

## DRAFT COMPROMISE AMENDMENTS

### **Proposal for a Regulation of the European Parliament and of the Council on Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC -**

COM(2022)0677 - 2022/0396(COD)

## ARTICLES

### Articles 1 and 2

#### **Compromise Amendment 1**

Compromise amendment replacing amendments: 197, 198, 199

#### *Article 1 - Subject matter*

1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, **prevention**, collection, treatment and recycling of packaging waste.
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.
3. This Regulation contributes to the transition to a circular economy **and achieving climate neutrality by 2050**, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC **and by taking into account the possibilities of a biobased economy**.

#### *Article 2 - Scope*

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.
2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste **and as regards the requirements of the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC**.

### Article 3 - Definitions

#### **Compromise Amendment 2**

Compromise amendment replacing amendments: 34, 35, 36 , 200 , 201 , 202 , 203 , 204 , 205 , 206 , 207 , 208 , 209 , 210 , 211 , 212 , 213 , 214 215 , 216 , 217 , 218 , , 220 , 221 222, 223 , 224 , 225 , 226 , 227 , 228 , 229 , 230 , 231 , 232

*Article 3 – paragraph 1 – point 1 – points f and g*

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

~~(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.~~

*Article 3 – paragraph 1*

(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, makes available packaging for the first time within ~~a territory of a Member State~~ **the Union market** on a professional basis under its own name or trademark;

(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, **coatings, linings, paints, inks, adhesives**, closures and sealing, **which are considered as part of the weight of the main packaging material and** which cannot be separated manually and therefore form a single integral unit, **unless a given material constitutes an insignificant part of the packaging unit, and in no case more than 15% of the total mass of the packaging unit;**

**(24a) ‘traceability’ means the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of manufacture, processing and distribution;**

**(26a) ‘High quality recycling’ means any process as defined in Article 3(17) of Directive 2008/98/EC by which materials are effectively collected, sorted and converted into recycled materials with minimal loss of quantity, quality or function to their inherent properties, guaranteeing high yield and so that the resulting recycled materials are of sufficient quality to substitute raw materials in future applications;**

(28) ‘refill’ means an operation **entailing a system for refill** by which an end user fills a container, which fulfils the packaging function, with a product or several products **purchased through a** final distributor,;

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

(32) ‘recycled at scale’ means collected, sorted and recycled **in line with the requirements of Article 6(2)(e)** through installed state-of-the-art infrastructure and processes ~~covering at least 70 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5);~~

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

(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, Directive 2008/68/EC, **or for products as defined in Article 1 of Decision (2014/763/EU)**;

(41) ‘compostable packaging’ means packaging **marketed with the intent of recovery through organic waste management stream** and capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), **and** does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions, **in line with the requirements laid down in European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion**;

(43a) ‘**plastic packaging**’ means a packaging that is wholly or predominantly made of plastic;

(56a) ‘**shelf-life**’ means either the period corresponding to the period preceding the ‘use by’ or the minimum durability date until which the foodstuff retains its specific properties when properly stored;

#### Article 4 - Free Movement

### **Compromise Amendment 3**

Compromise amendment replacing amendments: 233, 334, 236, 253

1. Packaging shall only be placed on the market if it complies with this Regulation.
2. Member States shall not prohibit, restrict or impede the placing on the market *or use* of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.
3. Member States shall not prohibit, restrict or impede the placing on the market *or use* of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.
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.
5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1). ***These requirements shall include the option for micro- and small-sized enterprises as defined in Commission Recommendation 2003/361 to be exempted.***
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.

### **Article 6 - Recyclable packaging**

#### **Compromise Amendment 4**

Compromise amendment replacing amendments: 37, 38, 39, 40, 41 , 238 , 239 , 240 , 241 , 242 , 243 , 244 , 245 , 246, 247 , 248 , 249 , 250 , 251 , 252 , 253 , 254, 255 , 257 , 257 , 258 , 259 , 260 , 261 , 262 , 263 , 264 , 265 , 266 , 267 , 268 , 269 270

1. All packaging shall be recyclable ***in accordance with paragraph 2 of this Article.***
2. Packaging shall be considered recyclable where it complies with the following:
  - (a) it is designed for recycling ***or, for compostable packaging, it is compliant with points a), b) and c) of Annex III;***

(e) it can be recycled at scale:

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

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

*iii) it can be recycled so that the resulting secondary raw materials are of sufficient quality to be used in a manufacturing process as substitute the ~~primary~~ raw materials;*

Point (a) shall apply from 1 January 2030 *to all packaging placed on the market* and point (e) shall apply from 1 January 2035 *to all packaging placed on the market*.

**2a (new)** *Member States shall endeavour towards phasing out the disposal through landfilling and/or incineration of packaging waste compliant with Article 6(2).*

3. Recyclable packaging *placed on the market* shall:

*(a) from ~~1 January 2030~~ 5 years after the entry into force of the delegated acts adopted pursuant to paragraph 4, comply with the design for recycling criteria ~~as laid down in the delegated acts adopted pursuant to paragraph 4~~ and,*

*(b) from ~~1 January 2035~~ 5 years after the entry into force of the delegated acts adopted pursuant to paragraph 6, ~~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).

4. *Within 12 months from the adoption of this Regulation, the Commission shall adopt delegated acts, in close cooperation with stakeholders and in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider:*

a) state of the art collection;

b) sorting and recycling processes ~~and shall cover~~ *ensuring that packaging is able to perform its features and functions as outlined in Article 3(1) and covers all packaging components; and*

c) **criteria needed for consumers' product recognition;**

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

5. From ~~1 January 2030~~ **5 years after the entry into force of the delegated act adopted pursuant to paragraph 4 and in any case no earlier than** 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the **mentioned** delegated act ~~adopted pursuant to paragraph 4~~ for the packaging category, to which the packaging belongs.

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

6. **Within 12 months from the adoption of this Regulation,** ~~The~~ Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:

- (a) amounts of packaging placed on the market in the Union as a 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;
- (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);
- (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.

7. 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~~ **2** of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;
- (b) detailed design for recycling criteria 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, as of 2035, updated recyclability performance grades.

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

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.

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.

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

9. 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~~ 8 years after the end of the calendar year when it has been placed on the market.

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.

