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#### **INFORMATION NOTE**

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| From:    | General Secretariat of the Council                                                                                                                                                                                                  |
| To:      | Permanent Representatives Committee/Council                                                                                                                                                                                         |
| Subject: | Proposal for a Directive of the European Parliament and of the Council<br>amending Directive 94/62/EC on packaging and packaging waste<br>- Outcome of the European Parliament's first reading<br>(Strasbourg, 13 to 16 March 2017) |

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#### **I. INTRODUCTION**

The Committee on the Environment, Public Health and Food Safety presented a report consisting of 84 amendments (amendments 1 - 84) to the proposal for a Directive. In addition:

- the Greens/EFA political group submitted one amendment (amendment 85);
- the ENF political group submitted three amendments (amendments 86-88); and
- the EPP political group submitted one amendment (amendment 89).

## **II. DEBATE**

The debate, which took place on 14 March 2017, was a joint debate, which is summarised in document 7273/17.

## **III. VOTE**

When it voted later on the same day of 14 March 2017, the plenary adopted 83 amendments (amendments 1-18, 20-26, 28-84 and 89) to the proposal for a Directive.

Following an oral intervention from the Rapporteur, the plenary then approved her request for the proposal to be referred back to the Committee on the Environment, Public Health and Food Safety with a view to entering into inter-institutional negotiations.

The text of the amendments adopted by the plenary is set out in the annex to this document.

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## **Packaging and packaging waste \*\*\*I**

**Amendments adopted by the European Parliament on 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste (COM(2015)0596 – C8-0385/2015 – 2015/0276(COD))<sup>1</sup>**

**(Ordinary legislative procedure: first reading)**

### **Amendment 1**

**Proposal for a directive  
Recital -1 (new)**

*Text proposed by the Commission*

*Amendment*

***(-1) In view of the Union's dependence on the import of raw materials and the rapid depletion of a significant amount of natural resources over the short term, it is a key challenge to reclaim as many resources as possible within the Union and to enhance the transition towards a circular economy.***

### **Amendment 2**

**Proposal for a directive  
Recital -1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(-1a) Waste management should be transformed into sustainable material management. The revision of Directive 94/62/EC of European Parliament and Council<sup>1a</sup> offers an opportunity to that***

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<sup>1</sup> The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0029/2017).

end.

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<sup>1a</sup> **Directive 94/62/EC of European Parliament and Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).**

### Amendment 3

#### Proposal for a directive Recital 1

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

(1) 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 and rational utilisation of natural resources **and** promoting **a more** circular economy.

##### *Amendment*

(1) 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 and **efficient** utilisation of natural resources, promoting **the principles of the** circular economy, **enhancing the diffusion renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources providing new economic opportunities and long-term competitiveness. In order to make the economy truly circular, it is necessary to take additional measures on sustainable production and consumption, focusing on the whole life cycle of products in a way that preserves resources and closes the loop. Using resources more efficiently would also bring substantial net savings for Union businesses, public authorities and consumers while reducing total annual greenhouse gas emissions.**

### Amendment 4

#### Proposal for a directive Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) A political and societal incentive to promote recovery and recycling as a sustainable way to handle natural resources within circular economy should respect the waste management hierarchy laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council<sup>1a</sup> and to strictly apply the approach by which prevention takes priority over recycling.***

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***<sup>1a</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).***

## **Amendment 5**

**Proposal for a directive  
Recital 1 b(new)**

*Text proposed by the Commission*

*Amendment*

***(1b) Littering and improper disposal of packaging and packaging waste has negative impacts on both the marine environment and the Union economy and poses unnecessary risks to public health. Many of the most commonly found items on beaches include packaging waste, with long-term impacts on the environment which affect tourism and public enjoyment of these natural areas. Additionally, packaging waste that makes its way into the marine environment subverts the priority order of the waste hierarchy, in particular by avoiding preparation for reuse, recycling and other recovery prior to its improper disposal. In order to reduce the disproportionate contribution of packaging waste to marine litter, a binding target should be***

*established, supported by targeted measures adopted by Member States.*

## Amendment 6

### Proposal for a directive Recital 2

#### *Text proposed by the Commission*

(2) The targets laid down in Directive 94/62/EC ***of the European Parliament and of the Council***<sup>13</sup> for the recovery and recycling of packaging and packaging waste should be amended by increasing the ***preparing for re-use and*** recycling of packaging waste in order to better reflect the Union's ambition to move towards a circular economy.

