 75**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 16 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),**

***deleted***

#### **Amendment 76**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 16 – point c**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

#### **Amendment 77**

##### **Proposal for a regulation**

##### **Article 26 – paragraph 16 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) requirements for the preparation of a life cycle assessment to justify an exemption under paragraph 15, point b.**

#### **Amendment 78**

**Proposal for a regulation**  
**Article 26 – paragraph 17**

*Text proposed by the Commission*

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 79**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

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

**Amendment 80**

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

*Text proposed by the Commission*

*Amendment*

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall **assess the impact of the packaging reuse targets** and, on this basis, assess the **need for new** measures, reviewing the targets laid down in this Article. **To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a** legislative proposal.

*Amendment*

1. **By 1 January 2029** Member States shall ensure that systems **and infrastructures** are set up to provide for the return and separate collection of all packaging waste from the end users **for each packaging format listed in Table 1 of Annex II placed on the market in a given year** in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

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

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

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

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

## **Amendment 81**

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

*Text proposed by the Commission*

*Amendment*

*3a. By 1 January 2029, the final distributor making available on the market food and beverages filled and consumed within the premises in the HORECA sector shall ensure that separate collection systems are set up for the different fractions of packaging waste materials, to help the consumer sort packaging waste.*

## **Amendment 82**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 83

### Proposal for a regulation

#### Article 44 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. **By 1 January 2029, Member States shall take the necessary measures to ensure that** deposit and return systems are set up for:

*Amendment*

1. **The systems referred to in article 43, paragraph 1 may take the form of a** deposit and return systems are set up for:

## Amendment 84

### Proposal for a regulation

#### Article 44 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) single use plastic beverage bottles with the capacity of **0,1 litre** up to three litres; and

## Amendment 85

### Proposal for a regulation

#### Article 44 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 86

### Proposal for a regulation

#### Article 44 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) single use glass beverage bottles;**

## Amendment 87

### Proposal for a regulation

#### Article 44 – paragraph 1 – point b b (new)

*Text proposed by the Commission*

*Amendment*

**(bb) beverage cartons; and**

## Amendment 88

### Proposal for a regulation

#### Article 44 – paragraph 1 – point b c (new)

*Text proposed by the Commission*

*Amendment*

**(bc) reusable packaging, where technically and economically feasible.**

## Amendment 89

### Proposal for a regulation

#### Article 44 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

**deleted**

**(a) wine, aromatised wine products, and spirit drinks;**

**(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.**

## Amendment 90

### Proposal for a regulation

#### Article 44 – paragraph 3



*Text proposed by the Commission*

*Amendment*

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

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

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

**Amendment 91**

**Proposal for a regulation  
Article 44 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it** *deleted*

*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.*

## **Amendment 92**

### **Proposal for a regulation Article 44 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.**

*deleted*

## **Amendment 93**

### **Proposal for a regulation Article 44 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for**

*deleted*

*reusable packaging where technically and economically feasible.*

## Amendment 94

### Proposal for a regulation Article 44 – paragraph 9

*Text proposed by the Commission*

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.

*Amendment*

9. By 1 January 2028, Member States shall ensure that all ***existing and future*** deposit and return systems meet the minimum criteria listed in Annex X ***and ensure equal and fair access to vulnerable end-users, particularly disabled persons.***

## Amendment 95

### Proposal for a regulation Annex V

*Text proposed by the Commission*

#### **RESTRICTIONS ON USE OF PACKAGING FORMATS**

	<b>Packaging format</b>	<b>Restricted use</b>	<b>Illustrative example</b>
1.	Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	Collation films, shrink wrap
2.	<b><i>Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit</i></b>	<b><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></b>	<b><i>Nets, bags, trays, containers</i></b>

	<i>and vegetables</i>		
3.	<i>Single use plastic, single use composite packaging or other single use packaging</i>	<i>Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption</i>	<i>Trays, disposable plates and cups, bags, foil, boxes</i>
4.	<i>Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector</i>	<i>Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation</i>	<i>Sachets, tubs, trays, boxes</i>
5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap

