



**2022/0396(COD)**

18.10.2023

## **COMPROMISE AMENDMENTS**

**Draft report**

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(PE745.447v01-00)

Proposal for a Regulation of the EP 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

Proposal for a regulation

(COM(2022)0677 – C9-0400/2022 – 2022/0396(COD))

**COMPROMISE AMENDMENT 1 - SUBJECT MATTER (ARTICLE 1)**  
**EPP, S&D, RE, Greens/EFA, ECR, Left**  
replacing amendments 56-57; 574-581; 208; AGRI: 62-63

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

*Text proposed by the Commission*

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

*Amendment*

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

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

*Text proposed by the Commission*

2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental protection.

*Amendment*

2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental protection.

**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

*Amendment*

3. This Regulation contributes to the transition to a circular economy ***and achieving climate neutrality by 2050 at the latest as***

accordance with Article 4 of Directive 2008/98/EC.

*provided for under the Climate Law*, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC *and by providing a supportive legal framework which gives certainty to the European industry for their investments towards achieving circularity of packaging.*

**COMPROMISE AMENDMENT 2 - SCOPE (ARTICLE 2)**  
**EPP, S&D, RE, Greens/EFA, ECR, Left**  
replacing amendments 582-593; AGRI: 64

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

*Text proposed by the Commission*

1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.

*Amendment*

1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.

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

*Text proposed by the Commission*

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.

*Amendment*

2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste ***and, in accordance with Article 4 of Directive 2008/98/EC, the application by Member States of measures relating to the waste hierarchy which allow the best environmental result to be achieved.***

**COMPROMISE AMENDMENT 3 - DEFINITIONS NOT RELATED TO A SPECIFIC ARTICLE (ARTICLE 3)**

**EPP, S&D, RE, Greens/EFA, Left**

replacing AM 58; 70; 594; 595; 621-645; 650; 651; 654; 668; 712-725; 740; 744-747; 749-751; 757; 759; 762; 770-774; 778; 779; 785 ITRE: 6; AGRI: 67-69; 74; 75; 77; 78; IMCO: 14-16

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent physical handling and transport **damage**;

*Amendment*

(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of **any** number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent **damage from** physical handling and transport **to the product**;

**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;

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 19**

*Text proposed by the Commission*

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels,

*Amendment*

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels,

closures and sealing, which cannot be separated manually and therefore form a single integral unit;

*paints, inks, adhesives, lacquers*, closures and sealing *which are part of the weight of the main packaging material*, which cannot be separated manually and therefore form a single integral unit;

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 34**

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit *in order to consume the product* and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 35**

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

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit *in order to access the product*, and that is typically discarded prior to and separately from the packaging unit;

##### *Amendment*

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit, and that is typically discarded prior to and separately from the packaging unit;

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 40**

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

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746,

##### *Amendment*

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746,

(EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;

(EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, **Directive 2002/46/EC**, or Directive 2008/68/EC;

## 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;

ALTERNATIVE COMPROMISE AMENDMENT 3A PRESENTED BY ECR

- DEFINITIONS NOT RELATED TO A SPECIFIC ARTICLE (ARTICLE 3)

replacing AM 58; 70; 594; 595; 621-645; 650; 651; 654; 668; 712-725; 740; 744-747; 749-751; 757; 759; 762; 770-774; 778; 779; 785 ITRE: 6; AGRI: 67-69; 74; 75; 77; 78; IMCO: 14-16

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent physical handling and transport **damage**;

*Amendment*

(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of **any** number of sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent **damage from** physical handling and transport **to the product**;

**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;

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 19**

*Text proposed by the Commission*

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and therefore form a single integral unit;

*Amendment*

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, **coatings, linings, paints, inks, adhesives, lacquers**, closures and sealing **which are part of the weight of the main packaging material**, which cannot be separated manually and



therefore form a single integral unit, *unless a given material constitutes an insignificant part of the packaging unit and in no case more than 10% of the total mass of the packaging unit;*

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 34**

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit *in order to consume the product* and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 35**

*Text proposed by the Commission*

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit *in order to access the product*, and that is typically discarded prior to and separately from the packaging unit;

*Amendment*

(35) ‘separate component’ means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit, and that is typically discarded prior to and separately from the packaging unit;

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 40**

*Text proposed by the Commission*

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746,

*Amendment*

(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive

(EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;

2001/83/EC, **Directive 2002/46/EC**, or Directive 2008/68/EC;

**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;



**COMPROMISE AMENDMENT 4 - INDICATIVE LIST OF PACKAGING (ANNEX I)**

**EPP, S&D, RE, Greens/EFA, Left**  
replacing amendments 191, 2557-2575; AGRI: 226-228

**Proposal for a regulation**

**Annex I**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Items covered by Article 3(1)(a)	Items covered by Article 3(1)(a)
Packaging	Packaging
Sweet boxes	Sweet boxes
Film overwrap around a CD case	Film overwrap around a CD case
Mailing pouches for catalogues and magazines (with a magazine inside)	Mailing pouches for catalogues and magazines (with a magazine inside)
Cake doilies sold with a cake	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	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	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	Glass bottles for injection solutions
CD spindles (sold with CDs, not intended to be used as storage)	CD spindles (sold with CDs, not intended to be used as storage)
Clothes hangers (sold with a clothing item)	Clothes hangers (sold with a clothing item)
Matchboxes	Matchboxes
Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)	Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)
Beverage system capsules (e.g. coffee, <i>cacao</i> , <i>milk</i> )	<i>Tea or coffee bags and pads</i> , beverage system capsules (e.g. <i>single-serve units for tea or coffee</i> )

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

Tea and coffee foil pouches

Non-Packaging

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

[...]

Items covered by Article 3(1)(d-e)

Packaging, if designed and intended to be filled at the point of sale

[...]

Plastic foil for cleaned clothes in laundries

[...]

Items covered by Article 3(1)(b-c)

Non-packaging

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

Tea and coffee foil pouches

***Boxes used for toothpaste tubes***

Non-Packaging

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

Items covered by Article 3(1)(d-e)

Packaging, if designed and intended to be filled at the point of sale

Plastic foil for cleaned clothes in laundries

Items covered by Article 3(1)(b-c)

Non-packaging

***Tyre labelling stickers (EU 2020/740)***

**COMPROMISE AMENDMENT 5 - FREE MOVEMENT (ARTICLE 4)**  
**EPP, S&D, RE, Greens/EFA, ECR, Left**  
replacing amendments 71-72, 786-812; ITRE: AM 8-10; AGRI: 79-81

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Packaging shall only be placed on the market if it complies with this Regulation.

*Amendment*

1. Packaging shall only be placed on the market if it complies with this Regulation.

**Proposal for a regulation**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.

*Amendment*

2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.

*Amendment*

3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.

**Proposal for a regulation**

**Article 4 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 4 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

**Proposal for a regulation**

**Article 4 – paragraph 6**

*Text proposed by the Commission*

6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.

*Amendment*

6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.

**COMPROMISE AMENDMENT 6 - REQUIREMENTS FOR SUBSTANCES IN PACKAGING (ARTICLE 5) +  
RELATED DEFINITIONS**

**EPP, S&D, RE, Greens/EFA, Left**

replacing amendments 73-76; 813-852; 854-857; 775; 776; 780-784; AGRI: 82

**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, **and the adverse impact on the environment due to micro-plastics.**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Without prejudice to the restrictions on chemicals set out in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, to the restrictions and specific measures on food contact packaging in Regulation (EC) No 1935/2004, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components shall not exceed 100 mg/kg.

*Amendment*

2. Without prejudice to the restrictions on chemicals set out in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, to the restrictions and specific measures on food contact packaging in Regulation (EC) No 1935/2004, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components shall not exceed 100 mg/kg.



## Proposal for a regulation

### Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFASs) shall not be placed on the market from [OP: Please insert the date = 18 months after the date of entry into force of this Regulation].**

## Proposal for a regulation

### Article 5 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b. Food contact packaging containing intentionally added Bisphenol A (BPA, CAS 80-05-7) shall not be placed on the market from [OP: Please insert the date = 18 months after the date of entry into force of this Regulation].**

## Proposal for a regulation

### Article 5 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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

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

## Proposal for a regulation

### Article 5 – paragraph 4

*Text proposed by the Commission*

*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 **relating** primarily to chemical safety. They shall address, **as appropriate**, substances

4. **Without prejudice to paragraphs 2a and 2b**, 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,

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 substances concerned and their associated* criteria and limitations.

*unless there is an unacceptable risk to human health or to the environment arising from the use of a substance in the packaging at any stage of its life cycle.* They shall *also* address substances of concern that *have a negative impact on the re-use, 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.*

## Proposal for a regulation

### Article 3 – paragraph 2

#### *Text proposed by the Commission*

The definitions of ‘substance of concern’ and ‘data carrier’ laid down in Article [2 points (28) and (30)] of Regulation [Ecodesign for sustainable products] shall apply;

#### *Amendment*

The definitions of ‘substance of concern’ and ‘data carrier’ laid down in Article [2 points (28) and (30)] of Regulation [Ecodesign for sustainable products] shall apply;

**COMPROMISE AMENDMENT 7 - RECYCLABLE PACKAGING (ARTICLE 6, ANNEX II AND DEFINITIONS)**

**EPP, S&D, RE, Greens/EFA**

replacing amendments 62-66; 77-103; 192-197; 620; 653; 676-711; 726-739; 858-1032; 1035-1081; 1084; 2576; 2681-2712; ITRE: 7; 11-17; 19-23; AGRI: 70; 72; 73; 83-107

**ARTICLE 6**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. All packaging shall be recyclable.

*Amendment*

1. All packaging *placed on the market* shall be recyclable *in accordance with paragraph 2*.

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

- (a) it is designed for recycling;

*Amendment*

- (a) it is designed for recycling, *as set out in the delegated acts adopted by the Commission pursuant to paragraph 4* ;

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

(e) it *can be recycled* at scale.

*Amendment*

(e) it *is recyclable* at scale *in accordance with the methodology established in the delegated acts adopted by the Commission pursuant to paragraph 6.*

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

Points (a) *to (d)* shall apply *36 months after the publication of the delegated acts referred to in paragraph 4* and point (e) shall apply *36 months after the publication of the delegated acts referred to in paragraph 6.*

## Proposal for a regulation

### Article 6 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

Recyclable packaging shall :

**(a) 36 months after the publication of the delegated acts referred to in paragraph 4**, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4;

**(b) 36 months after the publication of the delegated acts referred to in paragraph 6, in addition to point (a) of this paragraph**, also **comply** 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).

## Proposal for a regulation

### Article 6 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

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

**(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 in accordance with paragraph 1;**

**(b) detailed design for recycling criteria , including specific requirements for high quality recycling, where appropriate, for each packaging material and category listed in Table 1 of Annex II;**

(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;

(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;

(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 updated recyclability performance grades.

## Proposal for a regulation

### Article 6 – paragraph 4 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

*By 1 January 2027* the Commission *shall, after consultation of the Packaging Forum established under Article 12a and taking into consideration standards developed by the European Standards Organisations,* adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to :

(a) establish design for recycling criteria *and recycling performance grades based on the criteria and parameters listed in Tables 2 and 2a of Annex II for packaging categories listed in Table 1 of that Annex.*

*Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.*

(b) *establish rules concerning* the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the *packaging recycling performance grade, and where applicable, the percentage of recycled content.*

## Proposal for a regulation

### Article 6 – paragraph 4 – subparagraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Proposal for a regulation

### Article 6 – paragraph 5 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

*36 months after the publication of the delegated acts referred to in paragraph 4*, 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.

*96 months after the publication of the delegated acts referred to in paragraph 4*, packaging shall not be considered recyclable if it corresponds to performance grade D or below 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.

*36 months after the publication of the delegated acts referred to in paragraph 6*, packaging shall not be considered recyclable if it does not comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6.

## 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***

## **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. ***60 months after the publication of the delegated acts referred to in paragraph 4*** the Commission shall ***adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to,*** 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:

## **Proposal for a regulation**

### **Article 6 – paragraph 6 – point a**

*Text proposed by the Commission*

*Amendment*

(a) amounts of packaging placed on the market in the Union as a whole and in each Member State;

(a) amounts of packaging placed on the market in the Union as a whole and in each Member State;

## **Proposal for a regulation**

### **Article 6 – paragraph 6 – point b**

*Text proposed by the Commission*

*Amendment*

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State;

(b) amounts of separately collected packaging waste, per packaging material listed in Table 1 of Annex II, in the Union as whole and in each Member State, ***taking into account Member States obligations under Article 43 of this Regulation;***



## Proposal for a regulation

### Article 6 – paragraph 6 – point c

*Text proposed by the Commission*

(c) recycling rates of packaging waste per packaging type listed in Table 1 of Annex II, in the Union as a whole and in each Member State or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);

*Amendment*

(c) recycling rates of packaging waste per packaging type listed in Table 1 of Annex II, in the Union as a whole and in each Member State or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);

## Proposal for a regulation

### Article 6 – paragraph 6 – point d

*Text proposed by the Commission*

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II.