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

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

- (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;
- (b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 **and by Regulation (EU) 2019/6;**
- (c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;

***(ca) items that are sold along with the product with the objective to be used for the application or dispensing of the product by the end user and will therefore be in contact with the products covered under points (a), (b), or (c);***

**(cb) packaging for food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) 609/2013.**

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

### **Article 7 - Minimum recycled content in plastic packaging**

#### **Compromise Amendment 5**

Compromise amendment replacing amendments: 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326

1. From 1 January 2030, ~~the plastic part in~~ packaging **where plastics is the predominant material** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste ~~per unit of~~ **calculated as an average of all the plastic packaging placed by a manufacturer on the Union market per year:**

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

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

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

(d) 35 % for **plastic** packaging other than those referred to in points (a) and (c), **except for contact sensitive plastic packaging made from plastic materials other than PET.**

2. From 1 January 2040, ~~the plastic part in~~ packaging **where plastics is the predominant material** shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste ~~per unit of~~ **calculated as an average of the plastic packaging placed by a manufacturer on the Union market :**

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

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



(c) 65 % for plastic packaging other than ***contact sensitive packaging made from plastic materials other than PET*** and those referred to in points (a) and (b);

3. Paragraphs 1 and 2 shall not apply to the following:

(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;

(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 ***and by Regulation (EU) 2019/6***;

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

(d) outer packaging 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 such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.

***(da) items that are sold along with the product with the objective to be used for the application or dispensing of the product by the end user and will therefore be in contact with the products covered under point (a), (b), (c);***

***(db) packaging for food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) 609/2013;***

***(dc) packaging for non-medical products which should be manufactured to ISO standard 15378 to ensure the safety and quality of the product for consumer health.***

4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging ***as well non-fossil plastic packaging, inks, adhesives, varnishes and coatings used on packaging, especially when in contact with food.***

***4a. Paragraphs 1 and 2 shall not apply to plastic packaging intended to come into contact with food or feed in case the amount of recycled content poses threat to human and animal health and risks compromising the organoleptic properties and compliance requirement of products.***

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.

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.

7. By 31 December 2026, the Commission ~~is empowered to~~ shall 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. **An EU harmonized mass balance method should be assessed as part of these implementing acts that ~~Those implementing acts~~** shall be adopted in accordance with the examination procedure referred to in Article 59(3).

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.

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 derogation established under paragraph 3 for specific plastic packaging.

***By 1 January 2030, the Commission shall assess the market availability at scale of high quality recyclates for contact sensitive plastic packaging.***

***By 01 January 2036, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 2, points a, b and c for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.***

***These assessments shall be based on market availability and prices of recycled plastics on an annual basis from the year of entry into force of this Regulation. These assessments shall consider Eurostat data for the EU-27 achieved plastic packaging recycling levels, recycled plastic price indices and annual rates of price change based on a monitoring tool to be established by the European Commission, and be based on the uptake of new recycling technologies and their impact on available market volumes.***

***By 1 January 2028, the Commission shall assess the possibility to introduce new bio-based feedstock targets for plastic packaging, including their potential contribution to meet the targets set out in Article 7(1) and (2).***

Based on ~~this~~ **these** assessments, 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 a, b and d, **and in paragraph 2, points a, b and c** for specific plastic packaging, and, as appropriate,

- (b) revise the derogations established in paragraph 3,

where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice *or where there is no sufficient availability of recycled plastic on the market suitable for contact with food.*

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

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.

## **Article 8 - Compostable packaging**

### **Compromise Amendment 6**

Compromise amendment replacing amendments: 57, 58 , 327 , 328 , 329 , 330 , 331 , 332 , 333 , 334 , 335 , 336 , 337, 338 , 339 , 340 , 341

1. By 2030 ~~[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, ~~including bags for fruits and vegetables required for hygiene reasons and to prevent food waste~~, shall be compostable in industrially controlled conditions in bio-waste treatment facilities, *in line with the requirements laid down in European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion.*

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

to require that lightweight plastic carrier bags placed on their market 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. *The same provision shall apply to compostable packaging formats mentioned in Annex V, points 1 and 4.*

3. By 2030 ~~{OP: Please insert the date = 24 months from the date of entry into force of this Regulation}~~, packaging labelled as compostable other than that referred to in paragraphs 1 and 2, *shall comply with the criteria listed in Annex III including*. Packaging made of biodegradable plastic polymers shall allow material recycling without affecting the recyclability of other waste streams.

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

5. The Commission ~~shall be~~ is 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. *A public register containing the lists of such applications should be established and updated by the Commission.*

*5a (new). At the latest by [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall request the European standardisation organisations to update the harmonised standard on the requirements for packaging recoverable through composting and biodegradation test schemes and evaluation criteria. This standard shall consider the composting times, admissible levels of visual contamination and other requirements needed to reflect the actual conditions in the bio-waste treatment facilities, including anaerobic digestion processes, in line with the scientific and technological developments.*

## Article 9 - Packaging minimisation

### **Compromise Amendment 7**

Compromise amendment replacing amendments: 59, 60, 61, 62 , 342 , 343 , 344 , 345 , 346 , 347 , 348 , 349 , 350 , 351 , 352 , 353 , 354 , 355 , 356, 357 , 358

1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its ~~functionality~~ *functions as laid down in Article 3(1) of this Regulation* taking account of:

(a) the material that the packaging is made of;

- (b) a particular shape or design protected by registered intellectual property rights;*
- (c) the preservation of a high standard of quality to ensure the safety of consumers; and*
- (d) consumers' product recognition, especially for those bearing geographical indications of origin or other quality schemes protected under Union law.*

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 it belongs to a product that has been given distinctive product recognition or that it is~~ protected under Union legislation by:

- (a) registered intellectual property rights;*
- (b) geographical indications of origin or other quality schemes that apply to EU and third country products.*

*2a (new). Without prejudice to paragraph 1, manufacturers of products covered under points (a) and (b) of paragraph 2 shall make their best efforts to optimise their packaging design in line with this Article and the performance criteria listed in Annex IV.*

3. Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:
- (a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;*
  - (b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;*

For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space. *For sales packaging of food products that are subject to settlement during transportation or where headspace is required to protect the product, compliance with this paragraph shall be assessed at the point of filling.*

*3a (new). Paragraphs 1, 2 and 3 shall apply without detriment to food packaging so that it can ensure the safety, quality and shelf life of the packaged product, and protect products from physical shocks thereby preventing unnecessary food waste, regardless of the size or weight of the product being packaged. Air between or within packed foodstuff or protective gases shall not be considered an empty space.*

4. 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:

- (a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;
- (b) the identification of the design requirements, ***including those linked to registered intellectual property***, which prevent further reduction of the packaging weight or volume, for each of these performance criteria;
- (c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.

For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10.

