



2022/0396(COD)

11.4.2023

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DRAFT REPORT

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))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Frédérique Ries

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.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0677),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0400/2022),
 - 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 ... ,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Industry, Research and Energy and the Committee on Agriculture,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/0000),
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.

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials **and** introduce requirements for recycled content in plastic packaging. It commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Amendment

(5) In line with the Green Deal³³, the new Circular Economy Action Plan (CEAP)³⁴ commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials, introduce requirements for recycled content in plastic packaging, **and assess the need for recycled content requirements for packaging made of materials other than plastic**. It commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source

³³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

³⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter

Or. en

Justification

Link with amendment 7(6a new)

Amendment 2

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) An item, which is an integral part of a product and is necessary to contain,

Amendment

(11) An item, which is an integral part of a product and is necessary to contain,

support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags *as well as coffee or tea system single-serve units*, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council⁴¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging.

⁴¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Or. en

Justification

See amendment on Article 8(1)

Amendment 3

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, **especially** in plastic packaging where the uptake of recycled content is very low, **as well as higher** recycling rates for all packaging and **high** quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

Amendment

(12) In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, **in particular** in plastic packaging where the uptake of recycled content is very low, **by strengthening high quality recycling systems, thereby increasing** recycling rates for all packaging and **improving the** quality of the resulting secondary raw materials, while reducing other forms of recovery and final disposal

Or. en

Justification

High quality recycling requires efficient systems to be in place to ensure a sufficient rate of integration of recycled content

Amendment 4

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Any requirement for minimum recycled content should be accompanied by incentives. Such incentives should encourage high quality recycling in a closed-loop system which ensures that the

quality of the waste collected is preserved and that producers required to meet recycled content targets have secure and fair access to the materials derived from their packaging that are actually recycled.

Or. en

Justification

'Closed-loop' systems, based on high quality recycling, would stimulate the supply of a secondary materials market, reduce foreign dependencies and encourage design for recycling and recyclability.

Amendment 5

**Proposal for a regulation
Recital 12 b (new)**

Text proposed by the Commission

Amendment

(12b) In line with the waste hierarchy which places waste disposal through landfills as the least preferred option, the measures provided for under this Regulation should be complemented by a review of the Directive 1999/31/EC aiming at accelerating the phasing-out of landfill of packaging waste.

Or. en

Justification

Self-justification

Amendment 6

**Proposal for a regulation
Recital 13**

Text proposed by the Commission

Amendment

(13) Packaging should be designed, manufactured and commercialised in such

(13) Packaging should be designed, manufactured and commercialised in such

a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.

a way as to allow for its re-use **as many times as possible** or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.

Or. en

Justification

In order to minimise their environmental impact, in terms of life cycle analysis, reusable packaging should be designed to be sustainable and used as many times as possible

Amendment 7

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Per- and polyfluorinated alkyl substances (PFASs) are a large family of more than 4,700 man-made chemicals according to 2018 OECD definitions^{1a}. Since their emergence in the late 1940s, PFASs have been used in an increasingly wide range of consumer products and industrial applications, from food packaging and clothing to electronics, aviation and firefighting foams. They are used for their ability to repel grease and water, as well as for their high stability and resistance to high temperatures, due to their carbon-fluorine bond. That bond is also responsible for their extreme persistence in the environment. Exposure to the most studied PFASs has been associated with a range of adverse health effects^{1b}, including thyroid disease, liver damage, reduced birth weight, obesity, diabetes, hypercholesterolaemia and reduced response to routine vaccinations, as well as increased risk of breast, kidney and testicular cancer.

*^{1a} OECD, 2018. Toward a new comprehensive global database of per-and polyfluoroalkyl substances (PFASs): summary report on updating the OECD 2007 list of per-and polyfluoroalkyl substances (PFASs). Series on Risk Management No. 39
[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV-JM-MONO\(2018\)7&doclanguage=en](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV-JM-MONO(2018)7&doclanguage=en)*

*^{1b} European Environment Agency, 2019. Emerging Chemical risks in Europe 'PFAS'.
<https://www.eea.europa.eu/publications/emerging-chemical-risks-in-europe>*

Or. en

Justification

Link with the amendment for Article 5(2a).

Amendment 8

Proposal for a regulation Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) The European Chemicals Agency (ECHA) published on 7 February 2023 a "restriction report" for PFASs^{1a} developed by the authorities of four Member States (Germany, Denmark, the Netherlands and Sweden) and Norway. Fourteen sectors and/or applications, subdivided into numerous sub-uses, have been examined in detail in that report. For the Union, this results in an estimated 140,000 to 310,000 tonnes of PFASs entering the market in 2020, a figure which is expected to increase further due to the expected economic growth in several sectors. Two restriction options

are being assessed: a full ban without derogations and a transition period of 18 months, or a full ban with use-specific time-limited derogations.

1a

<https://echa.europa.eu/documents/10162/f605d4b5-7c17-7414-8823-b49b9fd43aea>

Or. en

Justification

Link with the amendment for Article 5(2a).

Amendment 9

Proposal for a regulation Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) On 27 May 2020, Denmark published Order No. 681 of May 25, 2020 ‘Executive Order on Food Contact Materials and Penal Code for Violation of Related EU Acts’ in its Official Gazette (Lovtidende A) to prohibit PFASs chemicals in food contact paper and board materials and articles. Following that example, in light of the health and environmental emergency represented by PFASs and awaiting ECHA’s restriction opinion on a wider ban on PFASs for all packaging and for other sectors all paper, cardboard food packaging containing PFASs should not be placed on the Union market.

Or. en

Justification

Link with the amendment for Article 5(2a).

Amendment 10

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) This Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, **with the exception of** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should, **however** allow for the restriction, **primarily for reasons other than chemical or food safety**, of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling.

Amendment

(19) This Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, **unless there is an unacceptable risk to human health or the environment, including but not limited to** the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should **also** allow for the restriction of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling.

Or. en

Justification

It is important to leave the door open in this legislation for health protection measures and therefore to limit the use in article 5 of chemicals of very high concern.

Amendment 11

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient

Amendment

(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient

measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.

measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes, *by the European Committee for Standardisation (CEN)*, or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.

Or. en

Justification

The PPWR makes no reference to ongoing standardisation work. As the industry is working on voluntary design criteria to ensure a harmonised definition of recyclability of plastic packaging, the delegated acts should incorporate these criteria, and in particular those developed by CEN, the European Committee for Standardisation.

Amendment 12

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of **2035**. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.

Amendment

(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of **2030**. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.

Or. en

Justification

All packaging must be recyclable by 2030. Considering that the Commission considers packaging to be recyclable if it is "designed for recycling" and "recyclable at scale", then all packaging must be recyclable at scale by 2030.

Amendment 13

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of

Amendment

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of

packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be *justified, especially concerning the use of new or innovative materials and* explained in the technical documentation accompanying the packaging.

Or. en

Justification

See amendment for Article 3(37)

Amendment 14

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, as well as contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² **and** of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³. These exemptions should apply until 1 January 2035.

Amendment

(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council⁵⁰ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council⁵¹, which are in direct contact with the medicinal product, as well as contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council⁵² of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁵³ **and of contact sensitive plastic packaging for foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013.**

These exemptions should apply until 1 January 2035.

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

⁵⁰ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁵¹ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁵² Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

⁵³ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

Or. en

Justification

See amendment of Article 6(10c)

Amendment 15

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) To ensure a fair competition between materials and avoid a shift to less environmentally performing packaging,

and assess the possibility of similar requirements for other types of materials, the Commission should carry out an evaluation of the integration of recycled content in plastic packaging, in particular based on the achievement of the targets set for 2030.

Or. en

Justification

See justification for amendment in Article 7(11)

Amendment 16

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 **and** for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal

Amendment

(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745, for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 **and for contact-sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013**. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1,

product.

point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

Or. en

Justification

See amendment for Article 7(3a)

Amendment 17

**Proposal for a regulation
Recital 28 a (new)**

Text proposed by the Commission

Amendment

(28a) In order to achieve the targets for the integration of recycled content referred to in this Regulation, a pathway should be included in this Regulation to introduce targets for bio-based raw materials for virgin materials in packaging through delegated acts by 2026, with specific sustainability criteria.

Or. en

Justification

See justification for amendment of Article 7(a).

Amendment 18

**Proposal for a regulation
Recital 29**

Text proposed by the Commission

Amendment

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that ***the***

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that

plastic **part of each unit of** packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

plastic packaging, **per format, per plant, per year** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

Or. en

Justification

See justification for amendment of article 7(1)

Amendment 19

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, **per unit of** post-consumer plastic waste in packaging, the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per post-consumer plastic waste in **the packaging format, per plant, per year**, the share of recycled content recovered from post-consumer plastic waste present, **considering the environmental impact of the recycling process** and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵⁵.

⁵⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

Consistent with amendment in article 7.1.

Amendment 20

**Proposal for a regulation
Recital 32**

Text proposed by the Commission

Amendment

(32) Regarding plastic packaging, except where made from polyethylene terephthalate (PET), it will be warranted, sufficiently ahead of the date of application of the related recycled content requirements, to re-assess the availability of suitable recycling technologies for such plastic packaging, also with respect to the state of authorisation under relevant Union rules, and the installation in practice of such technology. Based on this assessment, there might be need to provide for derogations from the recycled content requirements for specific contact sensitive plastic packaging concerned, or to revise the derogations. To that end, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.

deleted

Or. en

Justification

See amendment in Article 7(2).

Amendment 21

**Proposal for a regulation
Recital 33**

Text proposed by the Commission

Amendment

(33) In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of temporarily amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.

deleted

Or. en

Justification

As stated in the amendment to recital 28a, the mandatory inclusion of recycled content is an economic tool to stimulate the recycling of packaging and to create a robust market for recycle. The possibility to give the Commission the power of delegated act to suspend, even temporarily, the recycled content targets goes against this logic of creating a stable and robust plastic recycle market over time.

Amendment 22

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The Union packaging recycling market should be strengthened in order to improve the recycling rate, avoid landfill and minimise the export of waste to third countries. The development of Union recycling capacities should happen in cooperation with the sector's actors and industries, and be based on a regulated value chain allowing for quality checks, quality assurance, certification, logistics

and pricing.

Or. en

Justification

In order to achieve the objectives set out in Article 7 of this Regulation, a robust European market for plastic recyclates must be established.

Amendment 23

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste.

Amendment

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste, ***for example for products where the separation between the content and packaging is particularly complex, such as tea bags.***

Or. en

Justification

Self-justification

Amendment 24

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. ***Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be a limited flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its territory. In order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.***

Amendment

(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. ***In addition, the biodegradable waste should not lead to the presence of contaminants in the compost. They should comply with the requirements of EN 13432 "Packaging - Requirements for packaging recoverable by composting and biodegradation - Test scheme and evaluation criteria for final acceptance of packaging". However, the standard should be revised with regard to the requirements for biodegradable plastic waste - for example, with regard to composting times, permissible levels of contamination and other requirements necessary to actually allow these materials to be processed in bio-waste treatment facilities in an appropriate manner.***

Or. en

Justification

There is increasing scientific evidence that a number of conditions have to be met to ensure that the production and use of these bio-based, biodegradable and compostable plastics result in overall positive environmental outcomes and do not exacerbate problems of plastic pollution and biodiversity loss. Before legislating further, and given the differences in approach between Member States, the Commission's priority is to request the revision of the existing European standard EN 13432 with a view to clarifying the concepts of biodegradability and compostability.

Amendment 25

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

(37) Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use of such materials is beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend or extend the list of compostable packaging.

deleted

Or. en

Justification

Mandatory compostability of packaging should be limited to very specific applications, where it is very difficult to separate the organic content from the packaging, as for example in tea bags. The current Regulation seems to take into account all possible applications, and it is therefore unnecessary to provide for the possibility of an additional delegated act.

Amendment 26

Proposal for a regulation

Recital 41

Text proposed by the Commission

Amendment

(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space, grouped and transport packaging, including e-commerce packaging.