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<sup>13</sup> ***Directive 94/62/EC of European Parliament and Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).***

#### *Amendment*

(2) The targets laid down in Directive 94/62/EC for the recovery and recycling of packaging and packaging waste should be amended by increasing the recycling of packaging waste in order to better reflect the Union's ambition to move towards a circular economy.

## Amendment 7

### Proposal for a directive Recital 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(2a) Separate quantitative targets for re-use, that Member States should aim to achieve, should be established to promote re-usable packaging while contributing to the job creation and to savings in resources.***

## Amendment 8

### Proposal for a directive Recital 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(2b) Increasing the reuse of packaging can reduce the overall cost in the supply chain and reduce the environmental impact of packaging waste. Member States should support the introduction on the market of re-usable packaging which is recyclable at the end of its life.***

## Amendment 9

### Proposal for a directive Recital 2 c (new)

*Text proposed by the Commission*

*Amendment*

***(2c) In certain situations, such as food service, single use packaging is required to guarantee food hygiene and the health and safety of consumers. Member States should take account of this when developing prevention measures and should promote greater access to recycling for such packaging.***

## Amendment 10

### Proposal for a directive Recital 3

*Text proposed by the Commission*

*Amendment*

(3) Furthermore, in order to ensure greater coherence in waste legislation, the definitions in Directive 94/62/EC should be aligned to those of Directive 2008/98/EC

(3) Furthermore, in order to ensure greater coherence in waste legislation, ***without prejudice to the specificity of packaging and packaging waste***, the

*of the European Parliament and of the Council*<sup>14</sup> applicable to waste in general.

definitions in Directive 94/62/EC should be aligned, *where relevant*, to those of Directive 2008/98/EC applicable to waste in general.

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<sup>14</sup> *Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).*

## Amendment 11

### Proposal for a directive Recital 4

#### *Text proposed by the Commission*

(4) Clear environmental, economic and social benefits would be derived from further increasing the targets laid down in Directive 94/62/EC *for preparation for re-use and* recycling of packaging waste.

#### *Amendment*

(4) Clear environmental, economic and social benefits would be derived from further increasing the targets laid down in Directive 94/62/EC for recycling of packaging waste.

## Amendment 12

### Proposal for a directive Recital 4 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(4a) Waste prevention is the most efficient way to improve resource efficiency, reduce the environmental impact of waste and promote recycling materials of high quality. For those reasons, Member States should adopt a life-cycle approach in order to reduce the environmental impact of products. Member States should take measures to incentivise the take-up of re-usable packaging and to achieve a reduction in*

*consumption of packaging that is not recyclable and of excessive packaging. To that end, Member States should make use of adequate economic instruments and other measures to provide incentives for the application of the waste hierarchy. Member States should be able to use those listed in Annex IVa to Directive 2008/98/EC. Furthermore, waste prevention efforts should not compromise the role of packaging in preserving hygiene or safety for consumers.*

### **Amendment 13**

#### **Proposal for a directive Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(4b) Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means of financial and fiscal incentives aimed at achieving the packaging waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay-as-you-throw schemes, extended producer responsibility schemes and incentives for local authorities. Those measures should be part of the packaging waste prevention programmes in all Member States.*

### **Amendment 14**

#### **Proposal for a directive Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

*(4c) In the vast majority of cases, the provision of packaging does not depend*

*on and is not chosen by the final consumer but rather by the producer. Extended producer responsibility schemes are a suitable means of both preventing the formation of packaging waste and creating systems that will guarantee the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream, and the reuse or recovery, including recycling of the packaging and/or packaging waste, that is collected.*

## **Amendment 15**

### **Proposal for a directive Recital 4 d (new)**

*Text proposed by the Commission*

*Amendment*

*(4d) In order to boost the prevention of packaging waste and reduce its impact on the environment while promoting recycling materials of high quality, the essential requirements of and Annex II to this Directive should be reviewed, and if necessary revised, to strengthen the requirements that will enhance the design for re-use and high quality recycling of packaging.*

## **Amendment 16**

### **Proposal for a directive Recital 4 e (new)**

*Text proposed by the Commission*

*Amendment*

*(4e) Member States' national strategies should include the raising of public awareness, in the form of the various incentives and benefits deriving from*

*products made from recycled waste, which will encourage investment in the recycled products sector.*

## Amendment 17

### Proposal for a directive Recital 4 f (new)

*Text proposed by the Commission*

*Amendment*

*(4 f) 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 offers the opportunity to stimulate further research and innovation and to substitute fossil fuel-based feedstocks with renewable sources for the production of packaging, where beneficial from a lifecycle perspective, and support further organic recycling.*