***Micro- and small- sized enterprises as defined in Commission Recommendation 2003/361 are exempt from the requirements to provide technical documentation laid out in this paragraph.***

#### **Article 10 - Reusable packaging**

##### **Compromise Amendment 8**

Compromise amendment replacing amendments: 63, 359, 360

1. Packaging shall be considered reusable where it fulfils the following conditions:
  - (a) it has been conceived, designed and placed on the market with the objective to be re-used or refilled;
  - (b) it has been conceived and designed to accomplish as many trips or rotations as possible in normally predictable conditions of use;
  - (c) it can be emptied or unloaded without damage to the packaging, which prevents its re-use;
  - (d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;
  - (e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;
  - (f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product, ***including foodstuffs***, and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;
  - (g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;

(h) it fulfils the requirements specific to recyclable packaging when it becomes waste set out in Article 6.

2. Compliance with the requirements set out in paragraph 1 shall ***apply only to packaging placed on the market for the first time after the entry into force of this Regulation and shall*** be demonstrated in the technical information concerning the packaging referred to in Annex VII.

***Micro- and small- sized enterprises as defined in Commission Recommendation 2003/361 are exempt from the requirements to provide technical documentation laid out in this paragraph.***

### **Article 11 - Labelling of packaging**

#### **Compromise Amendment 9**

Compromise amendment replacing amendments: 64 , 361 , 362 , 363 , 364 , 365 , 366 , 367 , 368 , 369 , 370 , 371

1. From [OP: Please insert the date = ~~42~~ 48 months after the entry into force of this Regulation], packaging ***placed on the market*** shall be marked with a label containing information on its material composition. ***The label on the packaging shall be easily understood.*** This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

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

2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], ***reusable*** packaging ***placed on the market*** shall bear ***an easily understood*** # label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. ***Such label, as well as the information provided through the QR code, shall be made available in the languages of all the Member States where the packaging is available on the market.*** In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.

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 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).

4. 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.

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.

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).

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

7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation. ***For packaging used for foodstuffs, the label and the QR code should be clearly distinguishable and do not affect the provision of nutrition information on packaging, especially in light of the provisions on packaging minimisation referred to in Article 9.***

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.

***8a (new). Packaging placed on the market before the dates mentioned in this article may be marketed until their end of life.***

## **Article 22 - Restrictions on use of certain packaging formats**



## Compromise Amendment 10

Compromise amendment replacing amendments: 65 , 381 , 382 , 383 , 384 , 385 , 386 , 387 , 388 , 389 , 390 , 391 , 392 , 393 , 394 , 395 , 396 , 397 , 398 , 399 , 400 , 401 , 402 , 403 , 404, 405

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.

*1a (new). Compliance with the requirements set out in paragraph 1 shall apply without prejudice to the provisions laid down in Article 4 of Directive 2008/98/EC in line with the scope of this Regulation as defined in Article 2 as well as with the requirements laid down by EU legislation on food safety, including traceability as laid down in Article 76 of Regulation (EC) No 178/2002.*

~~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.~~

3. Member States may exempt economic operators from point 4 of Annex V if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.

*3a (new). Compliance with the requirements set out in this article does not apply to packaging of products of geographical indications of origin or other quality schemes protected under Union legislation.*

*3c (new). By 1 January 2027 at the latest, the Commission is empowered to adopt a delegated act in accordance with Article 58 to establish a list of exceptions to the formats and purposes listed in Annex V of packaging with clearly identified technical functions associated with health protection, product integrity or transport or as medium for conveying regulatory information. This delegated act shall be based on an impact assessment that takes into account the availability of alternative packaging solutions, the levels of food waste generation resulting from bulk sales, as well as economic sustainability.*

~~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, By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation] the Commission shall ~~consider~~ assess the ~~potential~~ impact of the restrictions on the use of specific packaging formats ~~to reduce the~~ on the reduction of packaging waste ~~generated~~~~

~~while ensuring an~~ as well as its overall **positive** environmental impact, and **submit a report to the European Parliament and to the Council. The report shall present the impact of the restrictions on use of certain packaging formats in achieving demonstrably environmental outcomes, taking into account their full lifecycle. The report shall also take into account the availability of alternative packaging solutions and raw materials that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination, cross contamination with allergens, hygroscopic characteristics and food waste of the packaged product.**

**4a (new). Member States which have appropriate waste collection schemes and waste treatment infrastructures may exempt compostable packaging complying with Annex III in the formats and for the purposes listed in points 1 and 4 of Annex V from the provisions laid down in this Article.**

## **Article 26 - Re-use and refill targets**

### **Compromise Amendment 11**

Compromise amendment replacing amendments: 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544

1. From 1 January 2030, economic operators making large household appliances listed in point ~~1~~ 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.

**1a (new). The obligation laid down in paragraph 1 shall not apply to cardboard packaging.**

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

~~(a) from 1 January 2030, 20-15 % of those beverages are made available in-filled into reusable packaging cups within a system for re-use or by enabling refill;~~

~~(b) from 1 January 2040, 80-60 % of those beverages are made available in-filled into reusable packaging cups within a system for re-use or by enabling refill.~~

~~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:~~

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

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

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 and fruit wine~~ products falling under Nomenclature codes 2204 (wine of fresh grapes, incl. fortified wines; grape must, partly fermented and of an actual alcoholic strength of > 0,5% vol or grape must with added alcohol of an actual alcoholic strength of > 0,5% vol), 2205 (vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances) and 2208 (undenatured ethyl alcohol of an alcoholic strength of < 80%; spirits, liqueurs and other spirituous beverages), ~~products based on spirit drinks, wine~~ or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:

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

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

~~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:~~

~~(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.~~

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~~ (470 SD), 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:

(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.~~

6a (new) Member States shall be exempted from the obligation under paragraphs 4 and 6 when at least one the following conditions apply:

(a) the rate of recycling is above 80 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027.

*Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on national data and including the description of the implemented measures, to demonstrate that the conditions for the exemption set out in this paragraph are fulfilled;*

*(b) at the latest 24 months before the deadline laid down in paragraphs 2 ~~and 3~~ 4 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 80 % recycling rate by weight of the packaging.*

*(c) a national deposit and return system is in place, as defined in Article 3(51), with a collection rate of at least 85%;*

7. Economic operators using transport packaging *within the territory of the EU* 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 *and which are not in direct contact with food* shall ensure that:

*(a) from 1 January 2030, 30 % of such ~~packaging used is products are made available in~~ reusable transport packaging within a system for re-use;*

*~~(b) from 1 January 2040, 90 % of such packaging used is products are made available in reusable transport packaging within a system for re-use.~~*

*7a (new) The obligations laid down in paragraph 7 shall not apply to food businesses as defined in Article 3, point (2), of Regulation (EC) No 178/2002, which are engaged in logistics and wholesale B2B distribution and large scale industrial production and processing.*

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 products are made available in~~ reusable transport packaging within a system for re-use;*

*~~(b) from 1 January 2040, 50% of such packaging used is products are made available in reusable transport packaging within a system for re-use;~~*

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 for transport is products are made available in~~ reusable transport packaging within a system for re-use;*

*~~(b) from 1 January 2040, 30 % of such packaging used is products are made available in reusable transport (497) packaging within a system for re-use;~~*

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

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

~~b) — from 1 January 2030, 25 % of such packaging they used is~~ *products are made available in reusable packaging within a system for re-use;*

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

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

(a) between different sites, on which the operator performs its activity; or

(b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation].