*Amendment*

(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II, ***taking into account Member States' obligations under Article 43 of this Regulation.***

## Proposal for a regulation

### Article 6 – paragraph 6 – subparagraph 1 (new)

*Text proposed by the Commission*

*Amendment*

***The data mentioned in points (a) to (d) shall be available and easily accessible by the public.***

## Proposal for a regulation

### Article 6 – paragraph 7 – introductory part

*Text proposed by the Commission*

*Amendment*

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

***deleted***

## Proposal for a regulation

### Article 6 – paragraph 7 – point a

*Text proposed by the Commission*

*Amendment*

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

## 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;* *deleted*

## 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 the conditions for compliance with the respective performance grades;* *deleted*

## Proposal for a regulation

### Article 6 – paragraph 7 – point d

*Text proposed by the Commission*

*Amendment*

*(d) the modulation of the financial contributions to be paid by producers to* *deleted*

*comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;*

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

##### **Article 6 – paragraph 7 – point e**

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

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

##### **Article 6 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*7a. Where proven environmentally beneficial and technically feasible, Member States may, especially through design of schemes established in compliance with Article 44, prioritise recycling of packaging so that it can be subsequently recycled and used in the same way or for a similar application, with minimal loss of quantity, quality or function, whereby producers obliged to meet recycled content targets can benefit from fair access to the material derived from the recycled packaging.*

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

##### **Article 6 – paragraph 8 –introductory part**

*Text proposed by the Commission*

*Amendment*

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the

Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the

technical documentation concerning the packaging as set out in Annex VII.

packaging as set out in Annex VII **and take into consideration the following elements:**

### Proposal for a regulation

#### Article 6 – paragraph 8 - point a (new)

##### *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;

### Proposal for a regulation

#### Article 6 – paragraph 8 - point b (new)

##### *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. ***If an integrated component of the packaging unit is easily separable by hand and there are clear instructions for the consumer, the overall recyclability should be a combination of the assessments for each individual component;***

### Proposal for a regulation

#### Article 6 – paragraph 8 - point c (new)

##### *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

##### *Amendment*

**(c)** all components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and

hinder the recyclability of the main body of the unit of packaging.

shall not hinder the recyclability of the main body of the unit of packaging

### Proposal for a regulation

#### Article 6 – paragraph 9 – subparagraph 1

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

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

##### *Amendment*

***36 months after the publication of the delegated acts referred to in paragraph 4***, and by way of derogation from ***the requirements of this Article***, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.

***The Commission shall constantly monitor the impact of this derogation on the amount of packaging placed on the market and shall, where appropriate, adopt a legislative proposal in view of amending this paragraph.***

### Proposal for a regulation

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

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

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

##### *Amendment*

Innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature, ***its overall environmental benefit*** and showing compliance with the definition in Article 3(37) of this Regulation.

### Proposal for a regulation

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

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

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

##### *Amendment*

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

*compliant with the requirements set out in this Article.*

### **Proposal for a regulation**

#### **Article 6 – paragraph 10 – introductory part**

*Text proposed by the Commission*

10. Until **31 December 2034**, this Article shall not apply to the following:

*Amendment*

10. Until **72 months after the publication of the delegated act referred to in paragraph 6**, this Article shall not apply to the following:

### **Proposal for a regulation**

#### **Article 6 – paragraph 10 – point a**

*Text proposed by the Commission*

(a) 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

*Amendment*

(a) 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

### **Proposal for a regulation**

#### **Article 6 – paragraph 10 – point b**

*Text proposed by the Commission*

(b) contact sensitive **plastic** packaging of medical devices covered by Regulation (EU) 2017/745;

*Amendment*

(b) contact sensitive packaging of medical devices covered by Regulation (EU) 2017/745;

### **Proposal for a regulation**

#### **Article 6 – paragraph 10 – point c**

*Text proposed by the Commission*

(c) contact sensitive **plastic** packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

*Amendment*

(c) contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ca) contact sensitive packaging for infant formula and follow-on formula, processed cereal-based food and baby food, and food for special medical purposes as defined in Article 1, point (a), (b) and (c) of Regulation (EU) No 609/2013.**

## Proposal for a regulation

### Article 6 – paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

**10a. The Commission shall assess the need to extend the derogation established under paragraph 10. This assessment shall take into account the available scientific guidelines of the relevant regulatory authorities, the state of scientific and technical progress, and the availability and prices of recyclable materials. On that basis and after consultation with relevant stakeholders, the Commission shall present, if appropriate, a legislative proposal.**

## Proposal for a regulation

### Article 6 – paragraph 11

*Text proposed by the Commission*

*Amendment*

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

11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6). **Financial contributions shall, in line with Article 8a of Directive 2008/98/EC, be earmarked to finance the net cost of collection, sorting and**

*recycling infrastructures of the packaging type it is paid for, following the categories set in Annex II, Table 1.*

**Proposal for a regulation**

**Article 6a (new)**

*Text proposed by the Commission*

*Amendment*

***Inert packaging***

***By 1 January 2029, the Commission shall adopt delegated acts in accordance with Article 21a in order to supplement this Regulation where necessary to deal with any difficulties encountered in applying the provisions of this Regulation, in particular, to inert packaging materials placed on the market in very small quantities (i.e. approximately 0,1 % by weight) in the Union.***

**Annex II**

**Proposal for a regulation**

**Annex II - Table 1**

**Table 1: Indicative list of packaging materials, types and categories referred to in Article 6**

*Text proposed by the Commission*

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs	
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*Amendment*

2	Glass	Composite packaging, of which the majority is glass	Bottles, jars, flacons, cosmetics pots, tubs, <b><i>aerosol cans</i></b>	
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**Annex II – Table 1 – row 4**

*Text proposed by the Commission*

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid paperboard, paper/cardboard with plastic liners/ windows	
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*Amendment*

4	Paper/cardboard	Composite packaging of which the majority is paper/cardboard	Including beverage <b>and non-beverage</b> cartons, plates and cups, i.e., metallised or plastic laminated paper/ card, liquid paperboard, paper/cardboard with plastic liners/ windows	
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**Proposal for a regulation**

**Annex II – Table 1 – row 5**

*Text proposed by the Commission*

5	Metal	Steel	Rigid packaging formats (aerosol cans, paint tins, boxes, etc.) made of steel, including tinplate	
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*Amendment*

5	Metal	Steel	Rigid packaging formats (aerosol <b>cans</b> , cans, paint tins, boxes, etc.)	
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			made of steel, including tinplate	
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**Proposal for a regulation**

**Annex II – Table 1 – row 11 a (new)**

*Text proposed by the Commission*

*Amendment*

<i>(11a)</i>	<i>Plastic</i>	<i>PET - rigid</i>	<i>Bottles and flasks</i>	<i>Opaque white</i>
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**Annex II – Table 1 – row 12**

*Text proposed by the Commission*

12	Plastic	PET - rigid	Rigid packaging other than bottles and flasks (Includes pots, tubs and trays), <i>aerosol cans</i>	Transparent
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*Amendment*

12	Plastic	PET - rigid	Rigid packaging other than bottles and flasks (Includes pots, tubs and trays)	Transparent
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**Proposal for a regulation**

**Annex II – Table 1 – row 26 a (new)**

*Text proposed by the Commission*

*Amendment*

<i>(26a)</i>	<i>Plastic</i>	<i>Rigid plastics used for industrial packaging</i>	<i>IBCs, drums</i>	
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**Proposal for a regulation**

**Annex II – Table 1 – row 27 a (new)**

*Text proposed by the Commission*

*Amendment*

(27a)	<i>Plastic</i>	<i>Flexible plastics used for industrial packaging</i>	<i>FIBCs, bags</i>	
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**Proposal for a regulation**

**Annex II – Table 2 Recyclability performance grades**

*Text proposed by the Commission*

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	higher or equal to 95 %
Grade B	higher or equal to 90 %
Grade C	higher or equal to 80 %
Grade D	higher or equal to 70 %
Grade E	lower than 70 %

*Amendment*

Recyclability Performance Grade	Assessment of recyclability per unit, in weight
Grade A	<i>higher or equal to 95 % - High compatibility with design for recycling The 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>
Grade B	<i>higher or equal to 90 % - High to medium compatibility with design for recycling 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>

Grade C	<p><i>higher or equal to 80 % - medium compatibility with design for recycling</i></p> <p><i>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></p>
Grade D	<p><i>higher or equal to 70 % - Medium to low compatibility with design for recycling</i></p> <p><i>The packaging has significant design issues that highly affect its recyclability or imply large material losses during recycling.</i></p>
Grade E	<p><i>lower than 70 % - Low compatibility with design for recycling</i></p> <p><i>The packaging is not recyclable because of design issues and should not be placed on the market.</i></p>

### **Proposal for a regulation**

#### **Annex II – Table 2 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Indicative parameters to be considered when establishing design criteria for recycling under Article 6***

- 1. Additives***
- 2. Labels/sleeves***
- 3. Closure systems and small parts***
- 4. Adhesives***
- 5. Inks/Printing***
- 6. Colours***
- 7. Material composition***
- 8. Barriers / coatings***
- 9. Products residues / ease of emptying***
- 10. Ease of dismantling (design features of packaging)***

### **RELATED DEFINITIONS**

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

#### **Article 3 – paragraph 1 – point 31**

*Text proposed by the Commission*

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes;

*Amendment*

(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art collection, sorting and recycling processes, ***giving priority to mechanical recycling processes***;

**Proposal for a regulation**

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

*Text proposed by the Commission*

***(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;***

*Amendment*

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 32**

*Text proposed by the Commission*

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

*Amendment*

(32) ‘recycled at scale’ means ***the existence of a sufficient capacity for the*** collected packaging waste to be directed to defined and recognised waste streams through ***established industrial*** processes ***for reprocessing in actual systems proven in operational environment*** , including packaging waste exported from the Union that meets the requirements of Article 47(5);

**Proposal for a regulation**

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

**(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 or for a similar application, with minimal loss of quantity, quality or function;**

### **Proposal for a regulation**

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

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

(37) 'innovative packaging' means a form of packaging that is manufactured using new **and innovative materials**, 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 **overall**, with the exception of packaging that is the result of modification of existing packaging for the **main** purpose of improved presentation of products and marketing;

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 38**

(38) 'secondary raw materials' means materials that have been obtained through recycling processes and can substitute primary raw materials;

(38) 'secondary raw materials' means materials that have been obtained through recycling processes, **undergone all necessary checking and sorting** and can substitute primary raw materials;

**COMPROMISE AMENDMENT 8 - MINIMUM RECYCLED CONTENT IN PLASTIC PACKAGING  
(ARTICLE 7)**

**EPP, S&D, RE, Greens/EFA**

replacing amendments 104-115; 741-743; 748; 1033; 1034; 1086-1236; 1238-1272; 1274-1330;  
1334-1335; ITRE: 18; 24-33; AGRI: 108-123; 125-127

**Proposal for a regulation**

**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Minimum recycled content in plastic packaging

Minimum recycled content in plastic packaging

**Proposal for a regulation**

**Article 7 – paragraph 1 - introductory part**

*Text proposed by the Commission*

*Amendment*

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:

1. From 1 January 2030, the plastic part in packaging ***placed on the market*** shall, ***unless this results in non-compliance with food safety requirements laid down at Union level,*** contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging ***format as referred to in Table 1 of Annex II, calculated as an average per manufacturing plant, per year:***

**Proposal for a regulation**

**Article 7 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

(a) 30 % for contact sensitive packaging, ***except single use beverage bottles,*** made from polyethylene terephthalate (PET) as the major component;

## Proposal for a regulation

### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

(b) **7,5 %** for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;

## Proposal for a regulation

### Article 7 – paragraph 1 – point c

*Text proposed by the Commission*

(c) 30 % for single use plastic beverage bottles;

*Amendment*

(c) 30 % for single use plastic beverage bottles;

## Proposal for a regulation

### Article 7 – paragraph 1 – point d

*Text proposed by the Commission*

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

*Amendment*

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

## 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 shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging **format as referred to in Table 1 of Annex II, per manufacturing plant, per year:**

## Proposal for a regulation

### Article 7 – paragraph 2 – point a

*Text proposed by the Commission*

(a) 50 % for contact sensitive plastic packaging, except single use plastic

*Amendment*

(a) 50 % for contact sensitive–plastic packaging, except single use plastic



beverage bottles;

beverage bottles;

***(aa) 25% for contact sensitive packaging made from plastic materials other than PET.***

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) 65 % for single use plastic beverage bottles;

(b) 65 % for single use plastic beverage bottles;

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) 65 % for plastic packaging other than those referred to in points (a) and (b);

(c) 65 % for plastic packaging other than those referred to in points (a) and (b);

### **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 comply with the definition of microenterprise in accordance with the rules set out in the Commission Recommendation 2003/361/EC<sup>1a</sup>.***

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<sup>1a</sup> *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).*

### **Proposal for a regulation**

#### **Article 7 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;

*Amendment*

(b) contact sensitive plastic packaging of medical devices, ***or devices exclusively destined for research use and investigational devices*** covered by Regulation (EU) 2017/745;

**Proposal for a regulation**

**Article 7 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;

*Amendment*

(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;

**Proposal for a regulation**

**Article 7 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) contact sensitive plastic packaging for food intended for infants and young children, food for special medical purposes and packaging for drinks and food typically used for young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) No 609/2013.***

**Proposal for a regulation**

**Article 7 – paragraph 3 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging is needed to be in line with the quality standards of the medicinal product***

**Proposal for a regulation**

#### Article 7 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. Paragraphs 1 and 2 shall not apply to :

*a. compostable plastic packaging.*

*b. inks, adhesives, paints, varnishes and lacquers used on packaging.*

*c. any plastic part representing less than 5% of the total weight of the whole packaging unit;*

#### Proposal for a regulation

##### Article 7 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*4a. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to facilitate recycling and to ensure availability plastic feedstock for recycling.*

#### Proposal for a regulation

##### Article 7 – paragraph 5

*Text proposed by the Commission*

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

*Amendment*

5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated **by economic operators** in the technical information concerning the packaging referred to in Annex VII.

#### 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

*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 used in the packaging.

obligations as laid down in Article 40, shall be modulated based on the percentage of recycled content used in the packaging.

### 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.**

### Proposal for a regulation

#### Article 7 – paragraph 8

*Text proposed by the Commission*

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

*Amendment*

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

### Proposal for a regulation

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

*Text proposed by the Commission*

9. 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**

*Amendment*

9. By 1 January **2032**, the Commission shall assess the **situation regarding the use of recycled packaging materials in plastics, focusing on the lack of availability of recycled plastics or on adverse effects on**

*derogation established under paragraph 3 for specific plastic packaging.*

*human or animal health, security of food supply or the environment, 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 are not sufficiently resource and energy efficient.*

## Proposal for a regulation

### Article 7 – paragraph 9 – subparagraph 2

*Text proposed by the Commission*

Based on this assessment, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:

(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.*

*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:

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 2,

*(b) modify the targets established in paragraphs 1 and 2,*

(c) revise the derogations established in paragraph 3.