## Amendment 18

### Proposal for a directive Recital 5

*Text proposed by the Commission*

*Amendment*

(5) Through a progressive increase of the existing targets on ***preparing for re-use*** ***and*** recycling of packaging waste, it should be ensured that economically valuable waste materials are progressively and effectively recovered through proper waste management and in line with the waste hierarchy. That way it should be ensured that valuable materials found in waste are

(5) Through a progressive increase of the existing targets on recycling of packaging waste, it should be ensured that economically valuable waste materials are progressively and effectively recovered through proper waste management and in line with the waste hierarchy. That way it should be ensured that valuable materials found in waste are returned into the

returned into the European economy, thus making progress in the implementation of the Raw Materials Initiative<sup>15</sup> and the creation of a circular economy.

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<sup>15</sup> COM(2013) 442.

European economy, thus making progress in the implementation of the Raw Materials Initiative<sup>15</sup> and the creation of a circular economy *without prejudice to food safety, consumer health and food contact materials law.*

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<sup>15</sup> COM(2013) 0442.

**Amendment 89**  
**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5 a) The circular economy should implement explicit provisions of the 7th Environment Action Programme, which calls for the development of non-toxic material cycles so that recycled waste can be used as a major and reliable source of raw material for the Union.*

**Amendment 20**  
**Proposal for a directive**  
**Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

*(5b) Once recycled material re-enters the economy due to it receiving end-of- waste status, either by complying with specific end of waste criteria or being incorporated in a new product, it is required to be fully compliant with Union chemicals law.*

**Amendment 21**  
**Proposal for a directive**

## Recital 5 c (new)

*Text proposed by the Commission*

*Amendment*

***(5c) There are substantial differences between household packaging waste and commercial and industrial packaging waste. In order to obtain a clear and accurate insight into both streams, Member States should report on them separately.***

## Amendment 22

### Proposal for a directive Recital 6

*Text proposed by the Commission*

*Amendment*

(6) Many Member States have not yet completely developed the necessary waste management infrastructure. It is therefore essential to set clear policy objectives in order to avoid locking recyclable materials at the bottom of the waste hierarchy.

(6) Many Member States have not yet completely developed the necessary waste management infrastructure ***for recycling***. It is therefore essential to set clear policy objectives ***for the construction of waste treatment facilities and installations needed for prevention, reuse and recycling***, in order to avoid locking recyclable materials at the bottom of the waste hierarchy ***and to set incentives for investments into an innovative waste management infrastructure for recycling***.

## Amendment 23

### Proposal for a directive Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) In order to help achieve the targets of this Directive and to boost the transition to a circular economy, the***

*Commission should promote the coordination and exchange of information and best practices among Member States and different sectors of the economy. That exchange could be facilitated through communication platforms that could help raise awareness of new industrial solutions and allow for a better overview of available capacities which would contribute to connecting the waste industry and other sectors and support industrial symbiosis.*

## Amendment 24

### Proposal for a directive

#### Recital 7

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

(7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC, the Union targets for energy recovery **and the recycling targets** for packaging waste laid down in Directive 94/62/EC are no longer necessary.

##### *Amendment*

(7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC **of the Council<sup>1a</sup>**, the Union targets for energy recovery for packaging waste laid down in Directive 94/62/EC are no longer necessary.

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<sup>1a</sup> **Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).**

## Amendment 25

### Proposal for a directive

#### Recital 8

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

(8) This Directive sets long-term objectives for the Union's waste management and gives the economic

##### *Amendment*

(8) This Directive sets long-term objectives for the Union's waste management and gives the economic

operators and the Member States a clear direction for the necessary investments to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds in line with the waste hierarchy *by* promoting prevention, *re-use* and recycling.

operators and the Member States a clear direction for the necessary investments to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure *and the circular economy*, Member States should make a sound use of the European Structural and Investment Funds in line with the waste hierarchy *and devise those strategies and investment plans so that they are geared primarily to* promoting waste prevention *and re-use, followed by* recycling, *in line with the waste hierarchy*.