This obligation applies to pallets, boxes, ~~excluding cardboard~~, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes, ~~and~~ materials *and including flexible formats which are not in direct contact with food, and excluding cardboard.*  
~~including flexible formats.~~

13. 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.

This obligation applies to pallets, boxes, ~~excluding cardboard~~, plastic crates, intermediate bulk containers, and drums, of all sizes and materials *and including flexible formats which are not in direct contact with food, and excluding cardboard.*

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

- (a) placed not more than 1000 kg of non-reusable 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].

**14a (new).** *Economic operators shall be exempt from the obligation to meet the targets in paragraphs 7, 12 and 13 in the event that transport packaging placed on the market is manufactured with fully recycled materials in a close material loop system.*

15. *Member States shall exempt* economic operators ~~shall be exempted~~ from the obligation to meet the targets in paragraphs ~~2 4 and~~ 6 if:

- (a) 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;
- (b) *reuse is not the option that delivers the best overall environmental outcome according to paragraph 2 of Article 4 of Directive 2008/98/EC or it is demonstrated that reuse is not technically feasible;*
- (d) *the product is subject to geographical indications of origin protected under Union legislation.*

**15b (new).** *The targets laid down in this Article shall be met without prejudice to relevant legislations related to:*

- (a) *the health and hygiene of products;*
- (b) *consumer health security;*
- (c) *food safety;*
- (d) *prevention of food waste;*
- (e) *the protection of the environment and, in particular, of water and the efficient use of energy resources and raw materials.*

16. *By 1 January 2028* the Commission *shall* 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~~ ~~(e)~~ and (b) 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, **food security, risk of significant food waste** or environmental issues preventing the achievement of those targets.

**16a (new).** *At the latest when carrying out an evaluation of this Regulation as prescribed in Article 63, the Commission shall submit a report to the European Parliament and Council to present evidence that the obligations referred to in paragraphs 1 to 13 are environmentally beneficial, safe and economically viable, taking into account transport logistics, cleaning and the rate of return and reuse and, if necessary, justify the need of proposing new reuse targets.*

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

## **Article 27 - Rules on the calculation of the attainment of the re-use and refill targets**

### **Compromise Amendment 12**

Compromise amendment replacing amendments: 545, 546, 547, 548, 549, 550, 551, 552, 553

1. For the purpose of demonstrating the attainment of the targets laid down in Article 26(1), the economic operator 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 calculate the following:

- (a) the number of units of sales of those appliances in reusable packaging within a system for re-use made available on the market for the first time within the territory of a Member State in a calendar year;
- (b) the number of units of sales of those appliances in packaging other than reusable packaging as referred to in point (a) made available on the market for the first time within the territory of a Member State in a calendar year.

2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(~~2 4~~) ~~to~~ and (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:

- (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;

- (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;
- (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.
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:
- (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;
- (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.

4. By 31 December ~~2028~~ **2026**, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.

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

***4a (new) In the absence of implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26, the targets shall be suspended until the Commission delivers the implementing acts foreseen in paragraph 4.***

### **Article 39 - Register of producers**

#### **Compromise Amendment 13**

**Compromise amendment replacing amendments: 555, 556**

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

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.

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.

3. The obligations set out in this Article may, on the producer's behalf, be met by an appointed representative for the extended producer responsibility.

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.

5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if it is necessary for an efficient use of the register.

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.

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.

8. The competent authority responsible for the register:

(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;

(b) shall grant registrations and provide a registration number within a maximum period of twelve weeks from the moment that all the information laid down in paragraphs 5 and 6 is provided;

**(b)a shall monitor the ability of micro- and small- sized enterprises as defined in Commission Recommendation 2003/361 to comply with the requirements laid down in this Article in order to ensure that they are proportionate; (555)**

(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6, **especially for micro- and small- sized enterprises;**

(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;

(e) shall receive and monitor the reporting referred to in paragraph 7.

9. The producer, or, where applicable, the producer's appointed representative for the extended producer responsibility or the producer responsibility organisation shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register if the producer has ceased to exist.

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.

11. The Commission shall adopt implementing acts establishing the format for registration in, and reporting to, the register and specifying the granularity of data to be reported and the packaging types and material categories to be covered by the reporting.

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

### **Article 43 - Return and collection systems**

#### **Compromise Amendment 14**

Compromise amendment covering amendments: 557, 558, 559, 560, 561, 562, 563, 564, 565

1. **By 2030**, 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.

***1a (new). The Commission shall make available a toolbox to support Member States in setting up systems and infrastructures for the return and separate collection of packaging waste from end users.***

2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection. ***Member States shall notify the Commission of any derogation from paragraph 1.***

3. The systems referred to in paragraph 1 shall:

- (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;
- (b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business

premises and residential areas;

(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.

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.

**4a (new).** *By 1 January 2030, Member states shall ensure that, in public spaces, separate collection systems are set up for the different fractions of packaging waste materials to help the consumer sort packaging waste.*

**4b (new).** *By 1 January 2030, a final distributor making available on the market food and beverages filled and consumed within the premises of the HORECA sector shall ensure that separate collection systems are set up for the different fractions of packaging waste materials. The European Commission and the Member States shall develop guidelines and provide financial support to guide and support the installation of separate collection systems by final distributors.*

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.

#### **Article 44 - Deposit and return systems**

##### **Compromise Amendment 15**

**Compromise amendment replacing amendments:** 76, 77, 78, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581

1. *In order to facilitate the achievement of the recycling goals set forth in Article 46, ~~By 1 January 2029,~~ Member States ~~shall~~ may take the necessary measures ~~to ensure so~~ that the systems referred to in Article 43(1) take the form of deposit and return systems ~~are set up~~ for:*

- (a) single use plastic beverage bottles with the capacity of up to three litres and;
- (b) single use metal beverage containers with a capacity of up to three litres.