*Amendment*

	<b>Packaging format</b>	<b>Restricted use</b>	<b>Illustrative example</b>
1.	Single-use plastic grouped packaging	Plastic packaging used at retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage end users to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in distribution.	Collation films, shrink wrap
2.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
3.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
4.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
5.	Single use hotel miniature	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less	Shampoo bottles, hand

	packaging	than 100 g for non-liquid products	and body lotion bottles, sachets around miniature bar soap
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**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

<b>Entity and/or person</b>
360° Foodservice
A.I.S.E - European association representing cleaning, detergents and household maintenance products
AB InBev
ACE - The alliance for beverage cartons and the environment
AIM - European Brands Association
ALDI Nord
Alleanza delle Cooperative Italiane
ALPLA - Werke Alwin Lehner GmbH & Co KG
Amazon
APEAL - Association of European Producers of Steel for Packaging
APPLiA - Home Appliance Europe
Ball Beverage Packaging Europe
BDE - Bundesverband der Deutschen Entsorgungs-, Wasser- und Kreislaufwirtschaft e. V.
Beam Suntory
BGVZ - Bund Getränkeverpackungen der Zukunft
Braskem
Brown-Forman
Carbios
CEEV - Comité Européen des Entreprises Vins
CEFLEX - The Circular Economy for Flexible Packaging
Cerame-Unie
CITEO - French organisation in charge of recycling household packaging and graphic paper
Coldiretti
CONAI - Consorzio Nazionale Imballaggi
Confagricoltura
Confartigianato
Confcommercio
CONFIDA - Confederazione Italiana Distribuzione Automatica
Confindustria

Confindustria Lecco e Sondrio
Danone
DIGITALEUROPE
DOW Inc.
EAFA - European Aluminium Foil Association
Eastman Chemical Company
ECCIA - European Cultural and Creative Industries Alliance
ECF - European Coffee Federation
Ecommerce Europe
EDA - European Dairy Association
EDANA - nonwovens and related industries
EEB - European Environment Bureau
EGMF - European Garden Machinery industry Federation
EGUALIA - Industrie farmaci accessibili
EPPA - European Paper Packaging Alliance
EUBP - European Bioplastics
EuPC - European Plastics Converters
EURIC - European Recycling Industries' Confederation
Europen - European Organisation for Packaging and the Environment
Farindustria
FEAD - European Waste Management Association
Federalimentare - Federazione Italiana dell'Industria Alimentare
Federazione Carta e Grafica
Federdistribuzione
Federvini - Federazione Italiana Industriali Produttori, Esportatori ed Importatori di Vini, Acquaviti, Liquori, Sciroppi, Aceti ed affini
FEFCO - European Federation of Corrugated Board Manufacturers
FEICA - Association of the European Adhesive & Sealant Industry
FEVE - European Container Glass Federation
Flexible Packaging Initiative (Ferrero, Mars, Mondelez, Nestlé, Pepsico, Unilever)
Fondazione per lo Sviluppo Sostenibile
Foodanddrink Europe
FPE - Flexible Packaging Europe
GIFLEX - Gruppo Imballaggio Flessibile
Guala Closures S.p.A.
HOTREC - Association of Hotels, Restaurants, Pubs and Cafes and similar establishments in Europe
Huhtamaki - Food packaging supplies and materials
Innocent drinks

JACOBS DOUWE EGBERTS (JDE) PEET'S
Kemira
KST - Keep Sweden Tidy
LEGO Group
LVMH - Louis Vuitton Moët Hennessy
McDonald's
Medicines for Europe
MedTech Europe
Metal Packaging Europe
Metsä
Municipal Waste Europe
Natural Mineral Waters Europe
Neste
Nestlé Italiana S.p.A.
Novamont
PaperFoam
PCEP - Polyolefin Circular Economy Platform
PepsiCo
Plastics Europe
Plastics Recyclers Europe
Polymateria Limited
PortionPack Group
Procter & Gamble
Profood
RCTP - Roundtable for reusable containers trays and pallets
Reloop
Rethink Plastic Alliance - alliance of leading European NGOs
RPE - Reusable Packaging Europe
Schwarz Group
SEFA - European association of steel drum manufacturers
SFIF - Swedish Forest Industries Federation
Stora Enso
Sulapac Ltd
Syctom - public service in charge of household waste management
Tetra Pack & Alliance for Beverage Cartons and the Environment
The Minderoo Foundation
THIE - Tea & Herbal Infusions Europe
TIE - Toy Industries of Europe