## Proposal for a regulation

### Article 7 – paragraph 10

*Text proposed by the Commission*

*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,*

*Amendment*

*deleted*

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

#### **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 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.

**COMPROMISE AMENDMENT 25 - ARTICLE 7(11 A)(NEW) BIO-BASED PLASTIC**

**EPP, RE, ECR**

replacing amendments 116; 758; 760; 761; 853; 1273; 1331-1333; 1337; 1342; 1398; 1495; ITRE:  
34, AGRI: 124 and amendments 17, 334

**Proposal for a regulation**

**Article 7 – paragraph 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***1. By 31 December 2025, the Commission shall publish a report assessing the possibility of laying down targets for the use of bio-based plastic feedstock in packaging in order to meet the targets set out in paragraphs 1 and 2 of Article 7.***

***2. Where appropriate and based on the report referred to in paragraph 1, the Commission shall present a legislative proposal in order to:***

***(a) lay down targets for the use of bio-based plastic feedstock in packaging;***

***(b) lay down sustainability requirements for bio-based plastic feedstock to become eligible to contribute to the targets, considering the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001;***

***(c) introduce the possibility to meet up to maximum 50% of the targets set out in Article 7(1) and (2) by using bio-based plastic feedstock.***

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***41a) 'bio-based plastic' is defined as a plastic whose raw materials are made from***

*biomass<sup>1a</sup>;*

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*<sup>1a</sup> Communication for an EU policy framework on bio-based, biodegradable and compostable plastics, COM(2022), 682 final, 30/11/2022.*

**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, the Commission should publish, no later than 31 December 2025, a report assessing the possibility of setting targets for the use of bio-based plastic raw materials in packaging in order to achieve the target up to a maximum of 50%, based on sustainability requirements.*



**COMPROMISE AMENDMENT 9 - ARTICLE 8, RELATED DEFINITIONS, ARTICLE 49, PARA 1, POINT F  
AND ANNEX III - COMPOSTABLE PACKAGING**

**EPP, S&D, RE, Greens/EFA, Left**

replacing amendments 67, 118-121; 198; 199; 596-619; 752-756; 1340; 1341; 1343-1395; 1397;  
2578-2594; ITRE: 35-40; AGRI: 65; 66; 76; 128-132; 229-230

**ARTICLE 8**

**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 = **36** 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 shall be compostable **to home composting standards** or in industrially controlled conditions in bio-waste treatment facilities.

***1a. By [OP: please insert the date = 36 months from the entry into force of this Regulation], very lightweight plastic carrier bags required for loose food 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.***

**Proposal for a regulation**

**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States **are empowered to** require that lightweight plastic

*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 **having implemented Article 22 of Directive 2008/98**

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.*

## Proposal for a regulation

### Article 8 – paragraph 3

*Text proposed by the Commission*

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

*may* 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 *are compostable.*

*Amendment*

3. By [OP: Please insert the date = 36 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers *and other biodegradable materials*, shall allow material recycling, *in accordance with Article 6, and* without affecting the recyclability of other waste streams.

*3a. By way of derogation from Article 8(3), Member States are empowered to require that those packaging that are compostable in their territory may be processed under the bio-waste stream process.*

## Proposal for a regulation

### Article 8 – paragraph 5

*Text proposed by the Commission*

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.

*Amendment*

5. *After consultation of expert groups*, the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1, *1a* 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, *including on labelling of compostability*, impacting the disposal of compostable packaging and under the conditions set out in Annex III.

## Proposal for a regulation

### Article 8 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a.** *By 31 May 2025, the Commission shall request the European standardisation organisations to update the harmonised standard (EN 13432) on the "Requirements for packaging recoverable through composting and biodegradation - testing schemes and evaluation criteria".*

*By 31 may 2025, the Commission shall also request the European standardisation organisations to prepare harmonised standards laying down the detailed technical specifications of the requirements on home compostable packaging in this Article.*

## ARTICLE 49

### Proposal for a regulation

#### Article 49 – paragraph 1 - point f

*Text proposed by the Commission*

*Amendment*

(f) the composting properties and appropriate waste management options for compostable packaging.

(f) the composting properties and appropriate waste management options for compostable packaging, ***including information to consumers that compostable packaging that is compostable in industrially controlled conditions should not be thrown in home compost or nature.***

## RELATED DEFINITIONS

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 1 – point f

*Text proposed by the Commission*

*Amendment*

(f) tea or coffee bags ***necessary to*** contain a tea or coffee product and intended to be used and disposed of together with the product;

(f) ***permeable*** tea or coffee ***bags or soft after use system and single-serve units that*** contain a tea or coffee product and ***are*** intended

to be used and disposed of together with the product;

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 1 – point g

*Text proposed by the Commission*

(g) coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;

*Amendment*

(g) **non-permeable** coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 41

*Text proposed by the Commission*

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions;

*Amendment*

(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(8), and does not hinder the separate collection and the composting **or anaerobic digestion** process or activity into which it is introduced in industrially controlled conditions, **in accordance with the applicable requirements laid down in the harmonised European standards EN 13432;**

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

**(41a) ‘home compostable packaging’ means packaging that can also biodegrade in non-controlled conditions compared to industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.**

## ANNEX III

## Proposal for a regulation

### Annex III – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Proposal for a regulation

### Annex III – paragraph 1 – point c

*Text proposed by the Commission*

(c) it is of biodegradable nature **allowing** the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide **or methane**, in the absence of oxygen, **mineral salts, biomass and water**,

*Amendment*

(c) it is of **such** biodegradable nature **that it allows** the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide **and water, new microbial biomass, mineral salts, and**, in the absence of oxygen, **methane**,

## Proposal for a regulation

### Annex III – point e

*Text proposed by the Commission*

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

*Amendment*

(e) its use significantly reduces the contamination of compost with non-compostable packaging **and does not cause any problems in bio-waste processing**;

## Proposal for a regulation

### Annex III – paragraph 1 – point f

*Text proposed by the Commission*

(f) its use does not increase the contamination of non-compostable packaging waste streams.

*Amendment*

(f) its use does not increase the contamination of non-compostable packaging waste streams.

**COMPROMISE AMENDMENT 10 - REUSABLE PACKAGING (ARTICLES 10, 23) AND REUSE AND REFILL (ARTICLES 24 - 28, 45) AND RELATED DEFINITIONS**

**S&D, RE, Greens/EFA**

replacing AMs 59-61; 122; 133 - 167; 646-649; 652; 655-667; 777; 1459-1494, 1757- 2183 and 2448-2465; ITRE: 57-78; AGRI: 71; 146-148; 166-204

**ARTICLE 10**

**Proposal for a regulation**

**Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Packaging shall be considered reusable where if fulfils the following conditions:

*Amendment*

1. Packaging ***placed on the market*** shall be considered reusable where if fulfils the following conditions:

**Proposal for a regulation**

**Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 10 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) it has been conceived and designed to accomplish as many ***trips or*** rotations as possible in normally predictable conditions of use;

*Amendment*

(b) it has been conceived and designed to accomplish as many rotations as possible in normally predictable conditions of use

***By [OP: Please insert the date = the date 24 months after the entry into force of this***

*Regulation] the Commission shall adopt delegated act setting a minimum number of rotations for reusable packaging in different and relevant material and packaging categories.*

**Proposal for a regulation**

**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;

*Amendment*

(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;

*Amendment*

(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

*Amendment*

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;

*Amendment*

(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;

## **Proposal for a regulation**

### **Article 10 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) it fulfils the requirements regarding consumer health, safety and hygiene;***

## **Proposal for a regulation**

### **Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

## **ARTICLE 23**

### **Proposal for a regulation**

#### **Article 23 – paragraph 1**

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, ***including an incentive to ensure collection***, which meets the requirements laid down in Article 24 and Annex VI. ***This provision can be considered fulfilled by existing systems for reuse already in place in the Member States.***

## **ARTICLE 24**

### **Proposal for a regulation**

#### **Article 24 – paragraph 2**

*Text proposed by the Commission*

*Amendment*



2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.

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

#### **Article 24 – paragraph 2 a (new)**

*Text proposed by the Commission*

2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.

*Amendment*

***2a. Economic operators making use of reusable packaging can designate third parties responsible of one or more mutualised systems for re-use. The appointed third parties ensure that the systems for reuse, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.***

***Where economic operators have appointed a third party as referred in paragraph 2a, the obligations set out in this Article shall be met by the third parties on their behalf.***

#### **ARTICLE 25**

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

#### **Article 25 – paragraph 2**

*Text proposed by the Commission*

2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.

*Amendment*

2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.

#### **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.

#### **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, ***in particular if they deem it unhygienic or unsuitable for the food or drink being sold.***

***Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.***

**Proposal for a regulation**

**Article 25 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***From 1 January 2030, final distributors with a area, excluding all storage and dispatch areas, of more than 400m<sup>2</sup> shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.***

**ARTICLE 26**

**Proposal for a regulation**

**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

Re-use ***and refill*** targets

Re-use targets

**Proposal for a regulation**

**Article 26 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***From 1 January 2030***, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that **90 %** of those products are made available in reusable transport packaging within a system for re-use.

1. Economic operators, ***including online platforms***, 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 :

(a) shall ensure that ***from 1 January 2030, 50% of those products are made available in reusable transport packaging within a system for reuse;***

*(b) shall aim to ensure that from 1 January 2040, 90% of those products are made available in reusable transport packaging within a system for reuse.*

## **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.**

## **Proposal for a regulation**

### **Article 26 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:**

*deleted*

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

*deleted*

**(b) from 1 January 2040, 40 % of those products are made available in reusable**

*deleted*

*packaging within a system for re-use or by enabling refill.*

## **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, it :**

**(a) shall ensure that, within the territory of a Member State from 1 January 2030, at least 20 % of those products are made available in reusable packaging within a system for re-use;**

**(b) shall aim to ensure that from 1 January 2040, at least 35 % of those products are made available in reusable packaging within a system for re-use.**

## **Proposal for a regulation**

### **Article 26 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales packaging available on the market within the territory of a Member State, it :**

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

**(b) shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;**

**(c) shall meet the above targets in a manner that other alcoholic beverage category (as defined in Council Directive 92/83/EEC EU) fairly contributes to the re-use target;**

**(d) shall ensure that brands owned by the final distributor contribute fairly to the re-use target;**

*(e) shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.*

**Proposal for a regulation**

**Article 26 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

*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.**

**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.**

## 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.*

## Proposal for a regulation

### Article 26 – paragraph 7

*Text proposed by the Commission*

*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 **12 and 13** shall ensure that:

7. Economic operators using transport packaging **or sales packaging only used for transportation within the territory of the Union** in the form of pallets, plastic crates, foldable plastic boxes, pails **or** drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **5 and 6**:

(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;

(a) **shall ensure that** from 1 January 2030, **at least** 30 % of such packaging used is reusable packaging within a system for re-use;

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

(b) **shall aim to ensure that** from 1 January 2040, **at least** 90 % of such packaging used is reusable packaging within a system for re-use.

## Proposal for a regulation

### Article 26 – paragraph 8

*Text proposed by the Commission*

8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:

- (a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;
- (b) from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;

*Amendment*

8. Economic operators using transport packaging ***within the territory of the Union*** for the transport and delivery of non-food items made available on the market for the first time via e-commerce:

- (a) shall ensure that from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use
- (b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 50 % of such packaging used is reusable packaging within a system for re-use.

## Proposal for a regulation

### Article 26 – paragraph 9

*Text proposed by the Commission*

9. Economic operators using transport packaging ***in the form of pallet wrappings and straps*** for stabilization and protection of products put on pallets during transport shall ensure that:

- (a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;
- (b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;

*Amendment*

9. Economic operators using transport packaging ***within the territory of the Union*** for stabilization and protection of products put on pallets during transport, ***including, but not limited to, pallet wrappings or straps***

- (a) shall ensure that from 1 January 2030, ***at least*** 10 % of such packaging used is reusable packaging within a system for re-use;
- (b) ***shall aim to ensure that*** from 1 January 2040, ***at least*** 30 % of such packaging used for transport is reusable packaging within a system for re-use

## Proposal for a regulation

### Article 26 – paragraph 10

*Text proposed by the Commission*

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

*Amendment*

10. Economic operators, ***including online platforms***, using grouped packaging ***within the territory of the Union*** in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping ***or distribution*** unit:

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

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

(a) shall ensure that from 1 January 2030, **at least** 10 % of such packaging used is reusable packaging within a system for re-use;

(b) **shall aim to ensure that** from 1 January 2040, **at least** 25 % of such packaging they used is reusable packaging within a system for re-use.

## 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.

## 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*

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

## Proposal for a regulation

### Article 26 – paragraph 12 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## 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

*Amendment*

**From 1 January 2030,** economic operators, **including online platforms,** 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.

packaging for the purpose of the transportation of such products.

### Proposal for a regulation

#### Article 26 – paragraph 13 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

### Proposal for a regulation

#### Article 26 – paragraph 14

*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:

- (a) placed not more than 1000 kg of packaging on the market; or
- (b) complied 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].

*Amendment*

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

- (a) placed not more than 1000 kg of packaging on the market; or
- (b) complied 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].

### Proposal for a regulation

#### Article 26 – paragraph 15

*Text proposed by the Commission*

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

*Amendment*

15. Economic operators shall be exempted from the obligation to meet the targets in **paragraphs 3a and 3b** if, during a calendar year, they have a sales area of not more than 100 m<sup>2</sup>, including also all storage and dispatch areas.

### Proposal for a regulation

#### Article 26 – paragraph 16

*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:

(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),

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

(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*.

**Proposal for a regulation**

**Article 26 – paragraph 17**

*Text proposed by the Commission*

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging *and, on this* basis, assess the *appropriateness of establishing measures, reviewing the* targets laid down in this Article, and setting new targets

*Amendment*

16. *In order to take account of the latest scientific and economic data and developments, and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment,* the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:

(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) *and with a particular emphasis on the sectors of cold and hot takeaway beverages, takeaway food, detergents, hygiene, ready-prepared meals and pet food*

(b) exemptions for economic operators additional to those listed in this Article, *due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in this Article*

(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 *hazardous nature of the product* preventing reuse.