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

(a) ~~wine, aromatised wine~~ products ~~and spirit drinks falling under Nomenclature codes 2204 (wine of fresh grapes, incl. fortified wines; grape must, partly fermented and of an actual alcoholic strength of > 0,5% vol or grape must with added alcohol of an actual alcoholic strength of > 0,5% vol), 2205 (vermouth and other wine of fresh grapes, flavoured with plants or aromatic substances) and 2208 (undenatured ethyl alcohol of an alcoholic strength of < 80%; spirits, liqueurs and other spirituous beverages);~~

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

(ba) (new) olive oil;

(bb) (new) food intended for special medicinal purposes and vulnerable groups such as infants and young children as defined in Article 1, point (a), (b) and (c) of Regulation (EU) No 609/2013.

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:~~

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

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

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.~~

~~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.~~

~~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.~~

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.

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.

~~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.~~

#### **Article 47 - Rules on the calculation of the attainment of the recycling targets**

##### **Compromise Amendment            16**

1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article.

2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive.

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.

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~~ **unless a** given material constitutes an insignificant part of the packaging unit, and in no case more than 15 % of the total mass of the packaging unit.

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.

6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.

By way of derogation from the first sub-paragraph 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.

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.

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.

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.

10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004.

11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted as recycled by the Member State in which that packaging waste was collected.

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.

#### **Annex I - AN INDICATIVE LIST OF ITEMS IN THE SCOPE OF THE DEFINITION OF PACKAGING IN ARTICLE 3(1)**

##### **Compromise Amendment 17**

**Compromise amendment replacing amendments:** 79, 80, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597

##### ***Items covered by Article 3(1)(a)***

## **Packaging**

Sweet boxes

Film overwrap around a CD case

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

Cake doilies sold with a cake

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

***Transport trays and carry packs for*** flower pots intended to be used only for the selling and transporting of plants ~~***and not intended to stay with the plant throughout its life time.***~~

Glass bottles for injection solutions

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

Clothes hangers (sold with a clothing item)

Matchboxes

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

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

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



Tea and coffee foil pouches

***Non-packaging***

Flower pots, ***including directly fillable bedding packs, used throughout different stages of production or intended to ~~stay~~ be sold with the plant ~~throughout its life time~~***

Tool boxes

Wax layers around cheese

Sausage casing skins

Clothes hangers (sold separately)

Cartridges for printers

CD, DVD and video cases (sold together with a CD, DVD or video inside)

CD spindles (sold empty, intended to be used as storage)

Soluble bags for detergents

Grave side lights (containers for candles)

Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)

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

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

Paper or plastic carrier bags

Disposable plates and cups

Cling film

Sandwich bags

Aluminium foil

Plastic foil for cleaned clothes in laundries

*Non-packaging*

Stirrer

Disposable cutlery

Wrapping paper (sold separately to consumers and business operators)

Paper baking cases (sold empty)

Cake doilies sold without a cake

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

*Packaging*

Labels hung directly on or attached to a product including sticky labels attached to fruits and vegetables

*Part of packaging*

Mascara brush which forms part of the container closure

Sticky labels attached to another packaging item

Staples

Plastic sleeves

Device for measuring dosage, which forms part of the container closure for detergents

Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)

*Non-packaging*

Radio frequency identification (RFID) tags

**Annex III - COMPOSTABLE PACKAGING**

**Compromise Amendment 18**

Compromise amendment replacing amendments: 81, 82, 598, 599, 600, 601, 602, 603, 604, 605

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

- (a) it could not have been designed as reusable packaging or the products could not be placed on the market without packaging;

- (b) it is designed to enter the organic waste stream at the end of its life;
- (c) it is of biodegradable nature allowing the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or methane, in the absence of oxygen, mineral salts, biomass and water, ***in compliance with standard EN 13432:2000 or any other relevant EU standard;***
- (d) its use significantly increases the collection of organic waste compared to the use of non-compostable packaging materials ;
- (e) its use significantly reduces the contamination of compost with non-compostable packaging; and
- (f) its use does not increase the contamination of non-compostable packaging waste streams.

#### **Annex IV - METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT**

##### **Compromise Amendment 19**

Compromise amendment replacing amendments: 83, 606, 607, 608, 609

#### **PART I**

##### **Performance criteria**

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

2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.

3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.

4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.

5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.

6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation ***including the protection of geographical indications and relevant registered intellectual property rights protected under Union legislation.***

7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation.

## PART II

### **Assessment methodology and determination of the minimum packaging volume and weight**

The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:

(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;

(b) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented;

(c) any test results, market research or studies that have been used for the assessment conducted under points (a) and (b).

***IIa (new) Part III – Design criteria***

***1. Design elements required to indicate geographical origin or to distinguish different products, for example distinguishing beverages in glass bottles such as wine from other products;***

***2. The functionality of packaging, including criteria for consumers' products recognition.***

**Annex V - RESTRICTIONS ON USE OF PACKAGING FORMATS**

**Compromise Amendment 20**

Compromise amendment covering amendments: 65, 84, 85, 86, 395, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650

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

2.	<del>Single use plastic packaging, single use composite packaging or other single use packaging for fresh fruit and vegetables</del>	<del>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.</del>	<del>Nets, bags, trays, containers</del>	
3.	<del>Single use plastic, single use composite packaging or other single use packaging</del>	<del>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</del>	<del>Trays, disposable plates and cups, bags, foil, boxes</del>	
4.	Single use packaging, <del>other than compostable</del> packaging, for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, <del>preserves</del> , sauces, coffee creamer, sugar and seasoning, except <i>in the following cases:</i> (a) such packaging is provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation; (b) where it is difficult to substitute larger capacity containers, such as on means of transport (e.g. trains and flights) where the lack of stability and mobility restrictions of the users make the use of conventional containers very complicated; and (c) in centres where individualised attention and service is required, such as hospitals, clinics, and nursing homes; (d) in case of farms and agricultural businesses that carry out direct sales activities in farmers'	Sachets, tubs, trays, boxes	

		<i>markets regulated by national or regional law</i>		
5.	Single use hotel miniature packaging	For cosmetics, hygiene and toiletry products of less than 50 ml for liquid products or less than 100 g for non-liquid products	Shampoo bottles, hand and body lotion bottles, sachets around miniature bar soap	

## RECITALS

### Recitals 1, 3a (new), 5, 6a (new), 6b (new), 6c (new), 6d (new), 7, 8, 8a (new), 10, 11, 12 and 13 - General provisions

#### **Compromise Amendment 21**

Compromise amendment replacing amendments: 1, 2, 3, 4, 5, 7, 33, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 103, 104, 105, 106, 107, 108, 109, 110, 114,

#### Recital 1

(1) Products need *appropriate* packaging to be protected and easy to transport from where they are produced to where they are used or consumed. ***The packaging used should be appropriate to the characteristics of products.*** Prevention of barriers *and any obstacles* to the internal market for packaging is key for the *efficient* functioning of the internal market for products. Fragmented rules and vague requirements cause *uncertainty and* additional cost to the economic operators.