TOMRA
UNESDA - Soft Drink Europe
UNILEVER
Unione Italiana Food
Unionplast - Federazione Gomma Plastica
UPM - The Biofore Company
Utilitalia - Federazione Utilities
VDMA - Machinery and Equipment Manufacturers Association
Versalis S.p.A.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC
<b>References</b>	COM(2022)0677 – C9-0400/2022 – 2022/0396(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 13.3.2023
<b>Opinion by</b> Date announced in plenary	ITRE 13.3.2023
<b>Associated committees - date announced in plenary</b>	15.6.2023
<b>Rapporteur for the opinion</b> Date appointed	Patrizia Toia 25.1.2023
<b>Discussed in committee</b>	23.5.2023
<b>Date adopted</b>	19.7.2023
<b>Result of final vote</b>	+: 58 –: 11 0: 3
<b>Members present for the final vote</b>	Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Vasile Blaga, Michael Bloss, Paolo Borchia, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Nicola Danti, Marie Dauchy, Pilar del Castillo Vera, Martina Dlabajová, Christian Ehler, Valter Flego, Niels Fuglsang, Jens Geier, Nicolás González Casares, Christophe Grudler, Henrike Hahn, Robert Hajšel, Ivo Hristov, Ivars Ijabs, Romana Jerković, Seán Kelly, Zdzisław Krasnodębski, Andrius Kubilius, Thierry Mariani, Marisa Matias, Marina Mesure, Dan Nica, Niklas Nienass, Ville Niinistö, Johan Nissinen, Mauri Pekkarinen, Tsvetelina Penkova, Morten Petersen, Markus Pieper, Manuela Ripa, Robert Roos, Sara Skyttedal, Maria Spyrali, Grzegorz Tobiszowski, Patrizia Toia, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
<b>Substitutes present for the final vote</b>	Damian Boeselager, Franc Bogovič, Francesca Donato, Matthias Ecke, Ladislav Ilčić, Elena Lizzi, Dace Melbārde, Jutta Paulus, Massimiliano Salini, Jordi Solé, Susana Solís Pérez, Ivan Štefanec, Nils Torvalds, Emma Wiesner
<b>Substitutes under Rule 209(7) present for the final vote</b>	Rosanna Conte, Arnaud Danjean, César Luena, Nicola Procaccini, Elżbieta Rafalska, Antonio Maria Rinaldi, Daniela Rondinelli, Nacho Sánchez Amor, Edina Tóth

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

58	+
ECR	Ladislav Ilčić, Zdzisław Krasnodębski, Johan Nissinen, Nicola Procaccini, Elżbieta Rafalska, Robert Roos, Grzegorz Tobiszowski
ID	Paolo Borchia, Rosanna Conte, Marie Dauchy, Elena Lizzi, Thierry Mariani, Antonio Maria Rinaldi
PPE	François-Xavier Bellamy, Hildegard Bentele, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Pilar del Castillo Vera, Arnaud Danjean, Christian Ehler, Seán Kelly, Andrius Kubilius, Dace Melbārde, Markus Pieper, Massimiliano Salini, Sara Skytvedal, Maria Spyrali, Ivan Štefanec, Henna Virkkunen, Pernille Weiss
Renew	Nicola Beer, Nicola Danti, Martina Dlabajová, Valter Flego, Ivars Ijabs, Mauri Pekkarinen, Morten Petersen, Susana Solís Pérez, Nils Torvalds, Emma Wiesner
S&D	Beatrice Covassi, Matthias Ecke, Niels Fuglsang, Jens Geier, Nicolás González Casares, Robert Hajšel, Ivo Hristov, Romana Jerković, César Luena, Dan Nica, Tsvetelina Penkova, Daniela Rondinelli, Nacho Sánchez Amor, Patrizia Toia, Carlos Zorrinho

11	-
The Left	Marisa Matias, Marina Mesure
Verts/ALE	Michael Bloss, Damian Boeselager, Ignazio Corrao, Henrike Hahn, Niklas Nienass, Ville Niinistö, Jutta Paulus, Manuela Ripa, Jordi Solé

3	0
NI	Francesca Donato, Edina Tóth
Renew	Christophe Grudler

### Key to symbols:

+ : in favour

- : against

0 : abstention