*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. *When assessing the impact of the packaging reuse targets, the Commission shall at least evaluate the packaging waste reduction obtained by the reuse 2030 targets, CO2 emission reduction,*

for the reuse *and refill* of packaging, and where necessary present a legislative proposal.

*food waste reduction, reduction of the volumes of virgin raw material used, water and energy use, water contamination and the use of detergents and disinfectants*

*The Commission shall also assess the development of cardboard packaging waste and its environmental impacts and material substitution effects that may occur due to material exemptions in Article 22 in combination with Annex V, and Article 26, paragraphs 7, 10, 12 and 13.*

*On the basis of that review, the Commission shall, where appropriate, present a legislative proposal :*

*(a) modifying or confirming the 2040 targets laid down in this Article*

*(b) if necessary, setting new targets for the reuse in other sectors and for other packaging formats and materials.*

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

##### **Article 26 – paragraph 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*17a. From January 1st, 2030, all reusable packaging formats issued by distributors in the territory of a Member State in accordance with paragraphs 3a and 3b, must be taken back by that end distributor.*

#### **ARTICLE 27**

#### **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

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

##### **Article 27 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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

**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;

**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;***

**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.

**Proposal for a regulation**

**Article 27 – paragraph 3 – introductory part**

*Amendment*

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

*Amendment*

(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;

*Amendment*

***deleted***

*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 **point** (a) in a calendar year.

*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:

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

**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.

**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.

**Proposal for a regulation**

**Article 27 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

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

**Proposal for a regulation**

*Amendment*

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

*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;

*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.

*Amendment*

By 31 December **2026**, the Commission shall adopt **delegated** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

*Amendment*

**deleted**

**Article 27 – paragraph 4 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The obligation to demonstrate the attainment of the targets laid down in Article 26 shall apply from 1 January 2030 or [18 months] after the entry into force of the delegated acts referred to in subparagraph 1, whichever is later.*

**ARTICLE 28**

**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

**Proposal for a regulation**

**Article 28 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. By [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall establish a European observatory on re-use. The observatory shall be responsible for monitoring the implementation of the measures laid down in this Regulation, collecting data on re-use practices, and contributing to the development of best practices in the field of re-use.*

**ARTICLE 28a (new)**

**Proposal for a regulation**

**Article 28 a (new)**

**Article 28a**

***Refill obligation for the takeaway sector***

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

**(a) 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 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.**

**2. The final distributors referred to in points (a) and (b) must offer the goods filled in the container brought by the consumer at a lower price and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.**

**The final distributors are obliged to inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in a refillable container provided by the consumer.**

**ARTICLE 28b (new)**

**Proposal for a regulation**

**Article 28 b (new)**

**Article 28b**

***Reuse offer for the takeaway beverage sector***

***1. By ... [OP: Please insert the date = 36 months after the date of entry into force of this Regulation] 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 cold or hot beverages filled into a container at the point of sale for take-away shall provide to the consumers the option of packaging within a system for re-use.***

***2. The final distributors are obliged to inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in reusable packaging***

***2a. The final distributors must offer the goods filled in reusable packaging at no higher costs, and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.***

***3. The final distributors shall be exempted from the application of this Article if they meet the definition of a micro- company in line with the rules set out in Commission Recommendation 2003/361.***

**ARTICLE 45**

**Proposal for a regulation**

**Article 45 – paragraph 1**

1. Member States shall take measures to ***encourage*** the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in

1. ***By December 31, 2028***, Member States shall take measures to ***ensure*** the set-up of systems for re-use of packaging ***with sufficient incentives for return*** and systems for refill in an environmentally sound manner. Those systems



Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

### **Proposal for a regulation**

#### **Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The measures referred to in paragraph 1 may include:

*Amendment*

2. The measures referred to in paragraph 1 may include:

### **Proposal for a regulation**

#### **Article 45 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,

*Amendment*

(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,

### **Proposal for a regulation**

#### **Article 45 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

*Amendment*

(c) requirements on **manufacturers and** final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

## Proposal for a regulation

### Article 45 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall request European standardisation organisations the development of voluntary standards for reusable packaging, with the aim of promoting the characteristics needed for the deployment of well-designed reuse systems. Such standards shall address the design, labelling, cleaning, and traceability of reusable packaging, among other aspects. The Commission shall support the development and dissemination of such standards.**

## Proposal for a regulation

### Article 45 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions and reuse infrastructure for the deployment of reuse system.**

## RELATED DEFINITIONS

## Proposal for a regulation

### Article 3 – paragraph 1 – point 22

*Text proposed by the Commission*

*Amendment*

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

(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;**

## 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** 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’;

## 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 by which an end user fills its own container **or a container provided at the point of sale by the final distributor**, which fulfils the packaging function, with a product or several products **purchased through a** final distributor;

**ALTERNATIVE COMPROMISE AMENDMENT 10A PRESENTED BY EPP AND ECR  
REUSABLE PACKAGING (ARTICLES 10, 23) AND REUSE AND REFILL (ARTICLES 24 - 28, 45) AND  
RELATED DEFINITIONS**

replacing AMs 59-61; 122; 133 - 167; 646-649; 652; 655-667; 777; 1459-1494, 1757- 2183 and  
2448-2465; ITRE: 57-78; AGRI: 71; 146-148; 166-204

## **ARTICLE 10**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Packaging shall be considered reusable where if fulfils the following conditions:

*Amendment*

1. Packaging ***placed on the market*** shall be considered reusable where if fulfils the following conditions:

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) it has been conceived and designed to accomplish as many ***trips or*** rotations as possible in normally predictable conditions of use;

*Amendment*

(b) it has been conceived and designed to accomplish as many rotations as possible in normally predictable conditions of use

***By [OP: Please insert the date = the date 24 months after the entry into force of this Regulation] the Commission shall adopt delegated act setting a minimum number of rotations for reusable packaging in different and relevant material and packaging categories.***

**Proposal for a regulation**

**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;

*Amendment*

(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;

*Amendment*

(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

*Amendment*

(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

**Proposal for a regulation**

**Article 10 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;

*Amendment*

(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) it fulfils the requirements regarding consumer health, safety and hygiene;***

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.

**ARTICLE 23**

**Proposal for a regulation**  
**Article 23 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.

1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, ***including an incentive to ensure collection***, which meets the requirements laid down in Article 24 and Annex VI. ***This provision can be considered fulfilled by existing systems for reuse already in place in the Member States.***

**ARTICLE 24**

**Proposal for a regulation**  
**Article 24 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.

2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.

### **Proposal for a regulation**

#### **Article 24 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Economic operators making use of reusable packaging can designate third parties responsible of one or more mutualised systems for re-use. The appointed third parties ensure that the systems for reuse, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.***

***Where economic operators have appointed a third party as referred in paragraph 2a, the obligations set out in this Article shall be met by the third parties on their behalf.***

### **ARTICLE 25**

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

#### **Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.

2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.

#### **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.

### **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, ***in particular if they deem it unhygienic or unsuitable for the food or drink being sold.***

***Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.***

### **Proposal for a regulation**

#### **Article 25 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m<sup>2</sup> shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.***

## **ARTICLE 26**

### **Proposal for a regulation**

#### **Article 26 – title**



*Text proposed by the Commission*

*Amendment*

Re-use **and refill** targets

Re-use targets

## Proposal for a regulation

### Article 26 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. **From 1 January 2030**, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that **90 %** of those products are made available in reusable transport packaging within a system for re-use.

1. Economic operators, **including online platforms**, 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 :

(a) shall ensure that **from 1 January 2030, 50% of those products are made available in reusable transport packaging, excluding cardboard, within a system for reuse;**

(b) **shall aim to ensure that from 1 January 2040, 90% of those products are made available in reusable transport packaging, excluding cardboard, within a system for reuse.**

## 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.*

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

#### **Article 26 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:*

*deleted*

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

*deleted*

*(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*

#### **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, it :*

*(a) shall ensure that, within the territory of a Member State from 1 January 2030, at least 20 % of those products are made*

*available in reusable packaging within a system for re-use;*

*(b) shall aim to ensure that from 1 January 2040, at least 35 % of those products are made available in reusable packaging within a system for re-use.*

## **Proposal for a regulation**

### **Article 26 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales packaging available on the market within the territory of a Member State, it :***

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

***(b) shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;***

***c) shall meet the above targets in a manner that other alcoholic beverage category (as defined in Council Directive 92/83/EEC EU) fairly contributes to the re-use target;***

***(d) shall ensure that brands owned by the final distributor contribute fairly to the re-use target;***

***(e) shall allow manufacturers the flexibility to achieve reuse targets across their portfolio.***

## Proposal for a regulation

### Article 26 – paragraph 4

*Text proposed by the Commission*

*Amendment*

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

## 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.*

**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.**

**Proposal for a regulation**

**Article 26 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Economic operators shall be exempted from the obligation under paragraphs 3a and 3b when the rate of recycling as reported by the Member States to the Commission under**

*Article 50 (2) point (c) is above 85 % by weight of such packaging material placed on the market on the territory of that Member State in the calendar year 2027 or every calendar year thereafter.*

## Proposal for a regulation

### Article 26 – paragraph 7

#### *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:

- (a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;
- (b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.

#### *Amendment*

7. Economic operators using transport packaging **or sales packaging only used for transportation within the territory of the Union** in the form of pallets, plastic crates, foldable plastic boxes, pails **or** drums for the conveyance or packaging of products in conditions other than provided for under paragraphs **5 and 6**:

- (a) **shall ensure that** from 1 January 2030, **at least** 30 % of such packaging used is reusable packaging within a system for re-use;
- (b) **shall aim to ensure that** from 1 January 2040, **at least** 90 % of such packaging used is reusable packaging within a system for re-use.

## Proposal for a regulation

### Article 26 – paragraph 8

#### *Text proposed by the Commission*

8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:

#### *Amendment*

8. Economic operators using transport packaging **within the territory of the Union** for the transport and delivery of non-food items made available on the market for the first time via e-commerce:

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

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

(a) shall ensure that from 1 January 2030, **at least 10 % of such packaging, excluding cardboard**, used is reusable packaging within a system for re-use

(b) **shall aim to ensure that** from 1 January 2040, **at least 50 % of such packaging, excluding cardboard**, used is reusable packaging within a system for re-use.

## Proposal for a regulation

### Article 26 – paragraph 9

#### *Text proposed by the Commission*

9. Economic operators using transport packaging **in the form of pallet wrappings and straps** for stabilization and protection of products put on pallets during transport shall ensure that:

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

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

#### *Amendment*

9. Economic operators using transport packaging **within the territory of the Union** for stabilization and protection of products put on pallets during transport, **including, but not limited to, pallet wrappings or straps**

(a) shall ensure that from 1 January 2030, **at least 10 % of such packaging** used is reusable packaging within a system for re-use;

(b) **shall aim to ensure that** from 1 January 2040, **at least 30 % of such packaging** used for transport is reusable packaging within a system for re-use;

## Proposal for a regulation

### Article 26 – paragraph 10

#### *Text proposed by the Commission*

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

(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;

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

#### *Amendment*

10. Economic operators, **including online platforms**, using grouped packaging **within the territory of the Union** in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping **or distribution** unit:

(a) shall ensure that from 1 January 2030, **at least 10 % of such packaging** used is reusable packaging within a system for re-use;

(b) **shall aim to ensure that** from 1 January 2040, **at least 25 % of such packaging** they used is reusable packaging within a system for re-use.

## 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.

## 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*

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

## Proposal for a regulation

### Article 26 – paragraph 12 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## 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*

***From 1 January 2030,*** economic operators, ***including online platforms,*** 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.

### Proposal for a regulation

#### Article 26 – paragraph 13 – subparagraph 2

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

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

##### *Amendment*

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

### Proposal for a regulation

#### Article 26 – paragraph 14

##### *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:

- (a) placed not more than 1000 kg of packaging on the market; or
- (b) complied 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].

##### *Amendment*

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

- (a) placed not more than 1000 kg of packaging on the market; or
- (b) complied 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]; **or**
- (c) ***can show that single-use packaging formats deliver a better overall environmental outcome justified by a life-cycle assessment.***

### Proposal for a regulation

#### Article 26 – paragraph 15

*Text proposed by the Commission*

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

**Proposal for a regulation**

**Article 26 – paragraph 16**

*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:

**(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),**

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

**(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*.**

**Proposal for a regulation**

**Article 26 – paragraph 17**

*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 m<sup>2</sup>, including also all storage and dispatch areas.

*Amendment*

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

***deleted***

**(a) exemptions for economic operators additional to those listed in this Article, *due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in this Article,***

**(b) 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 *hazardous nature of the product* preventing *reuse*.**

*Text proposed by the Commission*

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging **and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets for the reuse and refill of packaging, and where necessary present a legislative proposal.**

*Amendment*

17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation] the Commission shall review the situation regarding reuse of packaging. ***When assessing the impact of the packaging reuse targets, the Commission shall at least evaluate the packaging waste reduction obtained by the reuse 2030 targets, CO2 emission reduction, food waste reduction, reduction of the volumes of virgin raw material used, water and energy use, water contamination and the use of detergents and disinfectants***

***The Commission shall also assess the development of cardboard packaging waste and its environmental impacts and material substitution effects that may occur due to material exemptions in Article 22 in combination with Annex V, and Article 26, paragraphs 7, 10, 12 and 13.***

***On the basis of that review, the Commission shall, where appropriate, present a legislative proposal :***

***(a) modifying or confirming the 2040 targets laid down in this Article***

***(b) if necessary, setting new targets for the reuse in other sectors and for other packaging formats and materials.***

## **Proposal for a regulation**

### **Article 26 – paragraph 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***17a. From 1 January 2030, all reusable packaging formats issued by distributors in the territory of a Member State in accordance with paragraphs 3a and 3b, must be taken back by that end distributor.***

## ARTICLE 27

### Proposal for a Regulation

#### Article 27 – title

*Text proposed by the Commission*

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

*Amendment*

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

### Proposal for a regulation

#### Article 27 – paragraph 2 – introductory part

*Text proposed by the Commission*

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

*Amendment*

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26 **(3a) and (3b)**, 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:

### 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;

### 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**

*Amendment*

**deleted**

*market within the territory of a Member State in a calendar year through refill;*

**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 **point** (a) in a calendar year.

**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(7) and (10), the economic operator using such packaging shall calculate, for each target separately, the following:

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

*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;

**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

*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.

indicated in point (a), that they used in a calendar year.