#### Recital 3a (new)

***(3a) In regulating packaging at EU level, the differences between packaging waste collection, sorting and recycling infrastructures at the level of the Member States should be taken into account.***

#### Recital 5

(5) In line with the Green Deal, the new Circular Economy Action Plan (CEAP) commits to reinforcing the essential requirements for packaging in view of making all packaging



reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. It commits **to reduce food waste and encourages circular approaches to the use of water. It tasks** the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.

Recital 6a (new)

**(6a) Plastic is overall the most used material for the packaging of agri-food products, as it ensures their safety while keeping their quality and conformity throughout the supply chain, including transport, as well as contributing to increasing the shelf life of fresh and highly perishable products. Most non plastic food contact materials are not currently covered by specific European legislation and recycling technologies currently available do not always guarantee a high quality recycled plastic. For this reason, any initiative aimed at substituting single-use packaging, including plastic products, in the food sector, should be done in a technically and economically feasible way. Chemical recycling can constitute a complementary option to mechanical recycling to achieve the targets set in this Regulation, especially for plastic packaging in contact with food.**

Recital 6b (new)

**(6b) In order to achieve the targets set in this Regulation and without prejudice to the definition in Article 3(17) of the Waste Framework Directive 2008/98/EC, it is appropriate to apply the principle of technological neutrality to recycling, covering any mechanical or chemical process used to transform a waste material into recycled products, materials or substances.**

Recital 6c (new)

**(6c) The availability of high quality recycled plastics should be ensured through both mechanical and chemical recycling of plastic waste and sustainable renewable bio-based plastics.**

Recital 6d (new)

**(6d) Fostering a sustainable bio-economy can contribute to decreasing Europe's dependence on imported raw materials. Improving market conditions for bio-based recyclable packaging and compostable biodegradable packaging and reviewing existing law hampering the use of those materials can stimulate further research and innovation and help the transition towards renewable sources for the production of packaging where beneficial from a lifecycle perspective.**

Recital 7

(7) The Council underlined in its Conclusions of December 2020<sup>38</sup>, that the revision of Directive 94/62/EC should update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste should be discarded to facilitate sorting and recycling. ***At the same time, it noted the need to comply with hygiene and food safety standards and it stressed that any potential application of bio-based, "biodegradable" or "compostable" plastics should be based on lifecycle assessments of the impacts on the environment taking into full consideration the role of renewable materials in climate change mitigation, in biodiversity conservation and in food security.***

#### Recital 8

(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan<sup>39</sup> reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content phase out hazardous and harmful substances, and promote re-use. ***It also stressed that food safety or hygiene standards must not be compromised.***

#### Recital 8a (new)

***(8a) In its Resolution of 15 September 2022 on the consequences of drought, fire, and other extreme weather phenomena: increasing the EU's efforts to fight climate change the European Parliament stressed how water is an increasingly valuable yet scarce resource and underlined the importance of sustainable water management for guaranteeing food security, calling on the Commission to refrain from proposing further EU legislation that endangers or risks endangering EU food security. In light of its scarcity, the use of water should be prioritised in sectors where it is essential, such as agriculture.***

#### Recital 10

(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. ***Particular attention should be paid to the agri-food industry, to ensure a balanced approach in terms of the socio-economic circumstances affecting this sector.*** For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should

be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.

#### Recital 11

(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. ~~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.~~

#### Recital 12

(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 **increasing recycling**, packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging **while delivering the best environmental outcome and without causing or increasing food waste, or endangering food safety**. In addition, the measures aim at increasing the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.

#### Recital 13

(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed. **This can also justify deviations from the waste hierarchy according to Article 4(2) of Directive 2008/98/EC, for example with regard to the use of recyclable single-use packaging and reusable packaging.**

#### **Recitals 9, 40, 42 and 60 - Minimisation and Excessive Packaging**

## Compromise Amendment 22

Compromise amendment replacing amendments: 16, 17, 20, 101, 102, 146, 147, 148, 149, 150, 151, 157, 158, 159

### Recital 9

(9) This Regulation complements Regulation [Ecodesign for Sustainable Products], under which packaging is not addressed as a specific product category. However, it should be recalled that with respect to specific products, delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] may establish additional or more detailed requirements for their packaging, in particular in relation to packaging minimisation when design or re-design of products can lead to environmentally less impactful packaging. ***The proposed Regulation [Ecodesign for Sustainable Products] exempts, among others, foodstuffs as it is already clear that ecodesign requirements, including packaging minimisation, would not be suitable.***

### Recital 40

(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions, ***including those referred to in Article 3(1) of this Regulation, without compromising a high standard of quality, including hygiene and food safety, the protection of registered intellectual property rights and consumer's ability to recognise products.*** The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, ***without causing food waste in the process,*** it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging ***presentation, design, and differentiation functionality,*** they should not be ~~part of the main~~ performance criteria justifying on their own additional packaging weight and volume. However, ***as set out in Article 9 of this Regulation,*** this should not compromise product ***or packaging specifications designs or shapes*** for craft and industrial products and food, ***wine, spirit drinks, other alcoholic beverages*** and agricultural products ~~that which~~ are registered ~~and protected under the~~ EU geographical ~~indication protection scheme indications,~~ ***or otherwise protected by Union intellectual property law or agreements between the EU and third countries which recognise EU geographical indication protection schemes,*** as part of the Union's objective to protect ***intellectual property,*** cultural heritage and traditional, ***artisanal or of rural origin*** know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, ~~false bottoms~~ and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality. ***The minimisation of packaging should not limit the format of packaging of foodstuffs, which are necessary to protect them from physical shocks contamination and microbes.***

Recital 42

(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement. ***Packaging design and minimisation should not compromise the requirements or safety specified under EU rules on food contact materials and they should not affect the organoleptic properties of food.***

Recital 60

(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging ***without affecting the quality of the packaged product***. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ratio should not exceed 40 % ***unless, in case of foodstuffs, such obligation risks exposing products to physical shocks therefore compromising their quality and generating food waste. Air between or within packed foodstuff or protective gases should not be considered an empty space.*** In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.