(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space, grouped and transport packaging, including e-commerce packaging. ***The minimisation criteria for e-commerce packaging should also meet the performance criteria set out in Part I of Annex IV.***

Or. en

Justification

See amendment for Article 21(1)

Amendment 27

Proposal for a regulation
Recital 44

Text proposed by the Commission

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

Amendment

(44) It is necessary to inform consumers and to enable them to appropriately dispose of ***any*** packaging waste. 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.

Or. en

Justification

Labelling requirements should apply to all packaging materials for which there is a defined waste management route.

Amendment 28

Proposal for a regulation
Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) Sorting is an essential step to ensure greater circularity of packaging. The improvement of sorting capacities, notably through technological innovations, should be encouraged in order to allow a better quality of sorting, and thus a better quality of feedstock for recycling.

Justification

Quite forgotten in the framework of this Regulation, the sorting stage is nevertheless essential in order to guarantee a good treatment of waste, and subsequently to guarantee a high quality of recycling.

Amendment 29**Proposal for a regulation
Recital 47***Text proposed by the Commission*

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.

Amendment

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale. ***To avoid misleading consumers and prevent confusion, labelling of reused packaging should clearly indicate the preferred means of sorting.***

Justification

Self-justification.

Amendment 30**Proposal for a regulation
Recital 50 a (new)***Text proposed by the Commission**Amendment*

(50a) An expert group should be set up with a balanced participation of

representatives of Member States and all parties concerned with packaging. The group should be referred to as the "Packaging Forum" and should contribute in particular to preparing, developing and clarifying sustainability requirements, reviewing the effectiveness of established market surveillance mechanisms and assessing any self-regulatory measures.

Or. en

Justification

See new article 12 a creating a Packaging forum.

Amendment 31

Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability.

Amendment

(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability. ***In a waste reduction approach, economic actors are strongly encouraged to put in place waste reduction plans, along the lines of those submitted by Member States, in order to ensure better circularity of their packaging and reduce their environmental impacts.***

Or. en

Justification

Member States are required to submit packaging reduction plans. In line with this, economic

actors, especially large companies, are encouraged to do the same, in order to better integrate circular packaging practices into their business model.

Amendment 32

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

Amendment

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %, ***and be compatible with the requirements set out in Annex IV***. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

Or. en

Justification

See amendment for Article 21(1)

Amendment 33

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the

Amendment

(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the

achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **amend** the list.

achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **add other packaging formats to** the list.

Or. en

Justification

See amendment for Article 22(4)

Amendment 34

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) To incentivise waste prevention, a new concept of ‘refill’ should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting **of the re-use and refill** targets. **However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of this Regulation.**

Amendment

(65) To incentivise waste prevention, a new concept of ‘refill’ should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting **the prevention** targets **as set out in this Regulation.**

Or. en

Justification

See justification for amendment to Article 26 - Title.

Amendment 35

Proposal for a regulation

Recital 66

Text proposed by the Commission

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.

Amendment

(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.

Economic actors should be exempted from liability for food safety problems that could arise from the use of containers provided by consumers.

Or. en

Justification

See justification for amendment 25(4)

Amendment 36

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use ***and refill*** targets on packaging in sectors, which have been assessed as having the greatest potential for

Amendment

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use targets on packaging in sectors, which have been assessed as having the greatest potential for packaging

packaging waste reduction, ***namely food and beverages for take-away***, large-white goods and transport packaging. This ***was*** appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use ***and refill*** solutions. The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.

waste reduction, large-white goods and transport packaging. This ***is*** appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use solutions. The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.

Or. en

Justification

In the European Union, there is no consistent system of re-use for take-away food and drink. Furthermore, reuse and refill concepts should not be mixed as they have a different function in the concept of circularity.

Amendment 37

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) To increase their effectiveness and ensure the equal treatment of economic operators, ***the re-use and refill*** targets should be placed on the ***economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.*** The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use ***or***

Amendment

(68) To increase their effectiveness and ensure the equal treatment of economic operators, ***re-use*** targets should be placed on the ***final distributors***. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing

through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

Or. en

Justification

See justification to amendment of Article 26 - Title. Following, the legislation in place in different Member States for reuse in beverage sectors, the mandatory targets should be put only on the final distributor and the targets should be aspirational for manufacturers.

Amendment 38

Proposal for a regulation

Recital 70

Text proposed by the Commission

(70) Achieving re-use *and refill* targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish re-use *and refill* targets for other products, to lay down further exemptions for other economic operators *or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food*

Amendment

(70) Achieving re-use targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361⁶⁰, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish re-use targets for other products *or* to lay down further exemptions for other economic operators.

safety or environmental issues preventing the achievement of these targets.

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

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

Or. en

Justification

See justification for amendment of Article 26 concerning the exemption power given to the Commission

Amendment 39

Proposal for a regulation Recital 71

Text proposed by the Commission

(71) To enable the verification of compliance with the re-use *and refill* targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Amendment

(71) To enable the verification of compliance with the re-use targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.

Or. en

Amendment 40

Proposal for a regulation Recital 73

Text proposed by the Commission

(73) In view of the results of the evaluation study on plastic carrier bags⁶²,

Amendment

(73) In view of the results of the evaluation study on plastic carrier bags⁶²,

further measures need to be taken to reduce the consumption of lightweight plastic carrier bags **and assess possible substitution effects with** very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns.

⁶² Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.

and the data published by Eurostat, further measures, **which could go as far as placing restrictions on the market,** need to be taken to reduce **both** the consumption of lightweight plastic carrier bags, **and that of** very lightweight plastic carrier bags and **also assess possible substitution effects with** thicker plastic carrier bags above 50 microns.

⁶² Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.

Or. en

Justification

Self-justification.

Amendment 41

Proposal for a regulation

Recital 73 a (new)

Text proposed by the Commission

Amendment

(73a) As very light plastic carrier bags have a high potential to become waste and contribute to marine pollution, measures should be taken to restrict their placing on the market except for strictly necessary uses. Those plastic bags should not be placed on the market as packaging for bulk foodstuffs, except for hygienic reasons or for packaging wet bulk foodstuffs such as raw meat, fish or dairy products. For very lightweight plastic carrier bags to which that marketing restriction does not apply, the provisions introduced by Article 29 (aligned with

Directive (EU) 2015/720) should apply.

Or. en

Justification

See justification for amendment to Article 22(a - NEW).

Amendment 42

Proposal for a regulation

Recital 91

Text proposed by the Commission

(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established.

Amendment

(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established. ***Member States which have established a different system for the management of household packaging waste, on one hand, and of industrial and commercial packaging waste, on the other, should have the opportunity to retain their specificity.***

Or. en

Justification

Some Member States, such as Belgium, use another relevant criterion for calculation of grouped and transport packaging waste, which is the evolution of the gross domestic product of the industrial sector. This specificity should be taken into account by the proposal of Regulation.

Amendment 43

Proposal for a regulation Recital 91 a (new)

Text proposed by the Commission

Amendment

(91a) As part of its Circular Economy Action Plan, the European Commission adopted the Communication of 16 January 2018 on a European Strategy for Plastics in a Circular Economy to reduce marine pollution, greenhouse gas emissions and our European dependence on fossil fuels. With plastic consumption on the rise, the strategy calls for better circularity of plastics and effective prevention measures. In line with that strategy, this Regulation should be an instrument to fight against superficial, unnecessary plastics, in order to reverse the trend of production and consumption of plastics, especially single-use plastics.

Or. en

Justification

Self-justification.

Amendment 44

Proposal for a regulation Recital 91 b (new)

Text proposed by the Commission

Amendment

(91b) A first round of negotiations on an international treaty to end plastic pollution opened under the auspices of the United Nations on 28 November 2022 in Uruguay, as a result of a resolution against plastic pollution approved on 2 March 2022 by 175 states in Nairobi, Kenya, at the United Nations Environment Assembly. On 24 November 2022, the 35 member countries of the Coalition of Countries to Stop Plastic Pollution, including the European Union, issued a declaration calling for the most ambitious treaty possible, making it essential that this Regulation lives up to the challenge of tackling plastic pollution.

Or. en

Justification

Self-justification.

Amendment 45

Proposal for a regulation Recital 96

Text proposed by the Commission

Amendment

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the

(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers, ***including e-commerce actors***, placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive

generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.

environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.

Or. en

Amendment 46

Proposal for a regulation Recital 98

Text proposed by the Commission

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain from those producers information about their compliance with the extended

Amendment

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council⁶⁶ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should ***be bound by certain obligations applicable to producers, unless they prove that the third***

producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

party for which it facilitates distance selling or delivery has already fulfilled these obligations. Furthermore, they should obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

⁶⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

Or. en

Justification

See justification for amendment to Article 43(3)

Amendment 47

Proposal for a regulation

Recital 101 a (new)

Text proposed by the Commission

Amendment

(101a) The separate collection of packaging is a crucial step to ensure its circularity, and to ensure a strong market for secondary raw materials. The establishment of a mandatory collection rate is an incentive to develop efficient and targeted collection systems at national level, and thus increase the quantity of waste sorted and potentially recycled.

Or. en

Justification

Separate collection is an essential step in circularity, as it ensures that there is sufficient feedstock for recycling

Amendment 48

**Proposal for a regulation
Recital 103 a (new)**

Text proposed by the Commission

Amendment

(103a) Following the best practices already in place in several Member States, giving the possibility to producers contributing to a deposit return scheme (DRS) to purchase a proportionate share of recycled content in the recyclable packaging they put on the market, this Regulation should ensure that other Member States put in place similar systems, in order to avoid the integration of recycled content from packaging into other types of materials, and thus favour a circular approach to packaging

Or. en

Justification

See justification for amendment to Article 44(1a NEW)

Amendment 49

**Proposal for a regulation
Recital 103 b (new)**

Text proposed by the Commission

Amendment

(103b) This Regulation should take into account the diversity of DRS systems that exist in Europe, and ensure that technological developments in these systems are not hindered when they meet the conditions and criteria for increasing

collection rates and ensuring better quality recycling. For example, digital DRS offers consumers a QR code system, with a refund of the deposit when deposited at a separate collection point at home or on-the-go.

Or. en

Justification

See amendment in Annex X

Amendment 50

Proposal for a regulation

Recital 107

Text proposed by the Commission

(107) Member States which achieve **90 %** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Amendment

(107) Member States which achieve **at least 85%** collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Or. en

Justification

See amendment for Article 44(3)

Amendment 51

Proposal for a regulation

Recital 108

Text proposed by the Commission

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support

Amendment

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support

the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use *and refill* targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

Or. en

Justification

See justification for Article 26 - Title

Amendment 52

Proposal for a regulation Recital 113 a (new)

Text proposed by the Commission

Amendment

(113a) While it is important for the Commission to take into account all processing technologies when drafting the delegated acts establishing the recyclability criteria, as well as the criteria for recyclability at scale, it is essential that the Commission further assess the added value of chemical recycling for those fractions that cannot be processed by mechanical recycling technologies. In the context of the objectives that have been set by Regulation (EU) 2021/1119, the Commission should take into account the energy consumption of new technologies, and, in the context of the revision of the Union legislative framework on environmental claims, avoid misleading

environmental claims, by limiting these applications to a truly circular approach, excluding, for example, approaches to converting materials into fuel.

Or. en

Justification

Chemical recycling has a role to play in packaging circularity, although this terminology refers to many waste treatment techniques, and there is currently no mature industry sector in the field. In order to ensure and preserve the sustainability of the sector, and to avoid greenwashing, it is essential that chemical recycling is only applied to packaging that cannot be treated by mechanical recycling, in a material by material approach. It is also essential that Commission takes into account the climate impact of different recycling technologies.

Amendment 53

**Proposal for a regulation
Recital 117 a (new)**

Text proposed by the Commission

Amendment

(117a) Separate out-of-home collection is an important dimension in order to increase collection rates of packaging, and improve its circularity. Member States and economic actors should be able to take specific measures for separate out-of-home collection, adapted to the location and habits of consumers.

Or. en

Justification

Out-of-home collection is always a major challenge, especially in tourist or remote areas, while its role in combating litter is essential.