### Proposal for a regulation

#### Article 27 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

By 31 December **2026**, the Commission shall adopt **delegated** acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

### Proposal for a regulation

#### Article 27 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

**deleted**

### Proposal for a regulation

#### Article 27 – paragraph 4 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**The obligation to demonstrate the attainment of the targets laid down in Article 26 shall apply from 1 January 2030 or [18 months] after the entry into force of the delegated acts referred to in subparagraph 1, whichever is later.**

## ARTICLE 28

### Proposal for a regulation

#### Article 28 – title

*Text proposed by the Commission*

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

*Amendment*

Reporting to the competent authorities on re-use targets

**Proposal for a regulation**  
**Article 28 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** By [OP: please insert the date = 24 months from the entry into force of this Regulation], the European Commission shall establish a European observatory on reuse. The observatory shall be responsible for monitoring the implementation of the measures laid down in this Regulation, collecting data on reuse practices, and contributing to the development of best practices in the field of reuse.

**ARTICLE 28a (new)**

**Proposal for a regulation**

**Article 28 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 28a**

***Refill obligation for the takeaway sector***

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

**(a)** 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 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.*

*2. The final distributors referred to in points (a) and (b) must offer the goods filled in the container brought by the consumer at a lower price and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.*

*The final distributors are obliged to inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in a refillable container provided by the consumer.*

#### **ARTICLE 28b (new)**

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

#### **Article 28 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 28b**

#### ***Reuse offer for the takeaway beverage sector***

*1. By ... [OP: Please insert the date = 36 months after the date of entry into force of this Regulation] 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 cold or hot beverages filled into a container at the point of sale for take-away shall provide to the consumers the option of packaging within a system for re-use.*

*2. The final distributors are obliged to inform the end consumers at the point of*



*sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in reusable packaging*

*2a. The final distributors must offer the goods filled in reusable packaging at no higher costs, and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.*

*3. The final distributors shall be exempted from the application of this Article if they meet the definition of a micro- company in line with the rules set out in Commission Recommendation 2003/361.*

## **ARTICLE 45**

### **Proposal for a regulation**

#### **Article 45 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall take measures to **encourage** the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

### **Proposal for a regulation**

#### **Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The measures referred to in paragraph 1 may include:

### **Proposal for a regulation**

#### **Article 45 – paragraph 2 – point b**

*Amendment*

1. **By December 31, 2028**, Member States shall take measures to **ensure** the set-up of systems for re-use of packaging **with sufficient incentives for return** and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.

*Amendment*

2. The measures referred to in paragraph 1 may include:

*Text proposed by the Commission*

(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,

*Amendment*

(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,

**Proposal for a regulation**

**Article 45 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

*Amendment*

(c) requirements on ***manufacturers and*** final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.

**Proposal for a regulation**

**Article 45 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall request European standardisation organisations the development of voluntary standards for reusable packaging, with the aim of promoting the characteristics needed for the deployment of well-designed reuse systems. Such standards shall address the design, labelling, cleaning, and traceability of reusable packaging, among other aspects. The Commission shall support the development and dissemination of such standards.***

**Proposal for a regulation**

**Article 45 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that EPR schemes and deposit systems devote a minimum share of their budget to financing reduction and prevention actions and reuse infrastructure for the deployment of reuse system.**

## **RELATED DEFINITIONS**

### **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;***

### **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*** 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’;

### **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 by which an end user fills its own container ***or a container provided at the point of sale by the final distributor,*** which fulfils the packaging function, with a product or several products ***purchased through a final distributor;***



**COMPROMISE AMENDMENT 11 - PACKAGING MINIMISATION AND RESTRICTIONS ON EXCESSIVE  
PACKAGING (ARTICLES 9, 21, ANNEX IV)**

**EPP, S&D, RE, Greens/EFA, Left**

replacing AMs 127, 1399 to 1458; 1658 to 1691; 2595 to 2617; ITRE: 51-53; AGRI: 133-145; 157;  
231-233

**ARTICLE 9**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its *functionality* taking account of the material that the packaging is made of.

*Amendment*

1. **By 1 January 2030**, packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its *functions, as listed in Annex IV, part I*, taking account of the *shape and the* material that the packaging is made of.

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.

*Amendment*

2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV, and packaging with characteristics that are only aimed to increase the perceived volume of the product including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin under Union legislation **or it is subject to legal protection under the Council Regulation (EC) No 6/2002 on Community designs.**

**Proposal for a regulation**

**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. By [OP: Please insert the date = 36 months from the date of entry into force of this Regulation], the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For most common packaging types and formats such standards should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space.**

### **Proposal for a regulation**

#### **Article 9 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:

Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:

### **Proposal for a regulation**

#### **Article 9 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.

For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.

### **Proposal for a regulation**

#### **Article 9 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:

*Amendment*

Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:

**Proposal for a regulation**

**Article 9 – paragraph 4 – subparagraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 9 – paragraph 4 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.

*Amendment*

(c) any test results, studies or other relevant sources, *such as modelling and simulation*, used to assess the minimum necessary volume or weight of the packaging.

**Proposal for a regulation**

**Article 9 – paragraph 4 – subparagraph 2a (new)**

*Text proposed by the Commission*

*Amendment*

*Micro-companies referred to in paragraph 3 of Article 22 shall be exempted from the obligation of this paragraph.*

**ARTICLE 21**

**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.***

**Proposal for a regulation**

**Article 21 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.

*Amendment*

Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.

**Proposal for a regulation**

**Article 21 – paragraph 3**

*Text proposed by the Commission*

3. Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements in Article 9.

*Amendment*

3. Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements in Article 9.

**Proposal for a regulation**

**Article 21 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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



## ANNEX IV

### Proposal for a regulation

#### Annex IV – Part I – point 1

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

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.

##### *Amendment*

1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality. ***Protection measures may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.***

### Proposal for a regulation

#### Annex IV – Part I – point 6

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

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

##### *Amendment*

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation ***including the protection of geographical indications protected under Union legislation or the legal protection under the Council Regulation (EC) No 6/2002 on Community designs.***

### Proposal for a regulation

#### Annex IV – Part II – paragraph 1 – point a

*Text proposed by the Commission*

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. ***It shall not be sufficient to substitute*** one packaging material with another;

*Amendment*

(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated, ***such as the reduction of any superfluous layer which does not perform a packaging function. Substitution of*** one packaging material with another ***shall not be considered sufficient***;

COMPROMISE AMENDMENT 12 -- ARTICLE 22, ANNEX V (RESTRICTIONS ON PACKAGING FORMATS)

S&D, RE, Greens/EFA, Left

replacing AMs 128 to 131; 200, 201; 669-675; 1692 to 1755; 2618-2626; 2713 to 2740; ITRE: 54-56; 95a; 95b; 95c; AGRI: 158-165; 234-238

**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 31 December 2027 at the latest**, economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

**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 1 January 2030.

**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

*Amendment*

3. Economic operators **shall be exempted from the application of** point 3 of Annex V if they **meet** the definition of **a** micro-company in accordance with rules set out in 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.

[OP: Please insert date = date of entry into force of this Regulation]. **In addition, Member States shall grant an exemption** where it **has been demonstrated that** it is not technically feasible not to use packaging or to obtain access to **the** infrastructure necessary for the functioning of a reuse system.

## Proposal for a regulation

### Article 22 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

4. 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 **and improving the overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment.** When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.

## ANNEX V

### Proposal for a regulation

#### Annex V – row 1

#### *Text proposed by the Commission*

1.	Single-use plastic grouped packaging	Plastic packaging used at <i>retail level</i> to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <i>end users</i> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling distribution.	Collation films, shrink wrap
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*Amendment*

1.	Single-use plastic grouped packaging	Plastic packaging used at <i>the point of sale</i> to group goods sold in <i>bottles</i> , cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <i>consumers</i> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in <i>business-to-business</i> distribution.	Collation films, shrink wrap
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**Proposal for a regulation**

**Annex V – row 2**

*Text proposed by the Commission*

2.	Single use plastic packaging, single use composite packaging <i>or other single use packaging</i> for fresh fruit and vegetables	Single use packaging for less than <b>1.5</b> kg 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
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*Amendment*

2.	Single use plastic packaging, single use composite packaging for fresh fruit and vegetables	Single use packaging for less than <b>1</b> kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss, <i>greening</i> , or turgidity loss, microbiological hazards or physical shocks, <i>or unless these products are subject to PDO (Protected Designation of Origin) and PGI (Protected geographical indications) under Union legislation.</i>  <i>The list of products concerned shall be established by the Commission in consultation with Member States and after receiving the opinion of the European Food Safety Agency no later than six months after the entry into force of this Regulation.</i>	Nets, bags, trays, containers
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		<i>It shall take into account the risks of spoilage and foodwaste, when these products are sold in bulk.</i>	
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**Proposal for a regulation**

**Annex V – row 3**

*Text proposed by the Commission*

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption	Trays, disposable plates and cups, bags, foil, boxes
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*Amendment*

3.	Single use plastic, single use composite packaging or other single use packaging	Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector , which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption, <b><i>unless there is a demonstrated need to use single packaging given inability of access to infrastructures that are necessary for the proper operation of a reuse system.</i></b>	Trays, disposable plates and cups, bags, foil, boxes
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**Proposal for a regulation**

**Annex V – row 4**

*Text proposed by the Commission*

4.	Single use packaging for condiments, preserves, sauces,	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging	Sachets, tubs, trays, boxes
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	coffee creamer, sugar, and seasoning in HORECA sector	provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation	
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*Amendment*

4.	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	<p>Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, <b>except in the following cases:</b></p> <p><b>(a)</b> such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation;</p> <p><b>(b) in centres where individualised attention and service is required, such as hospitals, clinics, and nursing homes;</b></p> <p><b>(c) in case of farms and agricultural businesses that carry out direct sales activities in farmers' markets regulated by national or regional law.</b></p>	Sachets, tubs, trays, boxes
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**Proposal for a regulation**

**Annex V – row 5**

*Text proposed by the Commission*

5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than <b>50 ml</b> for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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*Amendment*

5.	Single use <i>plastic</i> hotel miniature packaging	For cosmetics <i>as defined in Article 2 of Regulation 1223/2009</i> , hygiene and toiletry products of less than <b>100 ml</b> for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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**Proposal for a regulation**

**Annex V – row 5 a (new)**

*Text proposed by the Commission*

*Amendment*

<b>(5a)</b>	<b>Single use plastic packaging in airports</b>	<b>For suitcases and bags</b>	<b>Shrink wrap</b>
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**Proposal for a regulation**

**Annex V – row 5 b (new)**

*Text proposed by the Commission*

*Amendment*

<b>(5b)</b>	<b>Secondary packaging not necessary to comply with the performance criteria in Annex IV</b>	<b>For cosmetics, except perfumes, hygiene and toiletry products</b>	<b>Boxes for toothpaste and creams</b>
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ALTERNATIVE COMPROMISE AMENDMENT 12A PRESENTED BY EPP AND ECR

-- ARTICLE 22, ANNEX V (RESTRICTIONS ON PACKAGING FORMATS)

replacing AMs 128 to 131; 200, 201; 669-675; 1692 to 1755; 2618-2626; 2713 to 2740; ITRE: 54-56; 95a; 95b; 95c; AGRI: 158-165; 234-238

**Proposal for a regulation**

**Article 22 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. **From 1 January 2030**, economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.

**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*

*deleted*

**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

*Amendment*

3. Economic operators **shall be exempted** from **the application of** Annex V if they **meet** the definition of **a** micro-company in accordance with rules set out in Commission Recommendation 2003/361, as applicable on [OP: Please insert date = date of entry into force

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.

of this Regulation]. **In addition, Member States shall grant an exemption** where it **has been demonstrated that** it is not technically feasible not to use packaging or to obtain access to **the** infrastructure necessary for the functioning of a reuse system.

**Proposal for a regulation**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**ANNEX V**

**Proposal for a regulation**

**Annex V – row 1**

*Text proposed by the Commission*

1.	Single-use plastic grouped packaging	Plastic packaging used at <b>retail level</b> to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <b>end users</b> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling distribution.	Collation films, shrink wrap
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*Amendment*

1.	Single-use plastic grouped packaging	Plastic packaging used at <i>the point of sale</i> to group goods sold in <i>bottles</i> , cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage <i>consumers</i> to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in <i>business-to-business</i> distribution.	Collation films, shrink wrap
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**Proposal for a regulation**

**Annex V – row 2**

*Text proposed by the Commission*

2.	<i>Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables</i>	<i>Single use packaging for less than 1.5 kg fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks.</i>	<i>Nets, bags, trays, containers</i>
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*Amendment*

*deleted*

**Proposal for a regulation**

**Annex V – row 3**

*Text proposed by the Commission*

3.	<i>Single use plastic, single use composite packaging or other single use packaging</i>	<i>Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption</i>	<i>Trays, disposable plates and cups, bags, foil, boxes</i>
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*Amendment*

*deleted*

**Proposal for a regulation**

**Annex V – row 4**

*Text proposed by the Commission*

4.	<i>Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector</i>	<i>Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation</i>	<i>Sachets, tubs, trays, boxes</i>
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*Amendment*

*deleted*

**Proposal for a regulation**

**Annex V – row 5**

*Text proposed by the Commission*

5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than <b>50 ml</b> for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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*Amendment*

5.	Single use <b>plastic</b> hotel miniature packaging	For cosmetics <b>as defined in Article 2 of Regulation 1223/2009</b> , hygiene and toiletry products of less than <b>100 ml</b> for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap
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**Proposal for a regulation**

**Annex V – row 5 a (new)**

*Text proposed by the Commission*

*Amendment*

<i>(5a)</i>	<i>Single use plastic packaging in airports</i>	<i>For suitcases and bags</i>	<i>Shrink wrap</i>
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**COMPROMISE AMENDMENT 13 - ARTICLE 22a- RESTRICTION OF CERTAIN VERY LIGHTWEIGHT  
PLASTIC BAGS - ARTICLE 29 - PLASTIC CARRIERS BAGS**

**EPP, S&D, RE, Greens/EFA, Left**  
replacing AMs 132; 168-170; 1756; 2184-2209

**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. Without prejudice to Article 8(1a), paragraph 1 of this Article 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.***

**Proposal for a regulation**

**Article 29 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

**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 carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.

**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 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.

**Proposal for a regulation**

**Article 29 – paragraph 3**

*Text proposed by the Commission*

3. Member States may take measures, such as economic instruments and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.