**Recitals 14, 14a (new), 14b (new), 15, 16 - Substances**

**Compromise Amendment 23**

**Compromise amendment replacing amendments: 8, 9, 111, 112, 113, 115, 116**

Recital 14

(14) In line with the objectives of the Circular Economy Action Plan and the Chemicals Strategy for Sustainability, and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management. ***This Regulation should also address the impact on food security and SMEs, which represent 99% of the food and beverage sector in the EU.***

Recital 14a (new)

*(14a) According to Regulation (EC) No 178/2002 of the European Parliament and of the Council to ensure a sufficiently comprehensive and integrated approach to food safety, there should be a broad definition of food law covering a wide range of provisions with a direct or indirect effect on the safety of food and feed, including provisions on materials and articles in contact with food, animal feed and other agricultural inputs at the level of primary production. Moreover, Regulation (EC) No 178/2002 stipulates that it is necessary to adopt measures aimed at guaranteeing that unsafe food is not placed on the market and that all measures governing food and feed shall be based on risk analysis, including risk assessments, as they facilitate the avoidance of unjustified barriers to the free movement of foodstuff. Such Regulation also stipulates that EFSA should be consulted before provisions liable to affect public health are adopted under specific measures.*

Recital 14b (new)

*(14b) Food packaging materials represents a positive contribution to the prevention of food loss and food waste along the supply chain, for example packaging reduces food loss in transport, storage and distribution, it preserves the quality and hygiene of food for longer, and it extends its shelf life.*

Recital 15

(15) Taking into consideration the scientific and technological progress, packaging should be designed and manufactured in a way as to limit the presence of certain heavy metals and other substances of concern **or substances which may affect product quality standards** in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have an adverse effect on human health, **food security** or the environment, throughout their life-cycle.

Recital 16

(16) In line with the Zero Pollution Action Plan, Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council and Regulation (EC) No 1272/2008 of the European Parliament and of the Council should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. Substances in packaging and packaging components are therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that the

provisions of that Regulation apply for adopting or amending restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged food. ***Accordingly, any material or article intended to come into contact directly or indirectly with food, including packaging, should preclude substances from being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties. Regulation (EC) No 1935/2004 also stipulates that the traceability of materials and articles intended to come into contact with food should be ensured at all stages in order to facilitate control, the recall of defective products, consumer information and the attribution of responsibility.***

#### **Recitals 20, 21, 22, 23, 24 and 25 - Recyclability**

##### **Compromise Amendment 24**

Compromise amendment replacing amendments: 11, 12, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128

##### **Recital 20**

(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one of the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging ***while ensuring packaging performs its functions as outlined in Article 3(1) of this Regulation. The designing of packaging should guarantee a high standard of quality, including hygiene and food safety, the protection of intellectual property and consumers' ability to recognise products, all of which are important to safeguard the reputation of Union's products on the global market and prevent their imitation and evocation, especially for geographical indications.*** Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only ~~as of 1 January 2030~~ ***5 years after the entry into force of the relevant delegated acts*** in order to give sufficient time to the economic operators to adapt.

##### **Recital 21**

(21) As design for recycling assessment in itself does not ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice based on the state-of-the-art separate collection, sorting and recycling processes and infrastructure actually available in the Union. **Such methodology and criteria should be based on scientific evidence and take into account the actual benefit on the environment, consumers' protection standards and products recognition, food security, hygiene and safety.** Related reporting from Member States and, where relevant, economic operators should support establishing the recyclability “at scale” thresholds **in a proportionate manner and with a reasonable transition period** and update, on this basis, the recyclability performance grades with respect to the specific packaging materials and categories.

Recital 22

(22) In order to establish harmonised rules on packaging design to ensure its recyclability **without compromising its functionality**, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling **as laid down in the new Circular Economy Action Plan (COM/2020/98).**

Recital 23

(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 eight** years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.

Recital 24

(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, **to ~~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> as well as to packaging for food intended for special medical purposes and vulnerable groups, such as infants and young children as defined under Regulation (EU) No 609/2013.**



#### Recital 25

(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. **To ensure a consistent and predictable framework for economic operators**, it is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.

#### **Recitals 28, 29, 30, 31 and 33 - Recycled content**

##### **Compromise Amendment 25**

Compromise amendment replacing amendments: 13, 14, 118, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138

#### Recital 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, **as well as for packaging of food intended for special medical purposes and vulnerable groups, such as infants and young children as defined under Regulation (EU) No 609/2013 and for packaging of non-medical products manufactured to ISO standard 15378**. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.

#### Recital 29

(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 **where plastics is the predominant material** contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste **calculated as an average of all the plastic packaging placed by a manufacturer on the Union market per year. This should not apply to plastic packaging in contact with food or feed if the recycled content poses a risk to food, human or animal safety or if it risks**

***compromising the organoleptic characteristics of products.***

Recital 30

(30) There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. The most appropriate means to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content in packaging. The fee modulation should be based on common rules for the calculation and verification of the recycled content contained in such packaging.

Recital 31

(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,~~ ***calculation and verification*** of the share of recycled content recovered from post-consumer plastic waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council. ***The Commission should also assess an EU harmonized mass balance method as part of these implementing acts.***

Recital 33

(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.

**Recitals 34a (new), 35, 36 and 38 - Composability**

**Compromise Amendment 26**

Compromise amendment replacing amendments: 15, 139, 140, 141, 142, 143, 144, 145

Recital 34a (new)

***(34a) Agricultural biomass plays a fundamental role in the manufacturing of compostable packaging. Certified compostable packaging, which is designed and labelled for organic recycling, can help to separately collect organic waste and to reduce the contamination of bio-waste with conventional materials such as plastic and ultimately decrease micro plastics from conventional fossil-based polymers in the compost. Organic recycling is a fundamental component of waste management, therefore Member States should encourage the reduction of contamination in organic waste streams and promote its technology in line with the objectives of this Regulation,***

#### Recital 35

(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to **environmental and economic impacts and** waste of resources, lower quality secondary raw materials and should be prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging ~~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 *recycle* bio-waste. **European harmonised standards for packaging recoverable through composting, biodegradation and anaerobic digestion, including standard EN 13432, lay down the requirements and procedures to determine the compostability and anaerobic treatability of packaging and packaging materials in industrial controlled conditions and represent the framework of which type of packaging can be considered industrially compostable and biodegradable across Member States. However, no standard is foreseen for home composting since its conditions can differ significantly.**

#### Recital 36

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

#### Recital 38

(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council for the purpose of expressing detailed technical specifications of those requirements and take into account, in line with the latest scientific and technological developments, the parameters, including **composting quality of the output, proper processing** times and admissible levels of contamination, ~~which reflect the actual conditions in bio-waste treatment facilities, including anaerobic digestion processes.~~

#### **Recital 47 and 117 - Labelling**

**Compromise Amendment 27**

Compromise amendment replacing amendments: 19, 30, 155

Recital 47

(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. ***All information that consumers can find through the QR code should be available in the languages of all the Member States where the packaging is available on the market, so that consumers receive the correct information.*** In addition, reusable sales packaging should be clearly identified at the point of sale. ***In case of packaging used for foodstuffs, the introduction of a QR code or other data on recyclability should be clearly distinguishable and should not affect the provision of nutrition information on packaging as set out in Regulation (EU) No 1169/2011 on the provision of food information to consumers.***

Recital 117

(117) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as reporting on packaging should make use of modern information technologies ***and should not negatively impact on other labelling requirements and the provision of food information to consumers under EU law.*** The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.