Amendment 54

**Proposal for a regulation
Recital 138**

Text proposed by the Commission

Amendment

(138) In order to meet those commitments and establish an ambitious yet harmonised framework on packaging, it is necessary to adopt a Regulation establishing requirements on packaging over its entire life-cycle. Directive 94/62/EC should therefore be repealed.

deleted

Or. en

Justification

Repetition with Recital 140

Amendment 55

Proposal for a regulation Recital 139

Text proposed by the Commission

Amendment

(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this **Directive** should be deferred.

(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this **Regulation** should be deferred.

Or. en

Justification

Simple correction

Amendment 56

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.

Amendment

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling, ***reuse or refill*** of packaging waste.

Or. en

Justification

Reuse and refill are part of the set of solutions and practices that are addressed in this Regulation to ensure the environmental sustainability of packaging.

Amendment 57

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.

Amendment

3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC ***and a supportive legal framework for the industry's ongoing investments towards achieving packaging circularity.***

Or. en

Justification

This Regulation should support the packaging sector's efforts towards environmental sustainability and circularity by providing a clear legal framework and a clear timetable.

Amendment 58

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill to the end user;

Amendment

(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill **or re-use** to the end user;

Or. en

Justification

Final distributors, mentioned several times in Article 26, are also involved in reuse, hence this clarification.

Amendment 59

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;

Amendment

(22) ‘re-use’ means any operation by which reusable packaging is used again **several times** for the same purpose for which it was conceived **and made possible by adequate logistics and promoted by suitable incentive systems, usually by a deposit scheme**;

Or. en

Justification

Incentives for re-use are essential to ensure the effectiveness of the schemes and, although the need to set rules for effective and efficient collection is mentioned in Annex VI, Part A, the need for take-back incentives should also be clearly stated in the definition of re-use.

Amendment 60

Proposal for a regulation

Article 3 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘systems for re-use’ means organisational, technical */or* financial arrangements, ***which enable the*** re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Amendment

(26) ‘systems for re-use’ means organisational, technical ***and/or*** financial arrangements, ***together with incentives, that allow*** re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;

Or. en

Justification

Refer to the amendment to Article 3(22)

Amendment 61

Proposal for a regulation

Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘refill’ means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products offered by the final distributor in the context of a commercial transaction;

Amendment

(28) ‘refill’ means an operation, ***considered as a packaging waste prevention measure,*** by which an end user fills its own container, which fulfils the packaging function with a product or several products offered by the final distributor in the context of a commercial transaction;

Or. en

Justification

As currently defined in the proposal, the action of refilling refers to an operation by which an end-user fills his own container. In this sense, the container is not a packaging but a product belonging to the consumer. Therefore, the refilling operation by a consumer should be considered as a packaging waste prevention measure.

Amendment 62

Proposal for a regulation

Article 3 – paragraph 1 – point 31 a (new)

Text proposed by the Commission

Amendment

(31a) 'recyclability' means the assessment of the compatibility of packaging with the management and processing of waste by design, based on separate collection, sorting in separate streams, recycling at scale, and use of recycled materials to replace primary raw materials in new packaging;

Or. en

Justification

Recyclability is never defined in this Regulation, although the concept is used several times. For reasons of understanding and coherence, the Rapporteur proposes here a definition of recyclability that will be completed by a more complex definition during the elaboration of the delegated acts concerning the criteria of recyclability, as specified in Article 6.

Amendment 63

Proposal for a regulation

Article 3 – paragraph 1 – point 32

Text proposed by the Commission

Amendment

(32) 'recycled at scale' means collected, **sorted and recycled** through **installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population**, including packaging waste exported from the Union that meets the requirements of Article 47(5);

(32) 'recycled at scale' means **the existence of a clear pathway and sufficient capacity for the collected packaging waste to be directed to defined and recognised waste streams** through **established industrial processes for reprocessing**, including packaging waste exported from the Union that meets the requirements of Article 47(5);

Or. en

Justification

The current definition, and more specifically the notion of "75% of the European population", is not adapted to the challenge of having all packaging recyclable at scale by 2035, given the large differences in consumption habits between European countries, and the fact that the type of packaging can vary greatly from one country to another. The new definition is much more cross-cutting, as it takes into account the existence of established industrial processes in Europe.

Amendment 64

Proposal for a regulation

Article 3 – paragraph 1 – point 32 a (new)

Text proposed by the Commission

Amendment

(32a) 'high quality recycling' means any recovery operation, as defined in Article 3, point (17), of Directive 2008/98/EC, that ensures that the distinct quality of the waste collected is preserved or recovered during that recovery operation, so that it can be subsequently recycled and used in the same way and for a similar application, with minimal loss of quantity, quality or function;

Or. en

Justification

The notion of high quality recycling is mentioned several times in the text, without ever being defined. The introduction of this new definition clarifies this important aspect of the Regulation.

Amendment 65

Proposal for a regulation

Article 3 – paragraph 1 – point 37

Text proposed by the Commission

Amendment

(37) 'innovative packaging' means a form of packaging that is manufactured using new materials, design or production

(37) 'innovative packaging' means a form of packaging that is manufactured using new materials, ***including innovative***

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;

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, 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;

Or. en

Justification

Mere presentation, as stated at the end of the definition, does not seem to be a sufficient criterion to justify all exemptions for innovative packaging. Furthermore, innovative polymers, as defined in the amendment to Article 3(37a new), are the kind of new materials that provide a net environmental benefit, and also stimulate innovation in the packaging sector.

Amendment 66

Proposal for a regulation

Article 3 – paragraph 1 – point 37 a (new)

Text proposed by the Commission

Amendment

(37a) ‘innovative polymer’ means a polymer that has not been chemically modified and that: is bio-based, is created by using or replicating or imitating naturally occurring processes found in plants, fungi, or bacteria, retains its basic chemical structure during any process to convert it, and neither contains nor generates persistent synthetic polymers microparticles during biodegradation;

Or. en

Justification

See the justification for the amendment to Article 3(37) on innovative polymers.

Amendment 67

Proposal for a regulation

Article 3 – paragraph 1 – point 41 a (new)

Text proposed by the Commission

Amendment

(41a) 'biodegradable packaging' means packaging that is capable of undergoing physical and biological decomposition so that it eventually breaks down into carbon dioxide (CO₂), biomass and water and is, in accordance with European packaging standards, recoverable through composting and anaerobic digestion;

Or. en

Justification

The introduction of this new definition clarifies the provisions of Article 8 concerning compostability.

Amendment 68

Proposal for a regulation

Article 3 – paragraph 1 – point 50

Text proposed by the Commission

Amendment

(50) 'deposit' means a ***fixed*** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;

(50) 'deposit' means a ***defined*** sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;

Or. en

Justification

Deposits/refunds will be modified over time depending on economic circumstances and

performance, therefore the word "fixed" must be changed

Amendment 69

Proposal for a regulation

Article 3 – paragraph 1 – point 51

Text proposed by the Commission

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;

Amendment

(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose ***or properly deposited in the type of waste receptacle provided for that purpose, at home or in public spaces;***

Or. en

Justification

DRS systems in Europe are characterised by great diversity, depending on local waste management specificities and cultures. The introduction of this precision in the definition allows, under the same conditions as those adopted by this Regulation, to open the door to innovative DRS systems, such as digital deposit systems

Amendment 70

Proposal for a regulation

Article 3 – paragraph 1 – point 57

Text proposed by the Commission

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment or other public interests protected by that requirement;

Amendment

(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment, ***health***, or other public interests protected by that requirement;

Amendment 71

Proposal for a regulation

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall be entitled to adopt the necessary additional sustainability requirements to reduce per capita packaging waste in order to reach the targets set out in Article 38.

Or. en

Justification

There is a contradiction between Art. 4 on free movement, which prevents Member States from developing measures to restrict packaging that complies with the Regulation, and Art. 38.2-5, which requires Member States to develop waste prevention provisions in order to achieve their packaging waste reduction targets. It is therefore necessary to ensure that more ambitious measures can still be implemented in Member States, in particular those necessary to achieve the waste prevention targets.

Amendment 72

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).

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), **as long as such labelling does not create a risk of confusion for the consumer.**

Amendment 73

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.

Amendment

1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal ***including their immediate and cumulative impact on the environment in the case of microplastic generation.***

Or. en

Justification

See justification for the amendment of Recital(30).

Amendment 74

Proposal for a regulation Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Paper and cardboard food packaging containing per- and polyfluorinated alkyl substances (PFASs) shall not be placed on the market.

Or. en

Justification

In relation to recital 15a, b and c, PFASs are used in an increasingly wide range of consumer

products, including packaging. The authorities of four Member States have asked ECHA to investigate the possibility of banning PFASs in a restriction report, which highlights the health and environmental risks associated with their exposure. In May 2020, Denmark banned PFASs in food contact materials and articles made of paper and cardboard. Based on this example, pending ECHA's restriction opinion on a broader ban on PFASs, all paper and cardboard food packaging containing PFASs should be banned.

Amendment 75

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. Compliance with the requirements set out in paragraph 2 shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

Amendment

3. Compliance with the requirements set out in **paragraphs 1 and 2** shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.

Or. en

Justification

Clarification on the requirements of the Regulation to be taken into account in the conformity assessment.

Amendment 76

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. Recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons **relating** primarily to chemical safety. They shall address, **as appropriate**, substances of concern that **negatively affect the re-use** and recycling of materials in the packaging in which they are present, and **shall, as appropriate**, identify the specific

Amendment

4. Recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons primarily **related** to chemical safety, **unless there is an unacceptable risk to human health or to the environment arising from the use of a substance in the manufacturing of a packaging or packaging component, or from a**

substances concerned and *their associated* criteria and limitations.

substance present in a packaging or packaging component when it is placed on the market or during the subsequent stages of its life cycle. They shall address substances of concern that *have a negative impact on the reuse, sorting* and recycling of materials in the packaging in which they are present, and identify the specific substances concerned and *the* criteria and limitations *associated with them*.

Or. en

Justification

The rapporteur supports the Commission's approach that restrictions due to chemical or food safety risks should be dealt with in other frameworks (REACH, food contact regulation) except when the risk is not controllable and is the subject of a scientific consensus as on PFASs.

Amendment 77

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. All packaging shall be recyclable.

1. ***From 1 January 2030***, all packaging ***placed on the market*** shall be recyclable.

Or. en

Justification

Establishment of a clear date for the recyclability requirement for all packaging placed on the European market

Amendment 78

Proposal for a regulation Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) it is designed for recycling;

(a) ***it is designed for recycling, as set out in the delegated acts adopted by the Commission pursuant to paragraph 7;***

Or. en

Justification

Self-justification.

Amendment 79

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) ***it is effectively and efficiently separately collected in accordance with Article 43(1) and (2);*** ***deleted***

Or. en

Justification

Paragraphs b, c and d are not deleted permanently, but simply redistributed in the criteria to be taken into account when drafting the delegated acts on recyclability criteria, and on recyclability at scale.

Amendment 80

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***it is sorted into defined waste streams without affecting the recyclability of other waste streams;*** ***deleted***

Or. en

Justification

Paragraphs c, d and e are not deleted permanently, but simply redistributed in the criteria to be taken into account when drafting the delegated acts on recyclability criteria, and on recyclability at scale.

Amendment 81

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials; *deleted*

Or. en

Justification

Paragraphs b, c and d are not deleted permanently, but simply redistributed in the criteria to be taken into account when drafting the delegated acts on recyclability criteria, and on recyclability at scale.

Amendment 82

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) it can be recycled at scale. *(e) it is recyclable at scale according to the methodology established in delegated acts adopted by the Commission pursuant to paragraph 6.*

Or. en

Justification

Self-justification.

Amendment 83

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

Clarification of the date from Article 6(1)

Amendment 84

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e). ***deleted***

Or. en

Justification

Deleted as incorporated in paragraph 6 (2).

Amendment 85

Proposal for a regulation Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. All packaging corresponding to performance grade E, according to the design for recycling criteria, and all packaging assessed as not being recyclable at scale, shall not be considered as recyclable.

Or. en

Justification

Clarification, induced in the Commission's version, that packaging with a grade E, and packaging considered non-recyclable at scale, are not considered recyclable.

Amendment 86

Proposal for a regulation Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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

By 1 January 2027 the Commission ***shall*** adopt delegated acts in accordance with Article 58 to supplement this Regulation ***concerning:***

and shall cover all packaging components.