*Amendment*

3. Member States may take measures, such as economic instruments and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.

**Proposal for a regulation**

**Article 29 – paragraph 4**

*Text proposed by the Commission*

4. Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.

*Amendment*

4. Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.

## **Proposal for a regulation**

### **Article 29 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. By 31 December 2027, the Commission shall prepare a report on the need and feasibility of reducing the use of paper carrier bags and where appropriate submit a legislative proposal setting out targets for a paper carrier bags reduction and measures to achieve these targets.***



**COMPROMISE AMENDMENT 14 - ARTICLE 38 - PREVENTION OF PACKAGING WASTE**

**EPP, S&D, RE, Greens/EFA, ECR**

replacing AMs 171, 172 and 2216-2248, 2250-2255, 2257-2264; AGRI: 205

**Proposal for a regulation**

**Article 38 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**

**Article 38 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) 5 % by 2030;

*Amendment*

(a) 5 % by 2030;

**Proposal for a regulation**

**Article 38 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) 10 % by 2035;

*Amendment*

(b) 10 % by 2035;

**Proposal for a regulation**

**Article 38 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) 15 % by 2040.

(c) 15 % by 2040.

## **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.***

## **Proposal for a regulation**

### **Article 38 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Without prejudice to paragraphs 1 and 1a, Member States that 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.***

## **Proposal for a regulation**

### **Article 38 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall implement measures ***aiming to prevent the generation of***

2. Member States shall implement ***and take the necessary additional sustainability measures to achieve an ambitious and***

packaging waste *and to minimise the environmental impact of packaging.*

*sustained reduction of the packaging waste generated per capita, in line with the overall objectives of the Union's waste policy, in particular waste prevention and in order to reach the targets set out in this Article.*

## Proposal for a regulation

### Article 38 – paragraph 3

#### *Text proposed by the Commission*

3. For the purpose of paragraph 2, Member States may *use* economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.

#### *Amendment*

3. For the purpose of paragraph 2, Member States may *introduce measures that may include, but are not limited to, the use of* economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty *and with Article 4 of this Regulation.*

## Proposal for a regulation

### Article 38 – paragraph 4

#### *Text proposed by the Commission*

4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in *paragraph* 1. To that end, the Commission shall submit a report to the

#### *Amendment*

4. By [OP: Please insert the date = 5 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in *paragraphs* 1 and *1a and assess the need to include specific targets for*

European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

*paper and cardboard, glass, metal and composite material.* To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.

**COMPROMISE AMENDMENT 15 - EXTENDED PRODUCER RESPONSIBILITY  
(ARTICLES 39-42, ANNEX IX)**

**EPP, S&D, RE, Greens/EFA, Left**

replacing AMs 173-174; 2265-2288, 2290-2296; 2634-2635; IMCO: 57-59; AGRI 206-207

ARTICLE 39

**Proposal for a regulation**

**Article 39 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.

*Amendment*

Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.

**Proposal for a regulation**

**Article 39 – paragraph 1 - subparagraph 2**

*Text proposed by the Commission*

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or *appointed* representatives for the extended producer responsibility.

*Amendment*

The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or *authorised* representatives for the extended producer responsibility. ***The register must be easily accessible and free of charge to the public online.***

**Proposal for a regulation**

**Article 39 – paragraph 2**

*Text proposed by the Commission*

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for

*Amendment*

2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for

registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, ***unless otherwise specified by the Member State in which the register is established.***

registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation.

***Micro-companies are exempt from the obligations of this paragraph, unless they have appointed a producer responsibility organisation.***

## Proposal for a regulation

### Article 39 – paragraph 4

*Text proposed by the Commission*

4. Producers shall not make available packaging on the market, if they or, where applicable, their ***appointed*** representatives for the extended producer responsibility, are not registered in such Member State.

*Amendment*

4. Producers shall not make available packaging on the market, if they or, where applicable, ***in line with Article 40, their authorised*** representatives for the extended producer responsibility, are not registered in such Member State.

## Proposal for a regulation

### Article 39 – paragraph 6

*Text proposed by the Commission*

6. Where an ***appointed*** representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

*Amendment*

6. Where an ***authorised*** representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.

## Proposal for a regulation

### Article 39 – paragraph 7

*Text proposed by the Commission*

7. The producer or, where applicable, the producer's appointed representative for the

*Amendment*

7. The producer or, where applicable, the producer's appointed representative for the

extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, by 1 March for each full preceding calendar year, the information set out in Part B of Annex IX.

extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, by 1 March for each full preceding calendar year, the information set out in Part B of Annex IX.

## Proposal for a regulation

### Article 39 – paragraph 10

#### *Text proposed by the Commission*

10. *Where* the information in the register of producers *is not* publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.

#### *Amendment*

10. The information in the register of producers *shall be* publicly accessible. Member States shall ensure that *fulfilment service providers and* providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, *including online access*, free of charge, to the information in the register, *including through digital register excerpts. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. The list of registered producers shall be machine readable, sortable and searchable, respecting open standards for third party use.*

## ARTICLE 40

## 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.

## Proposal for a regulation

### Article 40 – paragraph 2

*Text proposed by the Commission*

2. A producer shall appoint, by written mandate, an ***appointed***–representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time.

*Amendment*

2. A producer shall appoint, by written mandate, an ***authorised*** representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time.

## 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 under Section 4 of Chapter 3 of Regulation (EU) No 2022/2065, allowing consumers to conclude distance contracts with producers, ***as well as fulfilment service providers, shall be required to comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless they can prove that producers*** offering packaging to consumers located in the Union, ***comply with those requirements by obtaining:***

## Proposal for a regulation

### Article 40 – paragraph 3 – point b

*Text proposed by the Commission*

(b) ***a self-certification by the producer committing to only offer packaging with regard to which the*** extended producer responsibility requirements referred to in

*Amendment*

(b) ***information on compliance with*** the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article



paragraphs 1 and 2 of this article **are complied with** in the Member State where the consumer is located.

in the Member State where the consumer is located.

### **Proposal for a regulation**

#### **Article 40 – paragraph 3 – new subparagraph**

*Text proposed by the Commission*

*Amendment*

***Where producers sell their products via the online marketplace and are not registered in accordance with Article 39(2), the online marketplace in which the products are offered for sale may fulfil the obligations under Article 39(7) in respect of such producers collectively.***

### **Proposal for a regulation**

#### **Article 40 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Upon receiving the information referred to paragraph 3 and prior to allowing the producer concerned to use its services, the provider of online platforms and fulfilment service providers shall assess whether the information referred to in point (a) and (b) is reliable and complete.***

### **Proposal for a regulation**

#### **Article 40 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Member States shall ensure that the producers cover the costs pursuant to the extended producer responsibility provisions in Directives 2008/98/EC and 94/62/EC and, insofar as not already included, cover at least***

*the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste; and*

*The costs to be covered shall be established in a transparent and in a cost-efficient way. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way on the basis of the packaging formats that are more prone to be littered or not separately collected.*

## ARTICLE 41

### **Proposal for a regulation**

#### **Article 41 – paragraph 1**

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

1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.

##### *Amendment*

1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.

### **Proposal for a regulation**

#### **Article 41 – paragraph 2**

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

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that

##### *Amendment*

2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that

the producer responsibility organisations when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

the producer responsibility organisations ***and producers that have not entrusted a producer responsibility organisation***, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.

## Proposal for a regulation

### Article 41 – paragraph 3

#### *Text proposed by the Commission*

3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their appointed representatives.

#### *Amendment*

3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their appointed representatives.

## ARTICLE 42

## Proposal for a regulation

### Article 42 – paragraph 3 - point b

#### *Text proposed by the Commission*

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return ***or*** collection in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the

#### *Amendment*

(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return, collection, ***transport and treatment of all packaging waste*** in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging

territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;

**COMPROMISE AMENDMENT 16 - DEPOSIT RETURN SYSTEMS AND WASTE COLLECTION (ARTICLES 43, 43A NEW, 44, 45, ANNEX X) AND RELATED DEFINITIONS**

**EPP, S&D, RE, Greens/EFA**

replacing AMs 68; 69; 117; 175-179, 204-207, 764-769; 1338; 1339; 2297-2465, 2636-2680, AGRI 208-222, ITRE: 79-94

ARTICLE 43

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Member States shall ensure that systems **and infrastructures** are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4, **10** and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.

**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 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.***

**Proposal for a regulation**

## Article 43 – paragraph 2

*Text proposed by the Commission*

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the **potential** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

*Amendment*

2. Member States may allow derogations from **the return and separate waste collection obligation in** paragraph 1 **for certain types of waste** provided that collecting packaging or fractions of **such** packaging waste together or together with other waste does not affect the **capacity** of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.

## Proposal for a regulation

### Article 43 – paragraph 3 – point a

*Text proposed by the Commission*

(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;

*Amendment*

(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;

## Proposal for a regulation

### Article 43 – paragraph 3 – point c

*Text proposed by the Commission*

(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.

*Amendment*

(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.

## Proposal for a regulation

### Article 43 – paragraph 3 – point c a (new)

*Text proposed by the Commission*

*Amendment*

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

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

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

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

## Proposal for a regulation

### Article 43 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

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

## Proposal for a regulation

### Article 43 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the use of recycled materials in the relevant sectors.

4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the use of recycled materials in the relevant sectors.

## 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*

## Proposal for a regulation

### Article 43 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a.** *From 1 January 2030, Member States may ensure that packaging waste that is not separately collected is sorted prior to disposal or energy recovery operations to remove packaging designed for recycling.*

## Proposal for a regulation

### Article 43a (new)

*Text proposed by the Commission*

*Amendment*

**Article 43a**  
**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.*

## ARTICLE 44

### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(a) single use plastic beverage bottles with the capacity of **0.1 litres** up to three litres; and

### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(b) single use metal beverage containers with a capacity of **0.1 litres** up to three litres.

### **Proposal for a regulation**

#### **Article 44 – paragraph 2**

*Text proposed by the Commission*

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

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

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

*Amendment*

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

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

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

**Proposal for a regulation**

**Article 44 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

3. Without prejudice to paragraph 1 of this Article, Member States will be exempted from the obligation under paragraph 1 **provided that at least one of** the following conditions **is met**:

**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;

## 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 ***point (a) of*** paragraph 3.

## Proposal for a regulation

### Article 44 – paragraph 7

#### *Text proposed by the Commission*

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.

#### *Amendment*

7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article ***and the possibility to include packaging for other products.***

## Proposal for a regulation

### Article 44 – paragraph 4

#### *Text proposed by the Commission*

4. Within three months of receipt of the implementation plan submitted pursuant to

#### *Amendment*

4. Within three months of receipt of the implementation plan submitted pursuant to

paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.

paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.

#### **Article 44 – paragraph 5**

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

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

##### *Amendment*

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

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

#### **Article 44 – paragraph 6**

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

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

##### *Amendment*

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

## Proposal for a regulation

### Article 44 – paragraph 8

#### *Text proposed by the Commission*

8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system.

#### *Amendment*

8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system.

## Proposal for a regulation

### Article 44 – paragraph 9

#### *Text proposed by the Commission*

9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.

#### *Amendment*

9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.

## ANNEX X

## 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;

## 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;***

## 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

## Proposal for a regulation

### Annex X

*Text proposed by the Commission*

*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

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 or for the same or similar product category it comes from.***

## RELATED DEFINITIONS

### Proposal for a regulation

### Article 3 – paragraph 1 – point 50

#### *Text proposed by the Commission*

(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;

#### *Amendment*

(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, **or any other person**, returns the deposit bearing packaging to a collection point established for that purpose;

### 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**;

**COMPROMISE AMENDMENT 17 - RECYCLING TARGETS AND PROMOTION (ARTICLES 46-48 AND ANNEX XI)**

**EPP, S&D, RE, Greens/EFA, ECR, Left**  
replacing AMs 180-181, 2466-2504, AGRI 223

ARTICLE 46

**Proposal for a regulation**

**Article 46 – paragraph 1 – point b – point i**

*Text proposed by the Commission*

(i) 50 % of plastic;

*Amendment*

(i) 50 % of plastic;

**Proposal for a regulation**

**Article 46 – paragraph 1 – point d – point i**

*Text proposed by the Commission*

(i) 55 % of plastic;

*Amendment*

(i) 55 % of plastic;

**Proposal for a regulation**

**Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Without prejudice to paragraph 1, point (a), a Member State, may postpone the deadlines set out in paragraph 1, points (b) (i) to (vi), by up to 5 years, under the following conditions:

*Amendment*

2. Without prejudice to paragraph 1, point (a), ***and recognising the different starting point of each Member State in relation to the specific target defined for each material***, a Member State, may postpone the deadlines set out in paragraph 1, points (b) (i) to (vi), by up to 5 years, under the following conditions:



## Proposal for a regulation

### Article 46 – paragraph 2 – point b

#### *Text proposed by the Commission*

(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,

#### *Amendment*

(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,

## Proposal for a regulation

### Article 46 – paragraph 3

#### *Text proposed by the Commission*

3. Within three months of receipt of the implementation plan submitted pursuant to paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.