**Recital 61 and 61a (new) - Restrictions on the use of certain packaging**

**Compromise Amendment 28**

Compromise amendment replacing amendments: 21, 160, 161, 162, 163, 164, 165, 166

Recital 61

(61) In order to ensure a high level of environmental protection in the internal market, as well as a high level of food safety and hygiene, ***to prevent food waste prevention comply with the EU food traceability requirements and to facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging formats that do not contribute to these aims*** should not be allowed to be placed on the market. ***This provisions should not apply to foodstuffs packaging when it constitutes a barrier against microbiological degradation, oxygen or loss of aromas to preserve the composition and organoleptic properties of products, as well as to ensure protection from mechanical damage, therefore increasing the shelf life of products, especially in case of products from agricultural production.*** The list of such packaging formats is provided in Annex V of this

Regulation. *When determining which packaging formats should be restricted by Annex V, the Commission should consider whether the use of alternative packaging solutions would provide for better environmental outcomes, taking into account the overall environmental impact of the full lifecycle of the packaging.* In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list, *provided that such amendments are scientifically justified and take into account the availability of suitable alternatives.*

Recital 61a (new)

*(61a) The Regulation No 1308/2013 applies to products of the fruit and vegetables sector which are intended to be sold fresh to the consumer and that may only be marketed if they are sound, fair and of marketable quality and if the country of origin is indicated. These marketing standards referred to in paragraph 1, should apply at all marketing stages including packaging.*

Recitals 43, 63, 67, 68, 69, 70, 71 and 108 - Reuse and refill

**Compromise Amendment 29**

Compromise amendment replacing amendments: 18, 22, 23, 24, 25, 29, 152, 153), 167, 168, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 193, 194

Recital 43

(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised *without prejudice to Article 4(2) of Directive 2008/98/EC and where re-use does not pose risks to the quality or safety of food.* For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to provide for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements. *In light of the significant amount of water needed to implement a re-use system at industrial level, Member States should maintain a level of flexibility in adopting such provision. The Commission should produce a risk assessment of the implementation of reusable packaging vis-à-vis EU water management strategy and European water waste reduction objectives.*

Recital 63

(63) Reusable packaging has to be safe for its users **and should guarantee that the organoleptic characteristics and conformity requirements of foodstuffs are not compromised**. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down. **Providing information on the reconditioning process could improve consumers' understanding when buying a product in reusable packaging.**

Recital 67

(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. **In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market.** The use of single use packaging ~~for food and beverages filled and consumed within the premises~~ in the HORECA sector should ~~not be allowed~~ **be guaranteed for those products for which food safety cannot be guaranteed through re-use and refill, or in case recyclable single use packaging delivers a better overall environmental outcome which is justified by life-cycle thinking and impacts for health and safety is not compromised, in line with Article 4 paragraph 2 of Directive 2008/98/EC.**

Recital 68

(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. ~~In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer.~~ The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. **A detailed assessment should be carried out to ensure that reuse targets can be implemented in a safe, economically viable and environmentally sustainable way that would bring tangible benefits compared to recyclable alternatives.** In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.

Recital 69

(69) Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State. ***Pursuant to Article 4(2) of Directive 2008/98/EC, exceptions must be possible if, according to a life cycle assessment, the use of easily recyclable single-use packaging is more suitable than the use of reusable packaging, in particular in the transport of agri-food products.***

#### Recital 70

(70) Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/361, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ~~to establish re-use and refill targets for other products~~, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets. ***Such delegated act should lay down the requirements for the preparation of life cycle assessments according to which exemptions from the obligation to reusable packaging pursuant to Article 4(2) of Directive 2008/98/EC can be justified.***

#### Recital 71

(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.

#### Recital 108

(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions, ***where economically feasible, taking into account food specificities and unless the use of easily recyclable single-use packaging is shown to be the best option according to a life cycle assessment.*** They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.

## Recitals 84 and 90 - Prevention of packaging waste

### **Compromise Amendment 30**

Compromise amendment replacing amendments: 26, 27, 182, 183, 184, 185

#### Recital 84

84) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, ***contributing to food security in the EU and efficiency in the use and re-use of limited resources such as water***, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.

#### Recital 90

(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging. ***All measures aimed at restricting the use of certain packaging, change its design, as well as shifting from single use packaging to reusable packaging should be only applied where beneficial to the environment and unless the packaging is essential in preventing food waste or ensuring food safety. The Commission should assess the link between these measures and the setting of EU food waste reduction targets.***

## Recitals 100 and 101 - Return and collection system

### **Compromise Amendment 31**

Compromise amendment replacing amendments: 186, 187

#### Recital 100

(100) Member States ~~*should*~~ ***may*** set up return and collection systems for packaging waste, ~~*so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy.*~~ The systems should be open for participation for all interested parties, in particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems ~~*should*~~ ***may*** also be applicable for packaging of imported products under non-discriminatory provisions.

#### Recital 101



(101) Member States should also take measures promoting *and encouraging* recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled content in plastic packaging.

#### **Recitals 102, 103, 104 and 107 - DRS**

##### **Compromise Amendment 32**

Compromise amendment replacing amendments: 28, 188, 189, 190, 191, 192

##### Recital 102

(102) ~~*It has been shown that well-functioning D*~~ deposit and return systems *ensure may support* a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, ~~*it is appropriate that*~~ Member States *may* establish deposit and return systems. Those systems ~~*will*~~ *may* contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.

##### Recital 103

(103) ~~*Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers.*~~ Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.

##### Recital 104

(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not ~~*be obligatory for apply to*~~ packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council. ~~*Member States may establish deposit and return systems covering also other packaging.*~~

##### Recital 107

~~*(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.*~~

## Recitals 125, 136, 137 and 139 - Final provisions

### **Compromise Amendment 33**

Compromise amendment replacing amendments: 31, 32, 195, 196

#### Recital 125

(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to determine whether national measures in respect of non-compliant products are justified or not.

#### Recital 136

(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. ***The evaluation should have a dedicated part to, inter alia, the impact of this Regulation on the agri-food system and food waste.*** The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.

#### Recital 137

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

#### Recital 139

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

Obtenu par CONTEXTE