*(a) design for recycling criteria, performance grades **for the** packaging categories listed in Annex II, and rules for the modulation of financial contributions to be paid by producers to comply with their extended producer, based on the parameters listed in Annex II, table 3, and on the criteria set out in paragraph 7 and responsibility obligations set out in Article 40(1);*

(b) methodology to assess the recyclability at scale of packaging, based on the criteria set out in paragraph 6.

Or. en

Justification

Economic actors need to anticipate the requirements for recyclability of packaging, so that they can adapt their practices accordingly. This amendment, in addition to clarifying the structure of the paragraph, sets dates by which the Commission must publish the relevant delegated acts.

Amendment 87

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Justification

New paragraph 6(3).

Amendment 88

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

These criteria shall be based at least on the parameters as listed in Table 2 of Annex II. ***deleted***

Or. en

Justification

Mention directly in the amendment to Article 6(4)

Amendment 89

Proposal for a regulation

Article 6 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

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:

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

Or. en

Justification

Rewording, in order to require that the Commission take these criteria into account when drafting the delegated act on recyclability at scale.

Amendment 90

Proposal for a regulation

Article 6 – paragraph 7 – introductory part

Text proposed by the Commission

7. The criteria *and requirements referred to in paragraph 3* shall *establish*:

Amendment

7. The *delegated acts establishing design for recycling* criteria, *performance grades and modulation of financial contributions* shall:

Or. en

Justification

The purpose of this amendment, together with the amendments below, is to clarify the criteria to be used by the Commission when drawing up delegated acts concerning recycling criteria, performance grades and modulation of financial contributions. No criteria have been deleted, but simply reorganised to better reflect the importance of each element to be taken into account.

Amendment 91

Proposal for a regulation

Article 6 – paragraph 7 – point a

Text proposed by the Commission

(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;

Amendment

(a) *describe* the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;

Or. en

Justification

See justification for amendment to Article 6(7) - introductory part

Amendment 92

Proposal for a regulation

Article 6 – paragraph 7 – point a a (new)

Text proposed by the Commission

Amendment

(aa) take into consideration state-of-the-art collection, sorting and recycling processes and cover all packaging components;

Or. en

Justification

See justification to amendment of Article 6(7) - introductory part

Amendment 93

Proposal for a regulation

Article 6 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;

(b) **establish** detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;

Or. en

Justification

See justification for amendment to Article 6(7) - introductory part

Amendment 94

Proposal for a regulation

Article 6 – paragraph 7 – point c

Text proposed by the Commission

Amendment

(c) a description, for each packaging category listed in Table 1 of Annex II, of

(c) **contain** a description, for each packaging category listed in Table 1 of

the conditions for compliance with the respective performance grades;

Annex II, of the conditions for compliance with the respective performance grades;

Or. en

Justification

See justification for amendment of Article 6(7) - introductory part

Amendment 95

**Proposal for a regulation
Article 6 – paragraph 7 – point d**

Text proposed by the Commission

(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;

Amendment

(d) **establish** the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;

Or. en

Justification

See justification for amendment to Article 6(7) - introductory part

Amendment 96

**Proposal for a regulation
Article 6 – paragraph 7 – point e**

Text proposed by the Commission

(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.

Amendment

deleted

Or. en

Justification

Moving the set of criteria concerning recyclability at scale in Article 6(6)

Amendment 97

Proposal for a regulation
Article 6 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.

Amendment

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII ***and take into consideration the following elements:***

Or. en

Justification

Simple clarification, with a shift in the elements of paragraph 8

Amendment 98

Proposal for a regulation
Article 6 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.

Amendment

(a) where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components;

Or. en

Amendment 99

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.

Amendment

(b) where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component;

Or. en

Amendment 100

Proposal for a regulation

Article 6 – paragraph 8 – subparagraph 4

Text proposed by the Commission

All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Amendment

(c) all components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.

Or. en

Amendment 101

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

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

has been placed on the market.

calendar year when it has been placed on the market.

Or. en

Amendment 102

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) contact-sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013.

Or. en

Justification

Plastic packaging for food intended for infants and young children has similar food safety requirements to packaging for medical products, and therefore should have the same flexibility to meet the requirements of this Regulation.

Amendment 103

Proposal for a regulation

Article 6 – paragraph 11

Text proposed by the Commission

Amendment

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

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

Amendment 104

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, the plastic part in packaging **placed on the market** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per **format packaging, per plant, per year**:

Or. en

Justification

The application of this "per unit" measure is rather restrictive, and does not correspond to the industrial realities of the sector. While keeping the same level of ambition, the application of "per format packaging per plant per year" allows for a much more representative accounting view of the integration of recycled content.

Amendment 105

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

The technology to achieve this goal for contact-sensitive non-PET packaging does not exist today. Considering the very short timeframe to reach this target, the Commission should not make technological bets on recycling, and therefore not set targets for the integration of unattainable recycled content.

Amendment 106

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. From 1 January 2040 the plastic part in packaging ***placed on the market*** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per ***format packaging, per plant, per year***:

Or. en

Justification

Same justification as for the amendments to Article 7(1) on packaging being placed on the EU market, and unit of packaging.

Amendment 107

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 1 and 2 if, during a calendar year, they:

(a) produce no more than 100 tonnes of plastic; or

(b) comply with the definition of microenterprise in accordance with the rules set out in the Commission Recommendation 2003/361/EC^{1a}.

^{1a} ***Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L***

Justification

Smaller economic actors will find it more difficult to source recycled plastics to meet the requirements in this article. A maximum of 2,000 plastic packaging converters representing 10% of the sector could benefit from this derogation already provided for in Article 26 on reuse targets.

Amendment 108

Proposal for a regulation

Article 7 – paragraph 3 – point e (new)

Text proposed by the Commission

Amendment

(e) contact sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013.

Justification

See justification for amendment of Article 6(10a).

Amendment 109

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

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

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging ***referred to in Article 8(1).***

Amendment 110

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated based on the percentage of recycled content used in the packaging.

Amendment

6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40, shall be modulated based on the percentage of recycled content **or bio-based content** used in the packaging.

Or. en

Justification

If economic actors can meet part of the recycled content requirements with bioplastics, then the presence of bio-sourced plastics should be taken into account in the modulation of EPR fees.

Amendment 111

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

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

Amendment

7. By 31 December 2026, the Commission **shall adopt delegated acts in accordance with Article 58 in order to supplement this Regulation by establishing** the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste and the format for the technical documentation referred to in Annex VII. **Those delegated acts shall take into account the environmental impact of the recycling process.**

Or. en

Justification

The measures to be adopted by the Commission through comitology are measures relating to essential aspects of the legislation, and therefore cannot be adopted by implementing acts. Introducing an environmental consideration will favour recycling technologies with the lowest environmental impact and avoid that parts of recycled materials negatively impact the end-of-life recycling rate.

Amendment 112

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Amendment

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. ***deleted***

Or. en

Justification

This derogation was justified by the presence in the text published by the Commission of the 10% integration target for non-PET recycled content. The removal of this target also justifies the removal of this assessment requirement for the Commission.

Amendment 113

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Amendment

Based on this assessment, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to: ***deleted***
(a) provide for derogations from the

scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, and, as appropriate,

(b) revise the derogations established in paragraph 3,

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.

Or. en

Justification

Link with previous amendment to Article 7-paragraph 9- subparagraph 2.

Amendment 114

Proposal for a regulation Article 7 – paragraph 10

Text proposed by the Commission

Amendment

10. Where justified by the lack of availability or excessive prices of specific recycled plastics that may have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content set out in paragraphs 1 and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best available evidence regarding the related

deleted

risks to human or animal health, to the security of food supply or to the environment.

Or. en

Justification

The mandatory inclusion of recycled content is an economic tool to stimulate the recycling of packaging, to create a robust market for recyclate, but also to ensure that recycled plastics have a stable price. In addition, the possibility to give the Commission the power to adopt delegated act to suspend, even temporarily, the recycled content targets goes against this logic of creating a stable and robust plastic recyclate market over time.

Amendment 115

Proposal for a regulation Article 7 – paragraph 11

Text proposed by the Commission

11. 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 the use of recycled packaging materials in packaging other than plastics *and, on this basis, assess the appropriateness of establishing measures, or setting targets, for increasing the use of recycled content in such other packaging, and where necessary present* a legislative proposal.

Amendment

11. 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 the use of recycled packaging materials in *plastics with a particular focus on market prices for recycled plastics, technical developments in the recycling sector and the development of the Union recycling infrastructure. On this basis, the Commission shall assess the possibility of:*

(a) modifying the 2040 integration of recycled content targets for plastic packaging listed in paragraph 2 of this Article, by delegated acts in accordance with Article 58;

(b) setting new targets for recycled content in packaging other than plastics, through a legislative proposal.

Or. en

Justification

Mandatory inclusion of recycled content is an economic tool to stimulate packaging recycling, to create a robust recyclate market, but also for recycled plastics to have a stable price, unlike the fluctuations of virgin plastic. Based on the achievement of the 2030 targets for the integration of recycled content, the Commission should carry out an evaluation, in order to open up the possibility of amending the 2040 targets, but also to open up the possibility of integrating recycled content into other types of materials.

Amendment 116

Proposal for a regulation

Article 7 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. 1. By 31 December 2026, the Commission shall publish a report assessing:

(a) the possibility to introduce new bio-based feedstock targets for plastic packaging, considering their potential contribution to meet the targets set out in Article 7(1) and (2);

(b) sustainability requirements for bio-based feedstock; the Commission shall consider the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001 when assessing requirements for non-fossil bio-based feedstock.

2. Based on the assessment set out in the report referred to in paragraph 1, the Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to:

(a) establish bio-based targets used in plastic packaging towards achievements of the recycled content targets under Article 7(1) and (2);

(b) establish sustainability requirements for bio-based feedstocks to be eligible to contribute towards the

targets.

Or. en

Justification

In order to reduce the greenhouse gas impact footprint of the packaging sector, bioplastics are convincingly positioned as a sustainable alternative to traditional plastics, provided that they meet the recyclability and circularity requirements of this Regulation, and that the assessment of their footprint is based on a credible analysis, e.g. based on the "Life Cycle Assessment (LCA) of alternative feedstocks for plastics production" developed by the European Commission's Joint Research Centre in 2021 (JRC125046).

Amendment 117

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Mandatory separate collection

1. By 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of 90% of the materials listed in Article 46, in a given year by weight.

The objective referred to in the first subparagraph may be achieved through all the measures referred to in this Regulation, as well as through separate out-of-home collection measures.

2. Paragraph 1 shall supplement separate collection targets laid down for single-use plastic bottles covered by Article 9 of Directive (EU) 2019/904.

Or. en

Justification

Separate collection is an essential step in circularity, and implementing a mandatory separate collection target, upstream of the recycled content integration targets, seems to be an essential first step to ensure the creation of a real market for recyclates.

Amendment 118

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), **point (f)**, sticky labels attached to fruit and vegetables, and very lightweight plastic carrier bags **required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage** shall be compostable in industrially controlled conditions in bio-waste treatment facilities, **and therefore allowed to be collected in bio-waste receptacles**.

Or. en

Justification

Mandatory compostability for certain types of packaging should be limited to applications where the organic content is difficult to separate from the packaging. This is the case for very lightweight plastic carrier bags used to pack fresh and wet products. Furthermore, the single-use unit needed to hold a coffee or tea can be made of aluminium or plastic and can already be sorted and recycled. Recycling should be favoured in order to keep the materials in the circuit as long as possible, whereas after composting and anaerobic digestion, virgin materials must be sought to make new products.

Amendment 119

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,

Amendment

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.**

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 **following the harmonised European standard for industrial compostable packaging EN 13432.**

Or. en

Justification

There is a European standard for industrial composting. It should be used and most probably revised, rather than using the term "biodegradable plastic polymers" which have not been defined at the EU level.

Amendment 120

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

Text proposed by the Commission

Amendment

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 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.

deleted

Or. en

Justification

Mandatory compostability of packaging should be limited to very specific applications, where it is very difficult to separate the organic content from the packaging, as in tea bags for example. The current Regulation seems to take into account all possible applications, and it is therefore unnecessary to provide for the possibility of an additional delegated act.