#### *Amendment*

3. Within three months of receipt of the implementation plan submitted pursuant to paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.

## Proposal for a regulation

### Article 46 – paragraph 5 – point b

#### *Text proposed by the Commission*

(b) reviewing existing rules preventing the use of such materials.

#### *Amendment*

(b) reviewing existing rules preventing the use of such materials.

## Proposal for a regulation

### Article 46 – paragraph 6

#### *Text proposed by the Commission*

#### *Amendment*

6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.

6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.

## ARTICLE 47

### **Proposal for a regulation**

#### **Article 47 – paragraph 3**

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

3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.

##### *Amendment*

3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.

### **Proposal for a regulation**

#### **Article 47 – paragraph 4**

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

4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.

##### *Amendment*

4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.

## 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*

## Proposal for a regulation

### Article 47 – paragraph 6 – subparagraph 1

*Text proposed by the Commission*

For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.

*Amendment*

For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.

## Proposal for a regulation

### Article 47 – paragraph 6 – subparagraph 2

*Text proposed by the Commission*

By way of derogation from the first subparagraph of this Article, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:

- (a) such output waste is subsequently recycled;
- (b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently

*Amendment*

By way of derogation from the first subparagraph of this Article, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:

- (a) such output waste is subsequently recycled;
- (b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently

recycled is not included in the weight of waste reported as recycled.

recycled is not included in the weight of waste reported as recycled.

## **Proposal for a regulation**

### **Article 47 – paragraph 7**

#### *Text proposed by the Commission*

7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 and to 7 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.

#### *Amendment*

7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 and to 7 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.

## **Proposal for a regulation**

### **Article 47 – paragraph 8**

#### *Text proposed by the Commission*

8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.

#### *Amendment*

8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.

## **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.

**Proposal for a regulation**

**Article 47 – paragraph 12**

*Text proposed by the Commission*

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are *broadly* equivalent to the requirements of the relevant Union environmental law.

*Amendment*

12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter *provides documentary evidence approved by the competent authority of destination* that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are equivalent to the requirements of the relevant Union environmental law.

ARTICLE 48

**Proposal for a regulation**

**Article 48**

*Text proposed by the Commission*

Article 48

*Amendment*

Article 48

Rules on the calculation of the attainment of the recycling targets by including re-use

1.

A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.

The adjusted level shall be calculated by subtracting:

(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and

(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.

No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.

2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).

Rules on the calculation of the attainment of the recycling targets by including re-use

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A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.

The adjusted level shall be calculated by subtracting:

(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and

(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.

No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.

2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).

COMPROMISE AMENDMENT 18 - REPORTING (ARTICLES 50-51, ANNEX XII)

EPP, S&D, RE, Greens/EFA, ECR

replacing AMs 182-185, 2508-2514; 2741

ARTICLE 50

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags **and** thick plastic carrier bags per person, separately for each category;

*Amendment*

(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags, thick plastic **carrier bags, very thick plastic carrier bags and paper** carrier bags per person, separately for each category;

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),

*Amendment*

(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),

**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:

**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**;

**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**;

**Proposal for a regulation**

**Article 50 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the recycling rates;

*Amendment*

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

ARTICLE 51

**Proposal for a regulation**

**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis.

*Amendment*

1. Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis.

**Proposal for a regulation**

**Article 51 – paragraph 2 – point b**



*Text proposed by the Commission*

(b) information on the toxicity or danger of packaging materials and components used for their manufacture;

*Amendment*

(b) information on the toxicity or danger of packaging materials and components used for their manufacture;

## **Proposal for a regulation**

### **Article 51 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The packaging databases shall be accessible to the wider public in an open format that can be machine-readable and ensures interoperability and re-use of data.***

**COMPROMISE AMENDMENT 19 - LABELLING OF PACKAGING (ARTICLES 11, 12) PACKAGING FORUM  
(ARTICLE 12A) AND CLAIMS (ARTICLE 12B)**

**EPP, S&D, RE, Greens/EFA, ECR, Left**

replacing AMs 123-126; 763; 1082; 1083; 1085; 1237; 1336; 1396; 1497-1595; IMCO: 17-29; ITRE: 41-50;  
AGRI: 149-153

ARTICLE 11

**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 *in order to facilitate consumer sorting. The label shall be exclusively based on pictograms and be easily understandable, including for persons with disabilities*. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

*The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging containing information on the destination of each separate component of the packaging in order to facilitate consumer sorting.*

**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*

*Amendment*

Packaging subject to deposit and return systems referred to in Article 44(1) shall be marked with

*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.

a *colour* harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.

*Labels of deposit and return systems established before the entry into force of this Regulation may be used together with the harmonised label until 36 months after the adoption of the implementing act adopted pursuant to paragraph 5.*

## Proposal for a regulation

### Article 11 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. From [OP: Please insert the date = **30** months after the entry into force of **the implementing act referred to in paragraph 5**], **reusable** packaging **placed on the market** shall bear a label on packaging reusability. **Further information on reusability may be made available through** a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

## Proposal for a regulation

### Article 11 – paragraph 3

*Text proposed by the Commission*

3. Where **a unit of** packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article

*Amendment*

3. Where packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label **and, where applicable, the QR code or other type of digital data carrier** shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article

7(7). Where *a unit of* plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

11(5) and shall be based on the methodology pursuant to Article 7(7). Where packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).

## Proposal for a regulation

### Article 11 – paragraph 4 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Proposal for a regulation

### Article 11 – paragraph 4 – subparagraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*Where information is provided by electronic means in accordance with paragraphs 2 to 3, the following requirements shall apply:*

*(a) adequate, relevant personal data may be collected only for the limited purpose of giving the user access to relevant compliance information referred to in paragraphs 2 to 3 (in respect of Article 5(1) of Regulation 2016/679/EU)*

*(b) the information shall not be displayed with other information intended for sales or marketing purposes.*

## Proposal for a regulation

## Article 11 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

## Proposal for a regulation

### Article 11 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

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

## Proposal for a regulation

### Article 11 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

6. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in

accordance with the examination procedure referred to in Article 59(3).

accordance with the examination procedure referred to in Article 59(3).

## Proposal for a regulation

### Article 11 – paragraph 7

#### *Text proposed by the Commission*

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

#### *Amendment*

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

***From [OP: Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidelines clarifying aspects that are likely to mislead or confuse consumers or other end users.***

## Proposal for a regulation

### Article 11 – paragraph 8

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Proposal for a regulation

### Article 11 – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

**8a. Packaging referred to in paragraphs 1, 2 and 3, manufactured or imported before these deadlines, may be marketed until 36 months after the entry into force of the requirements of this Regulation.**

## Article 12

### **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 paragraph 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.

## Article 12a

### **Proposal for a regulation**

#### **Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 12a**

##### **Packaging forum**

**The Commission shall ensure that, when conducting 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 be consulted in particular to prepare 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’.*

## Article 12b

### **Proposal for a regulation**

#### **Article 12b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12b*

*Claims*

*Environmental claims as defined in Article 2, point (o), of Directive 2005/29/EC may be made in relation to packaging placed on the market only if they comply with the following requirements:*

*(a) they are substantiated in accordance with [Article 3 of Directive on Green Claims]; in particular, they shall specify whether they relate to the packaging unit, part of the packaging unit or to all packaging placed on the market by the producer;*

*(b) they may only be made for packaging properties exceeding the applicable minimum requirements set out in this Regulation.*



*Compliance with the requirements set out in point (b) of this Article shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.*

**COMPROMISE AMENDMENT 20 - REMAINING OBLIGATIONS OF ECONOMIC OPERATORS (ARTICLES 13-20, 49) AND GREEN PUBLIC PROCUREMENT (ARTICLE 57)**

**EPP, S&D, RE, Greens/EFA, Left**

replacing AMs 1596-1657; 2505-2507; 2524; 2577; IMCO: 30-55; AGRI: 154-156; 224

**ARTICLE 13-20**

**ARTICLE 13**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) it complies with the applicable requirements regarding food hygiene and the safety of consumers.***

**Proposal for a regulation**

**Article 13 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.

Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.

**Proposal for a regulation**

**Article 13 – paragraph 6a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. With regard to this Regulation, for medicinal products, as defined in Directive 2001/83/EC, the marketing authorisation***

***holder shall be responsible for the information provided.***

## **Proposal for a regulation**

### **Article 13 – paragraph 8**

*Text proposed by the Commission*

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

*Amendment*

8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market ***after the entry into force of this Regulation*** is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.

***8a. As a derogation from paragraph 8 of this Article, the obligation to bring into conformity, withdraw or recall packaging which is believed to not be in conformity with applicable requirements shall not apply to reusable packaging placed on the market before the adoption of this Regulation.***

## **Proposal for a regulation**

### **Article 13 – paragraph 9**

*Text proposed by the Commission*

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in ***either paper or*** electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any

*Amendment*

9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any

action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.

### **Proposal for a regulation**

#### **Article 13 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a.** *The provisions of paragraphs 1 to 6 shall not apply to custom-made transport packaging for configurable medical devices and medical systems that are to be used in industrial and healthcare environments.*

### ARTICLE 16

### **Proposal for a regulation**

#### **Article 16 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**10a.** *In order to meet the obligations laid down in this Article, Member States may provide tools to support economic operators importing products into the territory of the European Union.*

### ARTICLE 17

### **Proposal for a regulation**

#### **Article 17 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **40**;

(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article **39**;

### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – point 2a (new)**

*Text proposed by the Commission*

*Amendment*

*Information disclosed by the producer shall not be used by the distributor for any other purpose than to verify compliance with applicable requirements. The misuse of such information by distributors for commercial purposes shall be prohibited.*

## ARTICLE 18

### **Proposal for a regulation**

#### **Article 18 – paragraph 1**

*Text proposed by the Commission*

Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.

*Amendment*

Fulfilment service providers ***and online platforms*** shall ensure that for packaging that they handle ***or offer on their online platforms***, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the ***applicable*** requirements set out in Articles 5 to 11.

## ARTICLE 18a (new)

### **Proposal for a regulation**

#### **Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 18a***

##### ***Obligations of providers of online platforms***

***Providers of online platforms shall comply without undue delay with the relevant requirements of Regulation (EU) 2022/2065 regarding packaging regulation, and ensure that they have internal processes in place for compliance.***

## ARTICLE 19

## Proposal for a regulation

### Article 19 – paragraph 1

#### *Text proposed by the Commission*

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 14, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

#### *Amendment*

An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 13, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.

ARTICLE 49 (Commission text is proposed as Compromise)

ARTICLE 57 (Commission text is proposed as Compromise)

**COMPROMISE AMENDMENT 21 - CONFORMITY (30-34, ANNEXES VII AND VIII) AND SAFEGUARD PROCEDURES (52-56)**

**EPP, S&D, RE, Greens/EFA, Left**

replacing AM 19; 2210-2215; 186-189; 2515-2523; 2633; IMCO: 56; 60-65; AGRI: 225

Article 34

**Proposal for a regulation**

**Article 34 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**1. Competent authorities shall control the accuracy of at least 10% of the declarations of conformity per year, assessed on a random basis and shall take necessary measures to address non-compliance, such as the withdrawal of non-compliant products from the market.**

**2. Without prejudice to the checks planned in advance pursuant to paragraph 1, competent authorities shall conduct checks referred to in paragraph 1 when they obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties concerning a potential non-compliance with this Regulation.**

**3. Checks shall be carried out without prior warning of the economic operator, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks.**

**4. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least ten years.**

**5. Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purposes of Directive**

## Article 52

### **Proposal for a regulation**

#### **Article 52 – paragraph 1 – subparagraph 1**

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

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

##### *Amendment*

Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human **and animal** health, they shall, **without undue delay**, carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.

### **Proposal for a regulation**

#### **Article 52 – paragraph 6 – introductory part**

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

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(1). The market surveillance authorities shall

##### *Amendment*

6. The information to the Commission and the other Member States referred to in paragraph 5 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(1). The market surveillance authorities shall



also indicate whether the non-compliance is due to either of the following:

also indicate whether the non-compliance is due to either of the following:

## Article 53

### 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.

## Article 54

### Proposal for a regulation

#### Article 54 – paragraph 1

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

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to

##### *Amendment*

1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or **to** human **and animal** health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to

withdraw the packaging from the market or to recall it.

withdraw the packaging from the market or to recall it.

Article 54 is the same as in COM proposal

**Proposal for a regulation**

**Article 55 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. 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.**

Article 56

**Proposal for a regulation**

**Article 56 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

**(ka) the requirements on recyclable packaging are not fulfilled;**

**Proposal for a regulation**

**Article 56 – paragraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

**(kb) the requirements on minimum recycled content for packaging are not fulfilled;**

COMPROMISE AMENDMENT 22 - FINAL CHAPTERS (CHAPTERS X-XII, ANNEX XIII)

S&D, RE, Greens/EFA, Left

Replacing AM 190; 2525-2547; 2551; 2553-2556; IMCO: AM 66

Article 58

**Proposal for a regulation**

**Article 58 – paragraph 2**

*Text proposed by the Commission*

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 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.

*Amendment*

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

[LIST OF ARTICLES TO BE ALIGNED AFTER THE VOTE FOR CONSISTENCY PURPOSES]

**Proposal for a regulation**

**Article 58 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power 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) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the

*Amendment*

3. The delegation of power 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) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the

power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

[LIST OF ARTICLES TO BE ALIGNED AFTER THE VOTE FOR CONSISTENCY PURPOSES]

**Proposal for a regulation**

**Article 58 – paragraph 4**

*Text proposed by the Commission*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

*Amendment*

4. Before adopting a delegated act, the Commission shall consult ***the Packaging Forum and*** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

[LIST OF ARTICLES TO BE ALIGNED AFTER THE VOTE FOR CONSISTENCY PURPOSES]

**Proposal for a regulation**

**Article 58 – paragraph 6**

*Text proposed by the Commission*

6. A delegated act adopted pursuant to 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 enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the

*Amendment*

6. A delegated act adopted pursuant to 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), ***Article 51(3)*** and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the

initiative of the European Parliament or of the Council.

initiative of the European Parliament or of the Council.

[LIST OF ARTICLES TO BE ALIGNED AFTER THE VOTE FOR CONSISTENCY PURPOSES]

Article 62

**Proposal for a regulation**

**Article 62 – paragraph 1**

*Text proposed by the Commission*

1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator.***

*Amendment*

1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. ***In line with Directive (EU) 2015/1535, Member States shall notify the Commission of those rules and of those measures and, without delay, of any subsequent amendments affecting them.*** The penalties provided for shall be effective, proportionate and dissuasive.

***Those penalties can include:***

***(a) fines proportionate to the environmental damage and the value of the relevant products concerned, calculating the level of such fines in such way as to ensure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements;***

***(b) confiscation of revenues gained by the manufacturer, producer, supplier, distributor, importer, authorised representatives, or appointed representatives for extended producer responsibility from a transaction with the relevant products concerned;***

***(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;***

*(d) temporary prohibition from placing or making available on the market, or exporting relevant products, in the event of a serious infringement or of repeated infringements;*

## Article 64

### Proposal for a regulation

#### Article 64 – paragraph 2 – point a

*Text proposed by the Commission*

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 42 months after the *date of* entry into force of *this Regulation*];

*Amendment*

(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 30 months after the entry into force of *the implementing act referred to in Article 11 (5)*];

*(aa) Article 9(1) and (2) of Directive 94/62/EC shall continue to apply with regard to the essential requirements pursuant to Annex II, point 1, first indent until 31 December 2029;*

## Article 65

### Proposal for a regulation

#### Article 65 – paragraph 2

*Text proposed by the Commission*

It shall apply from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].

*Amendment*

It shall apply from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].

**COMPROMISE AMENDMENT 23 - ARTICLES 62 A NEW AND 62 B NEW**

**S&D, RE, Greens/EFA**

replacing AMs 2548; 2549; 2550; 2552

Article 62a (new)

**Proposal for a regulation**

**Article 62a (new)**

*Text proposed by the Commission*

*Amendment*

***Access to Justice***

***1. Any natural or legal person having a sufficient interest, as determined in accordance with the existing national systems of legal remedies, including where such persons meet the criteria, if any, laid down in the national law, including persons who have submitted a substantiated concern in accordance with Article 62a, shall have access to administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities under this Regulation.***

***2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and those which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.***

Article 62b NEW

**Proposal for a regulation**

**Article 62a (new)**

*Text proposed by the Commission*

*Amendment*

***Request for action***

***1. Natural or legal persons affected or likely to be affected by a breach of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of this Regulation, shall be entitled to request the competent authorities to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.***

***The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council shall be deemed sufficient for the purposes of the first subparagraph.***

***2. The request for action shall be accompanied by the relevant information and data supporting that request.***

***3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of this Regulation has occurred, or that there is an imminent threat of such a breach, the competent authorities shall consider any such requests for action and information and data. In such circumstances, the competent authorities shall give the economic operator concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.***

***4. The competent authorities shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action and shall provide the reasons for it.***

***5. In case the competent authority accedes to the request for action, it shall notify the Commission. The Commission shall assess whether there is a breach of the Regulation beyond the Member State concerned. If it finds that there is a breach beyond the Member State concerned, it shall take adequate action to ensure compliance with the Regulation.***



COMPROMISE AMENDMENT 24 - RECITALS

EPP, S&D, RE, Greens/EFA, Left

replacing AMs 1-16, 18-55 and 214-333, 335-573; AGRI: 1-61; IMCO: 1-13; ITRE: 1-5

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(1) Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators

*Amendment*

(1) Products need **appropriate** packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause **uncertainty and** additional cost to the economic operators

**Proposal for a regulation**

**Recital 2**

*Text proposed by the Commission*

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste<sup>30</sup>. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it

*Amendment*

(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste<sup>30</sup>. High and constantly growing levels of packaging generated as well as low levels of re-use, **collection** and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it

should contribute to the transition to a circular economy.

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<sup>30</sup> Eurostat, Packaging waste statistics: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging\\_waste\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics)

should contribute to the transition to a circular economy.

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<sup>30</sup> Eurostat, Packaging waste statistics: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging\\_waste\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics)

## Proposal for a regulation

### Recital 5

#### *Text proposed by the Commission*

(5) In line with the Green Deal<sup>33</sup>, the new Circular Economy Action Plan (CEAP)<sup>34</sup> 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.

#### *Amendment*

(5) In line with the Green Deal<sup>33</sup>, the new Circular Economy Action Plan (CEAP)<sup>34</sup> 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 highlights the necessity to reduce food waste and encourages circular approaches to the use of water** and commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

## Proposal for a regulation

### Recital 9 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(9a) This Regulation is in line with the objectives set out in [the forthcoming directive on environmental claims (2023/0085(COD))], and [the forthcoming directive on empowering consumers in the green transition (2022/0092(COD))]. It aims to promote and support substantiated alternatives for more sustainable packaging solutions.***

## Proposal for a regulation

### Recital 11

#### *Text proposed by the Commission*

(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags ***as well as coffee or tea system single-serve units***, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council<sup>41</sup>. 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.

#### *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 ***or soft after-use system*** which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council<sup>41</sup>. 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.

## Proposal for a regulation

### Recital 12

#### *Amendment*

#### *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.

(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

## Proposal for a regulation

### Recital 12 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(12a) 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.**

## Proposal for a regulation

### Recital 13

*Text proposed by the Commission*

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.

*Amendment*

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use ***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. ***The Commission should be empowered the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union to establish a minimum number of rotations for reusable packaging in specific packaging categories.***

## 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 in accordance with 2018 OECD definitions<sup>1a</sup>. 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<sup>1b</sup>, 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.*

**Proposal for a regulation**

**Recital 15 b (new)**

*Text proposed by the Commission*

*Amendment*

*(15b) 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 intentionally added PFASs should not be placed on the Union market.*

**Proposal for a regulation**

**Recital 15 c (new)**

*Text proposed by the Commission*

*Amendment*

*(15c) Bisphenol A (BPA) is a chemical compound used in the manufacture of materials that come into contact with food, such as reusable plastic tableware or linings for cans (mainly as a protective layer). BPA residues can migrate into food and drink and be ingested by consumers. BPA from sources other than food, including thermal paper, cosmetics and dust, can be absorbed through the skin and by inhalation.*

## Proposal for a regulation

### Recital 15 d (new)

*Text proposed by the Commission*

*Amendment*

***(15d) In a scientific opinion<sup>1a</sup> published in January 2015, EFSA's expert groups indicated that exposure to Bisphenol A was likely to have adverse effects on the kidneys and liver, thanks to the availability of new data. The findings led EFSA experts to significantly reduce the safe level of BPA - from 50 micrograms per kilogram of body weight per day ( $\mu\text{g}/\text{kg}$  bw/day) to 4  $\mu\text{g}/\text{kg}$  bw/day.***

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<sup>1a</sup>

<https://www.efsa.europa.eu/en/efsajournal/pub/3978>

## Proposal for a regulation

### Recital 15 e (new)

*Text proposed by the Commission*

*Amendment*

***(15e) Considering the danger posed by the presence of Bisphenol A and the risk of migration into food, the presence of intentionally added BPA should be prohibited in packaging that comes into contact with food.***

## Proposal for a regulation

### Recital 19

*Text proposed by the Commission*

*Amendment*

(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

(19) ***Without prejudice to the restriction of PFAS and Bisphenol A***, 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***

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.

*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 processes.

## Proposal for a regulation

### Recital 23

#### *Text proposed by the Commission*

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

#### *Amendment*

(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of 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.

## 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 Council<sup>50</sup> and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council<sup>51</sup>, 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 Council<sup>52</sup> **and** of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council<sup>53</sup>. 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 Council<sup>50</sup> and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council<sup>51</sup>, which are in direct contact with the medicinal product, **of** contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council<sup>52</sup> of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council<sup>53</sup>, **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 as well as packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging is needed to be in line with the quality standards of the medicinal product.** These exemptions should apply until 1 January 2035.

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in

*Amendment*

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in

particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees ***and to ensure that such fees are earmarked to finance the net cost of collection, sorting and recycling of packaging.*** As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

## 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

#### *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***

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.

**609/2013.** This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product. ***Finally, this exclusion should apply to inks, adhesives, paints, varnishes and lacquers used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.***

## Proposal for a regulation

### Recital 29

#### *Text proposed by the Commission*

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that ***the plastic part of each unit of*** packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

#### *Amendment*

(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that plastic packaging, ***on average per format, per manufacturing plant, and per year*** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

## 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,

#### *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 manufacturing 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

in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>55</sup>.

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 Council<sup>55</sup>.

## Proposal for a regulation

### Recital 33

*Text proposed by the Commission*

(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.

*Amendment*

(33) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of 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.

## 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.***

## 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 coffee pods.***

## 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***

*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. To facilitate the use of compostable packaging that helps collect or dispose of bio-waste, the requirements of EN 13432 "Packaging - Requirements for***

*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.*

*packaging recoverable by composting and biodegradation - Test scheme and evaluation criteria for final acceptance of packaging" should be revised with regard to composting times, permissible levels of contamination and restrictions on the release of microplastic to allow these materials to be processed in bio-waste treatment facilities in an appropriate manner. In addition, a similar standard for home-composting should be established in the Union.*

## Proposal for a regulation

### Recital 40

#### *Text proposed by the Commission*

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000<sup>57</sup>, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify

#### *Amendment*

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000<sup>57</sup>, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how, ***or packaging design that is subject to legal protection under the Council Regulation***

additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

*(EC) No 6/2002<sup>1a</sup>*. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

*<sup>1a</sup> Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).*

## Proposal for a regulation

### Recital 41

#### *Text proposed by the Commission*

(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.

#### *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.

## 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

#### *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

packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.

waste receptacles. ***The need for such harmonised labelling system to be recognised by all citizens irrespective of their circumstances such as age and language knowledge, should be a guiding factor in their design. This can be achieved through the use of pictograms with minimal language used. This would also serve to minimise the costs for translation of language used, which would otherwise be required.***

## 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.***

## Proposal for a regulation

### Recital 49

*Text proposed by the Commission*

*Amendment*

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. ***It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it***

(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation



*could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system , could mislead consumers to believe that packaging bearing such a symbol is always recyclable.*

## 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.***

## Proposal for a regulation

### Recital 60

*Text proposed by the Commission*

*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 %. 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.

(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. ***This obligation shall not apply to reusable packaging.***

## 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.***

## 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.***

## Proposal for a regulation

### Recital 67

*Text proposed by the Commission*

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use *and refill* targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. ***The use of*** single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.

*Amendment*

(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. Single use packaging for food and beverages filled and consumed, within the premises in the HORECA sector should not be allowed. ***Consumers should always have the option to purchase food and beverages for take-away in reusable or their own containers at conditions not less favourable than food and beverages offered in single-use packaging. Economic operators selling food or beverages for take-away shall offer to consumers the option to purchase the food or beverages in their own containers and offer consumers the option to purchase beverages in reusable packaging.***

**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

*Amendment*

(68) To increase their effectiveness and ensure the equal treatment of economic operators, ***re-use*** targets should be placed on

be placed on the *economic operators*. ***In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.*** The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use ***or through refill*** or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

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

## 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.

## Proposal for a regulation

### Recital 73 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(73a) As very lightweight plastic carrier bags, below 15 microns, 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.*

## **Proposal for a regulation**

### **Recital 74 a (new)**

*Text proposed by the Commission*

*Amendment*

*(74a) A reduction in the use of plastic carrier bags should not lead to a substitution with paper carrier bags. The Commission should monitor the use of paper carrier bags and propose a target, and if appropriate, measures for the reduction of the consumption of paper carrier bags.*

## **Proposal for a regulation**

### **Recital 91**

*Text proposed by the Commission*

*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.

(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.*

## Proposal for a regulation

### Recital 91 a (new)

*Text proposed by the Commission*

*Amendment*

***(91a) As part of its Circular Economy Action Plan, the 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.***

## Proposal for a regulation

### Recital 92

*Text proposed by the Commission*

*Amendment*

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at

(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at

packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use *and* refill *targets*, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use *targets*, refill *obligations*, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.

## Proposal for a regulation

### Recital 96

#### *Text proposed by the Commission*

(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 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.

#### *Amendment*

(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 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.

## Proposal for a regulation

### Recital 98

*Text proposed by the Commission*

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council<sup>66</sup> 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 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.

*Amendment*

(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council<sup>66</sup> 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 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.

**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.*

## Recital 103 a (new)

*Text proposed by the Commission*

*Amendment*

***(103a) This Regulation should take into account the diversity of deposit and return 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 deposit and return system 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.***

## Proposal for a regulation

### Recital 107

*Text proposed by the Commission*

*Amendment*

(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.

(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.

### Recital 108

*Text proposed by the Commission*

*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

(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.

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 *and refill obligations* in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

## 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, water consumption, material losses 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.***

## Proposal for a regulation

### Recital 113 b (new)

*Text proposed by the Commission*

*Amendment*

***(113b) An economic operator may make environmental claims on packaging placed on the market only if they are substantiated in accordance with the Green Claims. As regards recyclability, the level of recycled content and reusability, they may be made only for packaging properties exceeding the applicable minimum requirements set out in this Regulation.***

## **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.***

## **Proposal for a regulation**

### **Recital 123**

*Text proposed by the Commission*

*Amendment*

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>73</sup> setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation.

(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, ***a minimum number of checks of economic operators placing packaging on the Union market should be established*** and Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>73</sup> ***setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability***

*requirements are set pursuant to this Regulation.*

## Proposal for a regulation

### Recital 131

*Text proposed by the Commission*

(131) **When it comes to packaging entering the Union market**, priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.

*Amendment*

***(131) In order to safeguard the functioning of the internal market, and create a level playing field, it is necessary to ensure that packaging from third countries entering the Union market complies with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging.*** Priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.