Amendment 121

Proposal for a regulation

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall, by 31 May 2026, request the European standardisation organisations to update the harmonised standard on the "Requirements for packaging recoverable through composting and biodegradation - testing schemes and evaluation criteria". That standard shall consider the composting times, admissible levels of visual contamination and other requirements needed to reflect the actual conditions in the bio-waste treatment facilities, including anaerobic digestion processes, in line with the scientific and technological developments.

Or. en

Justification

In connection with the amendment of Article 8(2), the harmonised European standard for industrial compostable packaging EN 13432 should be updated in line with the scientific and technological developments.

Amendment 122

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) it has been conceived, designed and placed on the market with the objective to be re-used **or refilled**;

(a) it has been conceived, designed and placed on the market with the objective to be re-used;

Or. en

Amendment 123

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

From [OP: Please insert the date = 24 months after the **adoption of the implementing acts referred to in paragraph 5 and 6**], packaging **placed on the market** 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.

Or. en

Justification

Same justification as for the amendments to Article 7(1) on packaging being placed on the EU market for the first time. The date of entry into force of the labelling requirements should necessarily be linked to the delegated acts concerning this labelling scheme.

Amendment 124

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.

Or. en

Justification

In order not to mislead consumers, products subject to a reuse system should not use a

labelling system similar to the one used for single-use packaging. This proposal aims to clarify that packaging is either single-use packaging, using pictograms, or packaging with a re-use system, depending on the system set up in accordance with Article 44.

Amendment 125

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

By **1 January 2028**, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste.

Amendment

By **[OP: Please insert the date = 30 months after the adoption of the implementing acts referred to in Article 7 (5) and (6)]**, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste.

Or. en

Justification

The date of entry into force of the labelling requirements should necessarily be linked to the delegated acts concerning this labelling scheme.

Amendment 126

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Packaging forum

The Commission shall ensure that when it conducts its activities, it ensures a balanced participation of Member States' representatives and all interested parties involved with the packaging industry, including waste treatment industry

representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. Those 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 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’.

Or. en

Justification

Considering the great diversity of the packaging stakeholders, the creation of a coordinating body, even without an executive role, helps to move in the direction of collaborative governance.

Amendment 127

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 the empty space ratio is maximum 40 % ***in line with the provisions laid down by Parts 1 and 2 of Annex IV.***

Or. en

Justification

The minimum threshold of 40% should not exempt actors in the sectors covered by this paragraph from having to comply with the minimisation requirements of Annex IV.

Amendment 128

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

Amendment

1. **By [OP: Please insert date = 12 months after the date of entry into force of this Regulation] economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V**

Or. en

Justification

Economic actors need time to adapt to integrate the requirements of Annex V into their business models.

Amendment 129

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

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**.

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 **[OP: Please insert date = 36 months after the date of entry into force of this Regulation]**

Or. en

Justification

Extending an exemption to the requirements in paragraph 3 to 2030 seems excessive. However, an additional period should be left to allow time for adaptation, in particular for smaller economic actors.

Amendment 130

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Economic operators *shall be exempted from the application of* point 3 of Annex V if they *meet* the definition of *a micro-enterprise according to the* rules set out in Commission Recommendation 2003/361, as applicable on [OP: Please insert date = date of entry into force of this Regulation]. *In addition, Member States shall grant an exemption* where it is not technically feasible not to use packaging or to obtain access to *the* infrastructure necessary for the functioning of a *re-use* system.

Or. en

Justification

Economic actors must be able to have certainty as to whether or not they are exempt from the measures provided for in Article 22. In a transversal logic, but also in order to preserve the most fragile economic actors, for whom all these measures would be difficult to bear economically and administratively, the exemption should be directly provided for in this Regulation, and not decided by the Member States.

Amendment 131

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

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to *add packaging formats in* 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

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.

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.

Or. en

Justification

In order to clarify and respect the minimum requirements of this Regulation, this amendment limits the Commission's power to only adding packaging formats to Annex V, and not to remove it.

Amendment 132

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Restriction on the use of certain very lightweight plastic bags packaging

- 1. Economic operators shall not place very lightweight plastic carrier bags on the market.***
- 2. Paragraph 1 shall not apply to very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage.***

Or. en

Justification

This restriction with derogation for Very Lightweight Plastic Carrier Bags (VLPCB) was already adopted in the report presented to the plenary in 2018 (A8-0317/2018) on the

proposal for a directive on the reduction of the impact of certain plastic products on the environment, in its amendment 82.

Amendment 133

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. Economic operators enabling refill shall ensure that packaging offered to the end users at the refill stations is not provided free of charge or is provided as a part of a deposit and return system.

Amendment

3. Economic operators enabling refill shall ensure that ***if a*** packaging ***is*** offered to the end users at the refill stations, ***it*** is not provided free of charge or is provided as a part of a deposit and return system.

Or. en

Amendment 134

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1.

Amendment

4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1. ***They are exempt from liability for food safety problems that may arise from the use of containers provided by consumers.***

Or. en

Justification

The issue of liability is central to the implementation of refill systems. Economic operators should not be liable for the products they distribute to consumers if the containers supplied by the consumer are not hygienic.

Amendment 135

Proposal for a regulation Article 26 – title

Text proposed by the Commission

Re-use **and refill** targets

Amendment

Re-use targets

Or. en

Justification

Reuse and refill are two very different notions, which deserve two distinct approaches, so as to not mix the concepts. Reuse is an industrial system, managed by economic actors, whereas refill is more a packaging reduction measure, managed primarily by the consumer. More transversally on the whole Article, this correction also corresponds to a reorganization of the Article, separating the concepts of "reuse between economic actors", "reuse in the e-commerce sector", and "reuse between economic actors and consumers"

Amendment 136

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

1. From 1 January 2030, economic operators making large household appliances listed in point 1 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.

Or. en

Justification

Simple correction, point 2 of the Annex to Directive 2012/19/EU did not refer to large household appliances.

Amendment 137

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: **deleted**

(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.

Or. en

Justification

The environmental benefits of reuse in the food and drink takeaway sector are difficult to prove, and are not really addressed in the Commission's impact assessment. Taking this into consideration, in addition to the lack of a large-scale system within the Member States, specific targets for reuse in these sectors cannot be set without a prior analysis.

Amendment 138

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

Text proposed by the Commission

Amendment

(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; **deleted**

Or. en

Justification

See justification for amendment to Article 26(2)

Amendment 139

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

Text proposed by the Commission

Amendment

(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.

deleted

Or. en

Justification

See justification for amendment to Article 26(2)

Amendment 140

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

Text proposed by the Commission

Amendment

3a. Where a final distributor makes non-alcoholic beverages in sales packaging available on the market within the territory of a Member State, it shall ensure that:

(a) from 1 January 2030, 20 % of those products are made available in reusable packaging within a system for re-use;

(b) from 1 January 2040, 35 % of those products are made available in reusable packaging within a system for re-use.

Or. en

Justification

The restructuring of this article allows for an overall clarification of the objectives for the beverage sector, separating the alcoholic and non-alcoholic beverage sectors and aggregating the different provisions of Article 26 as presented by the Commission in relation to these sectors. In addition, the amendments to this article shift the responsibility from manufacturers and final distributors to final distributors only, following the logic of re-use legislation in several European countries, e.g. Spain and Austria.

Amendment 141

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

Text proposed by the Commission

Amendment

3b. Where a final distributor makes alcoholic beverages in sales packaging available on the market within the territory of a Member State, it shall ensure that:

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

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

Or. en

Justification

See justification for amendment 3a new

Amendment 142

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

Amendment

4. The manufacturer and the final deleted

distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

(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, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.

Or. en

Justification

Reinstatement in paragraph 26(3a new).

Amendment 143

Proposal for a regulation Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. *The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that:*

deleted

(a) from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;

(b) from 1 January 2040, 15 % of

those products are made available in reusable packaging within a system for re-use or by enabling refill.

Or. en

Justification

Reinstatement in paragraph 26(3a new).

Amendment 144

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

Amendment

6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat, shall ensure that:

deleted

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

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

Or. en

Justification

Reinstatement in paragraph 26(3a new).

Amendment 145

Proposal for a regulation

Article 26 – paragraph 7 – introductory part

Text proposed by the Commission

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **12 and 13** shall ensure that:

Amendment

7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **5 and 6** shall ensure that:

Or. en

Amendment 146

Proposal for a regulation

Article 26 – paragraph 11

Text proposed by the Commission

11. Targets laid down in **paragraphs 1 to 10** shall be calculated for the period of a calendar year.

Amendment

11. Targets laid down in **this Article** shall be calculated for the period of a calendar year.

Or. en

Amendment 147

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 [OP: Please insert the date = 24 months after the entry into force of this Regulation] 95% of the transport packaging used by an economic operator shall be reusable where it is used for

transporting products:

Or. en

Justification

Setting a date for the application of the measure, as well as a 95% threshold, allowing some flexibility for certain packaging that cannot be reused, such as packaging for hazardous products

Amendment 148

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 [OP: Please insert the date = 24 months after the entry into force of this Regulation] 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.

Or. en

Justification

Setting a date for the application of the measure

Amendment 149

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 ***this Article*** if, during a calendar year, they:

Amendment 150

Proposal for a regulation Article 26 – paragraph 15

Text proposed by the Commission

15. Economic operators shall be exempted from the obligation to meet the targets in *paragraphs 2 to 6* if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.

Amendment

15. Economic operators shall be exempted from the obligation to meet the targets in *paragraphs 3a and 3b* if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.

Or. en

Amendment 151

Proposal for a regulation Article 26 – paragraph 16 – introductory part

Text proposed by the Commission

16. The Commission *shall be* empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Amendment

16. *Until 1 January 2027*, the Commission *is* empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

Or. en

Justification

The possibility for the Commission to adopt delegated acts should be limited in time, both to explore the possibility of setting reuse targets for other sectors, but also for the possibility of exempting certain economic actors from the targets of this article.

Amendment 152

Proposal for a regulation Article 26 – paragraph 16 – point a

Text proposed by the Commission

(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),

Amendment

(a) targets for products **other** than those covered by paragraphs **3a and 3b** of this Article and **for** packaging **sizes other** than those **referred to in this Article**, based on the positive **experience of** Member States' **measures** under Article 45(2), **with particular emphasis on the sectors of cold and hot takeaway drinks, takeaway food, detergents, hygiene, ready-prepared meals and pet food.**

Or. en

Justification

The possibility for the Commission to adopt delegated acts for new sectors should focus on sectors not only with a demonstrated environmental interest, but above all build on existing national practices. The sectors mentioned in this amendment, with the exception of the take-away sector, are all sectors that have been identified as 'high potential' in the study carried out in the framework of the '3R Strategy', conducted by the French Ministry of Ecological Transition

Amendment 153

**Proposal for a regulation
Article 26 – paragraph 16 – point b**

Text proposed by the Commission

(b) exemptions for economic operators additional to those listed in **points (a) to (c) of paragraph 14** of this Article,

Amendment

(b) exemptions for economic operators additional to those listed in this Article

Or. en

Amendment 154

**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**

Or. en

Justification

Considering the new requirements for re-use targets for the beverage sector (formerly Articles 2 to 6 and now paragraphs 3a and 3b), the possibility to set up exemptions for certain packaging formats is no longer justified

Amendment 155

Proposal for a regulation Article 26 – paragraph 17

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 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.

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, **with particular regard to the impact of these measures on hygiene, food safety, climate and the environment. On the basis of that review, the Commission shall** assess the **possibility of modifying** targets laid down in this Article and **the appropriateness of** setting new targets for the reuse **in other sectors, and for other** packaging **and packaging formats** and where necessary present a legislative proposal.

Or. en

Justification

The Commission's review should specifically address the environmental, climatic, and

hygienic and food safety aspects of the reuse targets set out in this article. On the basis of this assessment, the Commission should be able to amend the reuse targets in the targeted sectors, but also open the door to new sectors, taking into account the delegated acts mentioned in the amendment to Article 26(16)

Amendment 156

Proposal for a regulation Article 27 – title

Text proposed by the Commission

Amendment

Rules on the calculation of the attainment of the re-use **and refill** targets

Rules on the calculation of the attainment of the re-use targets

Or. en

Justification

In order to separate the objectives of refill and reuse, this Article now applies only to reuse.

Amendment 157

Proposal for a regulation Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(2) **to (6)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(2) **and (3)**, the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:

Or. en

Justification

Removal of reference to refill

Amendment 158

Proposal for a regulation Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) the number of units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Amendment

(a) the number of ***equivalent*** units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;

Or. en

Justification

Large transport packaging, such as kegs, can carry a very large volume of products, and therefore should not be counted as just "one" reusable package, but rather as an aggregation of several. The exact size of this "equivalent of units" will have to be defined via the implementing acts as defined in Article 27(4)

Amendment 159

Proposal for a regulation Article 27 – paragraph 2 – point b

Text proposed by the Commission

(b) the number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through refill;

Amendment

deleted

Or. en

Justification

Removal of reference to refill

Amendment 160

Proposal for a regulation Article 27 – paragraph 2 – point c

Text proposed by the Commission

(c) the number of units of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in points (a) **and (b)** in a calendar year.

Amendment

(c) the number of **equivalent** units of **sales** of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in points (a) in a calendar year.

Or. en

Justification

Large transport packaging, such as kegs, can carry a very large volume of products, and therefore should not be counted as just "one" reusable package, but rather as an aggregation of several. The exact size of this "equivalent of units" will have to be defined via the implementing acts as defined in Article 27(4)

Amendment 161

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

3. For the purpose of demonstrating the attainment of the targets laid down in Article **26(7) to (10)**, the economic operator using such packaging shall calculate, for each target separately, the following:

Amendment

3. For the purpose of demonstrating the attainment of the targets laid down in Article **26(6) and (7)**, the economic operator using such packaging shall calculate, for each target separately, the following:

Or. en

Amendment 162

Proposal for a regulation

Article 27 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of equivalent units of each of the packaging formats listed in Article **26(7) to (10)** constituting reusable

Amendment

(a) the number of equivalent units of each of the packaging formats listed in Article **26(6) and (7)** constituting reusable

packaging within a system for re-use they used in a calendar year;

packaging within a system for re-use they used in a calendar year;

Or. en

Amendment 163

Proposal for a regulation Article 27 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10), other than those indicated in point (a), that they used in a calendar year.

Amendment

(b) the number of equivalent units of each of the packaging formats listed in Article 26(6) and (7), other than those indicated in point (a), that they used in a calendar year.

Or. en

Amendment 164

Proposal for a regulation Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

By 31 December 2028, the Commission shall adopt **implementing** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Amendment

By 31 December 2027, the Commission shall adopt **delegated** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

Or. en

Justification

The secondary legislation on re-use objectives contains essential elements and should therefore be the subject of a delegated act, not an implementing act. Furthermore, the adoption of delegated acts by the Commission at the end of 2028 would leave only one full year for economic operators to adapt to the requirements of Article 26, which is not sufficient.

Amendment 165

Proposal for a regulation Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).

deleted

Or. en

Amendment 166

Proposal for a regulation Article 28 – title

Text proposed by the Commission

Amendment

Reporting to the competent authorities on re-use ***and refill*** targets

Reporting to the competent authorities on re-use targets

Or. en

Amendment 167

Proposal for a regulation Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28a

Refill obligation for the takeaway sector
By ... [OP: Please insert the date = 24 months after the date of entry into force of this Regulation]:

(a) 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 provide a system for

consumers to bring their own container to be filled;

(b) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall provide a system for consumers to bring their own container to be filled.

Or. en

Justification

The removal of the food and drink take-away sector from the re-use targets does not justify the sector not taking specific action to tackle single-use packaging. In addition to the Commission's assessment of the value of re-use for these sectors, final distributors will have to ensure that they have to provide their customers with a refill system, or put more simply: 'bring your own container'.

Amendment 168

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory.

Amendment

Member States shall take measures to achieve a sustained reduction in the consumption of **both lightweight and very** lightweight plastic carrier bags on their territory.

Or. en

Justification

Following data on lightweight plastic carrier bags published by Eurostat on 16 November 2022, if the consumption of LPCBs (from 15 to less than 50 microns thick) remained more or less stable in 2020 (19.9 bn), the increase in the consumption of VLPCBs (from 14.0 bn in 2018 to 14.7 bn in 2020) is problematic and could be seen as a substitution effect resulting

from the plastic bags directive. This is why the Directive (EU) 2015/720 has to be amended accordingly to include in its scope VLPCBs.

Amendment 169

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.

Amendment

A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic **and very lightweight** carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.

Or. en

Justification

Consistent with the changes made in the Regulation in order to include and to amend the Directive (EU) 2015/720 on the consumption of lightweight plastic carrier bags.

Amendment 170

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. Measures to be taken by Member States to meet the target set out in paragraph 1 **may vary depending on the** environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures **may**, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.

Amendment

2. Measures to be taken by Member States to meet the target set out in paragraph 1 **shall take into consideration the global negative** environmental impact of **both lightweight and very** lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures **shall**, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-

discriminatory.

Or. en

Justification

Link with the two previous amendments to Article 29.

Amendment 171

Proposal for a regulation

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall reduce the plastic packaging waste generated per capita, as compared to the plastic packaging waste generated per capita in 2018 as reported to the Commission in accordance with Commission Decision 2005/270/EC, by:

(a) 10 % by 2030;

(b) 15 % by 2035;

(c) 20 % by 2040.

Or. en

Justification

In addition to the overall packaging reduction targets set out in this Regulation, the establishment of specific targets for plastics is in line with the objectives set out in the European Plastics strategy, in order to encourage “additional measures at EU and national levels can be developed to reduce the unnecessary generation of plastic waste”

Amendment 172

Proposal for a regulation

Article 38 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States which have

established a dual system for the management of packaging waste, one for household packaging waste and the other for industrial and commercial packaging waste may have the opportunity to retain their specificity.

Or. en

Justification

Some Countries, such as Belgium, use another relevant criterion for calculation of grouped and transport packaging waste, which is the evolution of the gross domestic product of the industrial sector. This specificity should be taken into account by the proposal for a Regulation.

Amendment 173

**Proposal for a regulation
Article 40 – paragraph 1**

Text proposed by the Commission

1. Producers *of packaging* shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Amendment

1. Producers shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.

Or. en

Justification

Clarification, as the definition of producers in this Regulation includes the notion of packaging producers

Amendment 174

**Proposal for a regulation
Article 40 – paragraph 3 – introductory part**

Text proposed by the Commission

3. Providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers ***shall obtain the following information from*** producers offering packaging to consumers located in the Union:

Amendment

3. Providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers, ***are required to comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless that they can prove that*** producers offering packaging to consumers located in the Union ***are complying with these requirements by obtaining:***

Or. en

Justification

To be consistent with European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI)) where in par.72 it: “urges the Commission to take measures to ascertain that all online sellers, regardless of their location, comply with the essential requirements and report and contribute financially to the EPR systems in the EU Member States where the products are placed on the market, online platform should comply with the EPR scheme.

Amendment 175

Proposal for a regulation Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate high quality recycling, Member States shall ensure that a system is in place to provide safe and equitable access to recycled raw materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application, with minimal loss of quantity, quality or function.

Justification

It is vital to ensure that high quality recycled materials suitable for food grade applications are always available in food grade applications (and therefore meet the proposed definition of high quality recycling). Without this measure, high quality materials (meeting strict EU and EFSA food safety requirements) could be downgraded and used in non-food applications that do not require the same level of quality. Without the necessary support for access to raw materials, the recycled content targets set out in Article 7 will be difficult to achieve for industry, especially for SME.

Amendment 176**Proposal for a regulation
Article 43 – paragraph 5***Text proposed by the Commission**Amendment*

5. By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.

*deleted**Justification*

Paragraph deleted as it repeats the paragraph 2.

Amendment 177**Proposal for a regulation
Article 44 – paragraph 3 – introductory part***Text proposed by the Commission**Amendment*

3. Without prejudice to paragraph 1 of this Article, a Member State will be

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:

exempted from the obligation under paragraph 1 **provided that at least one of** the following conditions **is met**:

Or. en

Justification

Points a) and b) are not cumulative as they are contradictory: A Member State that reaches the 90% target in 2026 does not need to notify a derogation and submit an implementation plan explaining how it will reach the 90% target in 2029. Only two exemption options should be available to Member States: (a) they meet the collection target within a given timeframe or (b) They can notify the Commission of an exemption request together with an implementation plan to reach the collection target.

Amendment 178

Proposal for a regulation

Article 44 – paragraph 3 – point a

Text proposed by the Commission

(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;

Amendment

(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 **equal or higher than 85%** 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;

Or. en

Justification

It is important to give a little more flexibility to Member States that have very high collection rates

Amendment 179

Proposal for a regulation Article 44 – paragraph 3 – point b

Text proposed by the Commission

(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

(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 separate collection rate by weight of the packaging referred to in paragraph **3a**.

Or. en

Amendment 180

Proposal for a regulation Article 47 – paragraph 5

Text proposed by the Commission

5. Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.

Amendment

deleted

Or. en

Justification

Deletion of this paragraph as it is a repetition of paragraph 12

Amendment 181

Proposal for a regulation Article 47 – paragraph 9

Text proposed by the Commission

9. The amount of packaging waste materials that have ceased to be waste as a result of a **preparatory** operation **before being reprocessed may be counted as recycled provided that such** materials are **destined for subsequent reprocessing** into products, materials or substances **to be used** for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

Amendment

9. The amount of packaging waste materials that have ceased to be waste as a result of a **recovery** operation **by which waste** materials are **reprocessed** into products, materials or substances **either** for the original or other purposes **may be counted as recycled**. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.

Or. en

Justification

According to Article 3(17) of Directive 2008/98/EC, recycling is a recovery operation (and not a preparatory operation) by which waste is reprocessed into products, materials or substances, whether for the original purpose or for other purposes. With the proposed amendments, the calculation rule is consistent with the definition of recycling and at the same time ensures that only recycled materials that are actually used in final consumer products are taken into account in the recycling targets of the Regulation.

Amendment 182

Proposal for a regulation Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall report for each **packaging material and type as listed in Table 1 of Annex IX for each** calendar year data on:

Amendment

2. Member States shall report for each calendar year data on:

Or. en

Justification

Simple correction

Amendment 183

Proposal for a regulation

Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **IX**;

Amendment

(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex **II**;

Or. en

Justification

Simple correction

Amendment 184

Proposal for a regulation

Article 50 – paragraph 2 – point b

Text proposed by the Commission

(b) amounts of separately collected packaging waste for each packaging material as listed in Table 1 in the Annex **IX**;

Amendment

(b) amounts of separately collected packaging waste for each packaging material as listed in Table 3 in the Annex **XII**;

Or. en

Justification

Simple correction

Amendment 185

Proposal for a regulation

Article 50 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the recycling rates;

(c) the recycling rates ***of packaging waste as listed in Table 4 of Annex XII***;

Or. en

Justification

Simple correction

Amendment 186

Proposal for a regulation

Article 52 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article **54(I)**. The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

6. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article **55(I)**. The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:

Or. en

Justification

Simple correction

Amendment 187

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where, on completion of the procedure set out in Article **52(3) and (4)**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment

Where, on completion of the procedure set out in Article **52(5) and (6)**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Or. en

Justification

Simple correction

Amendment 188

Proposal for a regulation

Article 54 – paragraph 5 – subparagraph 3

Text proposed by the Commission

On duly justified imperative grounds of urgency relating to the protection of the environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article **58(4)**.

Amendment

On duly justified imperative grounds of urgency relating to the protection of the environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article **59(4) which shall remain in force for a period not exceeding three months.**

Or. en

Justification

Article 8 Regulation (EU) 182/2011 provides limit of 6 months unless the basic act provides otherwise.

Amendment 189

**Proposal for a regulation
Article 55 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 for carrying out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.

Or. en

Justification

Paragraph needed related to Controls on products entering the Union market

Amendment 190

**Proposal for a regulation
Article 58 – paragraph 2**

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), **Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5)**, Article 22(4), Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of **ten** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be

2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), **Article 7(7)**, Article 22(4), Article 26(16), **Article 27(4)** and Article 57(3) shall be conferred on the Commission for a period of **five** years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical

tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.

duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.

Or. en

Justification

The empowerment of the Commission should be limited to the regular 5-year period.

Amendment 191

Proposal for a regulation Annex I

Text proposed by the Commission

Items covered by Article 3(1)(a)

Packaging

Sweet boxes

Film overwrap around a CD case

Mailing pouches for catalogues and magazines (with a magazine inside)

Cake doilies sold with a cake

Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time

Glass bottles for injection solutions

CD spindles (sold with CDs, not intended to be used as storage)

Clothes hangers (sold with a clothing item)

Matchboxes

Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility)

Amendment

Items covered by Article 3(1)(a)

Packaging

Sweet boxes

Film overwrap around a CD case

Mailing pouches for catalogues and magazines (with a magazine inside)

Cake doilies sold with a cake

Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time

Glass bottles for injection solutions

CD spindles (sold with CDs, not intended to be used as storage)

Clothes hangers (sold with a clothing item)

Matchboxes

Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility)

of the product)

Beverage system capsules (e.g. coffee, cacao, milk)

Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

Tea and coffee foil pouches

of the product)

Beverage system capsules (e.g. coffee, cacao, milk) ***intended to be disposed empty after use***

Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

Tea and coffee foil pouches

Or. en

Justification

It clarifies the type of coffee/cacao/milk capsule the Annex wishes to cover.

Amendment 192

**Proposal for a regulation
Annex II – Table 2 a (new)**

Text proposed by the Commission

Amendment

Parameters to be considered when establishing design criteria for recycling under Article 6

| <i>Design for recycling criteria</i> | <i>Description</i> |
|---|--|
| <i>Additives</i> | <i>The presence of additives in the packaging containers can lead to incorrect sorting of the packaging materials during the sorting process and contaminate the resulting secondary raw materials. Different types of plastic have a different density, which is used for the separation of materials in the sorting technology. If this specific density of a plastic type is artificially changed by adding density modifying materials (i.e. additives), the sorting process can no longer be used. A decisive limit is the density above or below 1 g/cm³.</i> |

| | |
|--|---|
| <i>Labels/sleeves</i> | <p><i>Full sleeves or sleeves in a package can lead to incorrect sorting during the sorting process and can degrade the quality of the secondary raw materials.</i></p> <p><i>For bottles, if the material of the sleeve is not identical to that of the bottle and/or the sleeve is printed all over, the colour of the bottle (e.g. transparent) cannot be assigned and sorted correctly.</i></p> |
| <i>Closure systems and small parts</i> | <p><i>Closures that are not firmly attached to the packaging can increase littering and also reduce the efficiency of the sorting and subsequent recycling processes. Small parts can be attached mechanically to enable easy removal in the sorting process.</i></p> <p><i>Plastic closures should be designed in such a way that they can be separated before disposal or during the sorting process. In PET bottles, if sealing foils are used, they must be easy to remove without leaving any residue</i></p> <p><i>Closures of PET bottles shall ideally have a density less than 1 g/cm³ to allow separation during the sorting or recycling process.</i></p> <p><i>From 2024 onwards, the adhesion of the closure (according to Article 6 of Directive 2019/904) must be guaranteed for the time of intended use for beverage containers up to 3 litres.</i></p> |
| <i>Adhesives</i> | <p><i>Adhesive components should be designed in such a way that they can be easily separated in the recycling process or by the end user (OR do not affect the efficiency of the sorting and recycling processes). The presence of adhesive residues on the packaging can downgrade the quality (purity) of the secondary raw materials.</i></p> <p><i>Adhesive materials containing metal or aluminum (with a layer thickness of > 5 µm) can lead to unwanted sorting into the metal fraction.</i></p> <p><i>Adhesives should be water washable to ensure separation from the main packaging and that no adhesive residue would remain.</i></p> |
| <i>Colours</i> | <p><i>Heavily dyed materials in paper or plastics can cause problems with regard to sorting and can downgrade the quality of secondary raw materials.</i></p> <p><i>For instance, carbon black-based dyes, can, in the context of infrared sorting detection during the plastics sorting process, lead to incorrect classification of the material, or the material being eliminated in the sorting process. However, there are already black and dark dyes available that can be detected with infrared and are not carbon-black based.</i></p> |

| | |
|--|---|
| Material composition | <i>Use of mono-materials or material combinations that permit easy separation and ensure high yield of secondary raw materials is preferable.</i> |
| Barriers /coatings | <i>The presence of barriers/coatings within the packaging can make recycling more difficult. However, if barrier requirements exist, materials such as silicon oxide or aluminium oxide can be used up to a certain percentage.</i> <i>For paper/carton packaging, coating should be avoided in principle. However, single-sided plastic coatings or plastic laminate can be used so to ensure fibre content in the best case higher than 95%.</i> |
| Inks / printing | <i>The use of inks with substances of concern hinders recycling, as those packaging units cannot be recycled. Printing inks when released can contaminate the recycling stream through the washing water. Likewise, printing inks, which are not released can impair the transparency of the recycling stream.</i> |
| Product residues / ease of emptying | <i>The design of the packaging should enable the easy emptying of its content and when disposed of should be in a fully drained condition.</i> <i>In fact, residues in the packaging can have negative effects on recycling fractions.</i> |
| Ease of dismantling (design feature of the packaging) | <i>Design approaches can facilitate the ease of dismantling of packaging products into different parts, e.g. in parts that are rich in valuable materials and/or hazardous substances. This helps to extract the target material from the packaging and thus increase the recyclability potential of the packaging.</i> |

Or. en

Justification

This table, with comprehensive description for each specific design, provides better visibility on the criteria that the Commission will take into account when drawing up its recyclability criteria, via delegated act, under the conditions described in Article 6.

Amendment 193

Proposal for a regulation Annex II – Table 2 - row 2

Text proposed by the Commission

| | |
|---------|---------------------------------------|
| Grade A | <i>higher or equal to 95 %</i> |
|---------|---------------------------------------|

Amendment

| | |
|---------|--|
| Grade A | <i>The score of compliance with design for recycling criteria of a unit of packaging is higher or equal to 95% in terms of weight of the unit of packaging. This packaging should be able to be recycled multiple times and is fully compatible with the design for recycling criteria. The generated secondary raw material is of comparable quality to feed a closed material loop scheme.</i> |
|---------|--|

Or. en

Justification

This amendment provides the necessary clarifications concerning the performance levels (from A to E) that will determine the amount of contributions that producers will have to pay under EPR systems should be taken over: the higher the recycling performance level, the lower the contribution for the producer.

Amendment 194

**Proposal for a regulation
Annex II – Table 2 – row 3**

Text proposed by the Commission

| | |
|---------|--------------------------------|
| Grade B | <i>higher or equal to 90 %</i> |
|---------|--------------------------------|

Amendment

| | |
|---------|---|
| Grade B | <i>The score of compliance with design for recycling criteria of a unit of packaging is higher or equal to 90% in terms of weight of the unit of packaging. The packaging may have some minor recyclability issues that slightly affect the quality of the generated secondary raw material. However, the majority of the generated secondary raw material from this packaging can still potentially feed a closed material loop.</i> |
|---------|---|

Or. en

Justification

See the cross-cutting justification in previous Amendment.

Amendment 195

Proposal for a regulation Annex II – Table 2 – row 4

Text proposed by the Commission

| | |
|---------|---------------------------------------|
| Grade C | <i>higher or equal to 80 %</i> |
|---------|---------------------------------------|

Amendment

| | |
|---------|--|
| Grade C | <i>The score of compliance with design for recycling criteria of a unit of packaging is higher or equal to 80% in terms of weight of the unit of packaging. The packaging presents some recyclability issues that may affect the quality of the generated secondary raw materials and may lead to material losses during recycling.</i> |
|---------|--|

Or. en

Justification

See the cross-cutting justification in previous Amendment.

Amendment 196

Proposal for a regulation Annex II – Table 2 – row 5

Text proposed by the Commission

| | |
|---------|---------------------------------------|
| Grade D | <i>higher or equal to 70 %</i> |
|---------|---------------------------------------|

Amendment

| | |
|---------|--|
| Grade D | <i>The score of compliance with design for recycling criteria of a unit of packaging is higher or equal to 70% in terms of weight of the unit of packaging. The packaging has significant design issues that highly affect its recyclability or imply large material losses during recycling.</i> |
|---------|--|

Or. en

Justification

See the cross-cutting justification in previous Amendment.

Amendment 197

Proposal for a regulation Annex II – Table 2 – row 6

Text proposed by the Commission

| | |
|---------|-------------------------------|
| Grade E | <i>lower than 70 %</i> |
|---------|-------------------------------|

Amendment

| | |
|---------|---|
| Grade E | <i>The score of compliance with design for recycling criteria of a unit of packaging is lower than 70% in terms of weight of the unit of packaging. The package is not recyclable because of design issues and should not be placed on the market.</i> |
|---------|---|

Or. en

Justification

See the cross-cutting justification in previous Amendment.

Amendment 198

Proposal for a regulation Annex III – point c a (new)

Text proposed by the Commission

Amendment

(ca) it is compliant with standard EN 13432 or any relevant new EU standard

Or. en

Justification

Link with amendment of Article 8(2) and 8(6a)

Amendment 199

Proposal for a regulation Annex III – point e

Text proposed by the Commission

Amendment

(e) its use significantly reduces the contamination of compost with non-

(e) its use significantly reduces the contamination of compost with non-compostable packaging ***and does not cause***

compostable packaging;

any problems in biowaste processing;

Or. en

Justification

Link with amendment of Article 8(2) and 8(6a)

Amendment 200

**Proposal for a regulation
Annex V – row 2**

Text proposed by the Commission

| | | | |
|----|--------------------------------------|--|------------------------------|
| 1. | Single-use plastic grouped packaging | For grouping 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 |
|----|--------------------------------------|--|------------------------------|

Amendment

| | | | |
|----|--------------------------------------|---|------------------------------|
| 1. | Single-use plastic grouped packaging | Plastic packaging used at retail level to group goods sold in bottles , 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 |
|----|--------------------------------------|---|------------------------------|

Or. en

Justification

This is a cross-cutting application for all beverage packaging formats. In order to complete the list, it therefore seems logical to include bottles as well

Amendment 201

**Proposal for a regulation
Annex V – row 3**

Text proposed by the Commission

| | | | |
|----|---|--|-------------------------------|
| 2. | Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables | Single use plastic packaging for fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks | Nets, bags, trays, containers |
|----|---|--|-------------------------------|

Amendment

| | | | |
|----|---|---|-------------------------------|
| 2. | Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables | Single use packaging for less than 1.5 kg fresh fruit and vegetables. <i>The list of products concerned shall be established by the European Food Safety Agency six months after the entry into force of this Regulation and must take into account the risk of spoilage when these products are sold in bulk, as well as providing for derogations for PDO (Protected Designation of Origin) and PGI (Protected geographical indications) fresh fruit and vegetables.</i> | Nets, bags, trays, containers |
|----|---|---|-------------------------------|

Or. en

Justification

"Unless it is necessary to avoid loss of water or turgidity, microbiological hazards or physical shocks" are unclear criteria, and do not give sufficient visibility on which fruit and vegetable packages will be concerned. In order to add clarity to this ban, while ensuring a high level of food safety and avoiding food waste, it is advisable to ask the European Food Safety Agency to draw up this list, also providing for derogations for PDO and PGI fruit and vegetables, registered in the EU geographical indications register (eAmbrosia), which may have special storage conditions.

Amendment 202

**Proposal for a regulation
Annex VI – part B – point 1**

Text proposed by the Commission

Amendment

1 The reconditioning process shall

1 The reconditioning process shall

not create risks to the health and safety of those responsible for doing so **and strive to reduce** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials

not create risks to the health and safety of those responsible for doing so and **minimize** its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials, **waste and industrial emissions**.

Or. en

Justification

The reconditioning process of reusable packaging can have a significant impact on the environment if it is not carried out by experienced economic operators and in compliance with many European legislations. In particular, the cleaning and washing processes produce residues that need to be managed accordingly, in order to minimise the impact on the environment.

Amendment 203

**Proposal for a regulation
Annex VI – part C - point b**

Text proposed by the Commission

(b) contain a **weighing** device allowing the end user's **container to be weighed**

Amendment

(b) contain a **measuring** device allowing the end user **to know the exact quantity purchased**

Or. en

Justification

Reformulation to allow the consumer to know the exact quantity of the product they are buying via the refill, rather than just the weight of its initial packaging

Amendment 204

**Proposal for a regulation
Annex X – point j**

Text proposed by the Commission

(j) **at least 1%** of the annual turnover of the system operator (**excluding deposits**) **are** used for public awareness campaigns on the **information on** management of packaging waste;

Amendment

(j) **part** of the annual turnover of the system operator **is** used for public awareness campaigns on the management of packaging waste **covered by the DRS system**;

Justification

Economic operators should have the freedom to decide how much of their turnover to allocate to information campaigns concerning DRS systems.

Amendment 205

**Proposal for a regulation
Annex X – point l a (new)**

Text proposed by the Commission

Amendment

(la) Member States shall take into account the factors referred to in point (l) (ii), (iii), (iv) and (v) when a digital deposit and return system is put in place and not organised at the level of the final distributors;

Or. en

Amendment 206

**Proposal for a regulation
Annex X – point o**

Text proposed by the Commission

Amendment

(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging.

(o) all deposit bearing packaging **that is to be collected by a DRS system** is clearly labelled, so that the end users can easily identify the need to return such packaging

Or. en

Justification

Clarification that labelling should only apply to packaging that is covered by a DRS system, and should not apply to packaging that has to be collected separately.

Amendment 207

Proposal for a regulation Annex X

Text proposed by the Commission

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives such as

Amendment

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives such as ***ensuring a safe and fair access to recycled feedstock for use in applications that allow further recyclability and may be re-used in the same way and for the same or similar product category it comes from.***

Or. en

EXPLANATORY STATEMENT

At every stage, from manufacturing to consumption, packaging is used for containment and protection, while being designed to catch the eye of consumers and provide them with information, thereby fulfilling a necessary (not to say essential) purpose. Packaging is an important European economic sector, generating a turnover of EUR 355 billion in the EU in 2018.

Encouraged by new consumption practices, it is also an ever-increasing source of waste, the total for the EU having increased from 66 million tonnes in 2009 to 78.5 million tonnes in 2019. In 2020, each European was generating 177 kg of packaging waste, a figure that will increase by 19% to 209 kg in 2030 if nothing is done.

Paper and cardboard are the most common forms of packaging waste (41%), followed by plastic (19.5%), glass (19%), wood (15%), metal (5%) and aluminium. Plastic (+27 %) and paper and cardboard (+25 %) are the two forms of waste that have registered the highest growth since 2009.

In addition, packaging is a major user of virgin materials (40% of plastics and 50% of paper are used for packaging in the EU) and accounts for 36% of municipal solid waste.

In addition to these environmental concerns, the optimal functioning of the internal market is being undermined by differing regulatory approaches and uneven performances at national level. While 64% of packaging is currently being recycled at European level (Eurostat 2020)¹, national divergences remain, with levels ranging from 40% in Romania and Malta to 80% in Belgium, with a European target of 70% for 2030.

These are all factors that justify moving forward with this proposal for a regulation on packaging and packaging waste that was published on 30 November 2022 as part of the European Green Deal seeking to achieve carbon neutrality by 2050.

I. Commission proposal for a circular packaging economy

In full accordance with the waste hierarchy, the Commission plans to:

- reduce unnecessary packaging by banning certain forms of packaging in the HORECA sector, as well as requiring Member States to reduce waste by 5% in 2030, 10% in 2035 and 15% in 2040 by keeping packaging to a minimum in terms of weight and volume, while maintaining safety and functionality;
- reutilise packaging, with the introduction for the first time in an EU text of re-use and refill targets;
- recycle larger amounts more efficiently, setting various objectives, including recycled content targets for all plastic packaging, and making 100% of packaging recyclable by 2030.

The Commission is also seeking to:

- improve collection rates for packaging by introducing mandatory deposit

¹ https://ec.europa.eu/eurostat/databrowser/view/cej_wm020/default/bar

- systems for plastic bottles and aluminium cans;
- widen extended producer responsibility (EPR) to cover all forms of packaging, while adjusting the financial contribution accordingly.

While the rapporteur concurs with this and indeed wishes to go further with Commission's ambitious objective of firmly establishing a circular European economy, she believes it necessary to find appropriate responses to remaining concerns as to the effectiveness of the proposed measures.

II. The rapporteur's priorities

1. Plastic pollution;

Plastic is still being produced on a massive scale. In the absence of measures, a 46% increase in the volume of waste is expected by 2030, and a 61% increase by 2040. It is therefore surprising that the Commission's proposal does not contain more ambitious measures to reduce waste production, all the more so given the EU's involvement in the drafting of an international treaty against plastic pollution² to be adopted in 2024.

The rapporteur therefore proposes to get to the root of the problem:

- by setting plastic packaging recycled content targets to be achieved by 2030 (similar to measures taken regarding SUPs³ for PET bottles);
- by setting specific waste reduction targets for plastic packaging, that is to say 10% by 2030, 15% by 2035 and 20% by 2040;
- by setting a limit on the number of lightweight plastic carrier bags (thickness between 15 and 50 microns) and very lightweight plastic carrier bags (less than 15 microns). The rapporteur is drawing on data provided by Eurostat in November 2022⁴: while the 2015 EU legislation on lightweight plastic carrier bags appears to be bearing fruit, these results are being undermined by the continuing increase in the consumption of very lightweight plastic carrier bags. Corrective measures are manifestly needed here.

2. Mandatory separate collection for packaging

The rapporteur proposes a separate collection target of 90% for 2029 regarding all types of packaging covered by the legislative proposal and no longer only for plastic beverage bottles under the SUP directive, in a bid to increase recycling rates and content in line with the wishes of the sectors concerned.

3. PFASs

PFAs, which are widely used to fireproof or waterproof packaging, particularly food packaging, will be subject to further restrictions under the forthcoming REACH review based on a proposal tabled by four Member States and Norway. The rapporteur would like to take the opportunity to ban PFAS in paper and cardboard food packaging here and now, as

² https://wedocs.unep.org/bitstream/handle/20.500.11822/39812/OEWG_PP_1_INF_1_UNEA%20resolution.pdf

³ Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment

⁴ <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20221116-1>

Denmark did in 2020 and as Belgium is about to do.

4. Sustainable innovation

While the rapporteur supports the measures being advocated by the Commission to encourage innovation, she would like to take them further and incorporate these core concerns throughout the text:

- adding a digital reference instead of a standard reference;
- promoting sustainable biomass as a key resource for ‘defossilising, the plastics economy’;
- including a new definition of ‘innovative polymer’ of biological origin, which neither contains nor generates persistent synthetic polymers microparticles during biodegradation.

5. Re-use mechanisms

The rapporteur wishes to make better use of national best practices (six Member States have already set packaging re-use targets), in order to rethink in depth the system proposed by the Commission based on four radical proposals:

- Making a distinction between re-use and refill targets;
- Removing re-use targets for the food and drink takeaway sector under the current legislation. The rapporteur proposes shifting the obligation incumbent on the HORECA sector as part of a refill system (B2C-Business to Consumer);
- Assigning responsibility for re-use targets to the final distributor in the drinks sector. The rapporteur suggests drawing inspiration from national practices (recent laws in Spain and Austria) which include mandatory re-use targets for the final distributor only and indicative targets for the manufacturer.
- Asking the Commission to assess for 2028 the inclusion of new sectors with significant re-use potential: take-away food and drinks, detergents, hygiene, packaging of prepared meals, pet food.

6. Micro-companies

The Commission provides for a derogation from re-use measures for micro-companies (less than 10 employees and an annual turnover of no more than EUR 2 million), this being left, however, to the discretion of the Member States, which are free to decide whether to ban certain types of packaging, such as single-use packaging in the catering sector.

In order to clarify the situation for these small economic actors, prevent disparities between Member States and avoid an excessive administrative and economic burden, the rapporteur would like to apply this derogation at European level.

7. Legal certainty

The packaging sector, which has a key role to play in bringing about change, is being asked to incorporate the requirements of the regulation, adopting the requisite measures and adapting as necessary, without being given any overview of the criteria to be used. The rapporteur refers here to the impressive number of delegated acts to which the Commission has had

recourse and which she is seeking to limit by incorporating the essential requirements into the regulation. She is also seeking to anticipate a series of deadlines with the same objective of legal certainty, which is essential for the success of this (revolutionary) development.

8. Inclusion of e-commerce actors

In line with the German and French legislation, the rapporteur is seeking to ensure that online service providers are bound by the same EPR (extended producer responsibility) obligations as producers as defined in the regulation.

This new regulatory framework provision must set clear parameters for all concerned. This means ensuring that the relevant legislation incorporates firm principles, such as respect for waste hierarchy, fair competition and sustainable innovation.

The EU has everything to gain, starting with better control of its resources and a well-orchestrated and competitive European packaging strategy meeting environmental and social concerns.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR 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:

| Entity and/or person |
|--|
| A.I.S.E - European association representing cleaning, detergents and household maintenance products |
| APEAL - Association of European Producers of Steel for Packaging |
| Ball Beverage Packaging Europe |
| Bio-Plastics Europe |
| CHEP & Brambles - Marketer of reusable pallets |
| CITEO - French organisation in charge of recycling household packaging and graphic paper |
| Comeos |
| Director-General DG Environment - Dr Florika Fink-Hooijer |
| Directorate-General for the Environment : Directorate B – Circular Economy Mr Aurel Ciobanu-Dordea (Director for Circular Economy), Mr Mattia Pellegrini (Head of Unit ENV.B3 “From Waste to Resources”), Ms Maja Desgrees du Lou (policy officer), Mr Wolfgang Trunk (policy officer), Mr Ioannis Antonopoulos (policy officer), Ms Alina Palade from (inter-institutional relations unit and our EP coordinator) |
| Eastman Chemical Company |
| EEB (European Environment Bureau) |
| EPPA (European Paper Packaging Alliance) |
| EURIC (European Recycling Industries' Confederation) |
| European Commission - Commissioner for Environment Virginijus Sinkevičius |
| Europen (European Organisation for Packaging and the Environment aisbl) |
| EXPRA (Extended Producer Responsibility Alliance) |
| FEAD - European Waste Management Association |
| FEFCO (European Federation of Corrugated Board Manufacturers) |
| FEVE - European Container Glass Federation |
| FEVIA - Belgian food industry federation |
| FIEB (Fédération royale de l'Industrie des Eaux et Boissons rafraîchissante ASBL) |
| Flexible Plastics Initiative (Ferrero, Mars, Mondelez, Nestlé, Pepsico, Unilever) |
| Fost Plus - Waste management |
| Futero S.A. |
| GSK (GlaxoSmithKline Pharmaceuticals s.a/n.v) |

| |
|--|
| HOTREC (Association of Hotels, Restaurants, Pubs and Cafes and similar establishments in Europe) |
| Huhtamaki - Food packaging supplies and materials |
| Indufed - Paper, Cardboard, Glass |
| McDonald's |
| Metal Packaging Europe |
| The Minderoo Foundation |
| Mineral Water |
| Municipal Waste Europe |
| Neste |
| Nestlé - Zone Europe |
| New ERA - New Reuse Alliance |
| Belgian permanent representation to the EU |
| French permanent representation to the EU |
| Plastics Europe |
| Polymateria |
| Reloop |
| Rethink Plastic Alliance - alliance of leading European NGOs |
| Spirits Europe |
| Ms. Terhi Lehtonen - State Secretary at Ministry for the Environment, Finland |
| Sulapac Ltd |
| Syctom - public service in charge of household waste management |
| Tetra Pack & Alliance for Beverage Cartons and the Environment |
| The Brewers of Europe AISBL |
| Uber Eats |
| UNESDA - Soft Drink Europe |
| Zero Waste Europe |