## Amendment 26

### Proposal for a directive Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) The rules on the further raising of recycling targets from 2030 onwards should be reviewed in the light of the experience gained in applying this Directive.***

## Amendment 28

### Proposal for a directive Recital 11

*Text proposed by the Commission*

*Amendment*

***(11) Member States should, for the purposes of calculating whether the preparation for re-use and recycling targets are achieved, be able to take into account products and components that are prepared for re-use by recognised preparation for re-use operators and***

***(11) In order to ensure a uniform calculation of data on recycling targets the Commission should adopt detailed rules on the determination of recycling operators and on the collection, traceability, verification and reporting of data. After the adoption of this***

*deposit-refund schemes. To ensure harmonised conditions for those calculations, the Commission will adopt detailed rules on the determination of recognised preparation for re-use operators and deposit-refund schemes and on the collection, verification and reporting of data.*

*harmonised methodology, Member States should be able, for the purposes of calculating whether the recycling targets are achieved, to take into account the recycling of metals that takes place in conjunction with incineration or co-incineration.*

## Amendment 29

### Proposal for a directive Recital 12

#### *Text proposed by the Commission*

(12) In order to ensure the reliability of the data gathered on *preparation for re-use* it is essential to establish common rules *for* reporting. Similarly, it is important to lay down more precisely the rules according to which Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. *To that effect, as a general rule,* the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. *In order to limit administrative burdens, Member States should be allowed, under strict conditions, to report recycling rates on the basis of the output of sorting facilities.* Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

#### *Amendment*

(12) In order to ensure the reliability of the data gathered on *recycling* it is essential to establish common rules *on the collection, traceability, verification and reporting of data.* Similarly, it is important to lay down more precisely the rules according to which Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. *The calculation of the attainment of the targets should be based on one harmonised method that prevents reporting of discarded waste as recycled waste. To that end,* the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

## Amendment 30

### Proposal for a directive Recital 14

*Text proposed by the Commission*

(14) **Statistical data** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **statistics** should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report.

*Amendment*

(14) **Data and information** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **data reported** should be improved by introducing **a common methodology for collection and processing of data based on reliable sources and by introducing** a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report.

**Amendment 31**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 94/62/EC, Member States should be required to use **the most recent** methodology developed by the Commission **and** the national statistical offices of the Member States.

*Amendment*

(16) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 94/62/EC, Member States should be required to use **a common methodology for data collection and processing** developed by the Commission **in cooperation with the** national statistical offices of the Member States **and the national, regional and local authorities responsible for waste management.**

## Amendment 32

### Proposal for a directive Recital 16 a (new)

*Text proposed by the Commission*

*Amendment*

***(16a) Member States should submit to the Commission on request and without delay any information necessary for the evaluation of the implementation of this Directive as a whole and its impact on the environment and human health.***

## Amendment 33

### Proposal for a directive Recital 17

*Text proposed by the Commission*

*Amendment*

(17) In order to supplement ***or amend*** Directive 94/62/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***Articles 6a(2), 6a(5), 11(3), 19(2) and 20.*** It is of particular importance that the Commission ***carries*** out appropriate consultations during its preparatory work, including at expert level. ***The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.***

(17) In order to supplement Directive 94/62/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***rules on the calculation of the attainment of the recycling targets, certain exceptions concerning the maximum concentration levels of heavy metals in certain recycled materials, product loops and types of packaging, on the common methodology for data collection and processing and the format for reporting data concerning the attainment of the recycling targets and amendments to the list of illustrative examples on the definition of packaging and any technical difficulties encountered in applying this Directive.*** It is of particular importance that the Commission ***carry*** out appropriate consultations during its preparatory work, including at expert level, ***and that those consultations be conducted in accordance with the principles laid down in the***

*Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

## Amendment 34

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) In order to ensure uniform conditions for the implementation of Directive 94/62/EC, implementing powers should be conferred on the Commission *in respect of Articles 12(3d) and 19*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>16</sup>.

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<sup>16</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28/02/2011, p. 13).

#### *Amendment*

(18) In order to ensure uniform conditions for the implementation of Directive 94/62/EC, implementing powers should be conferred on the Commission *for adapting to scientific and technical progress the identification system concerning the nature of the packaging materials used*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>16</sup>.

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<sup>16</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28/02/2011, p. 13).

## Amendment 35

### Proposal for a directive Recital 21 a (new)

***(21a) Member States should ensure that high levels of occupational health and safety requirements are put in place for all Union workers, in line with existing Union law, and in accordance with the specific risks faced by workers in some production, recycling and waste sectors.***

## **Amendment 36**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point-1 (new)**

Directive 94/62/EC

Article 1 – paragraph 2

#### *Present text*

"2. To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste. "

#### *Amendment*

***(-1) In Article 1, paragraph 2 is replaced by the following:***

"2. To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste ***in order to contribute to the transition towards a circular economy.***"

## **Amendment 37**

### **Proposal for a directive**

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

Directive 94/62/EC

Article 3 – point 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) the following point is added:***

***"2a. 'Bio-based packaging' shall mean any packaging derived from materials of biological origin excluding material embedded in geological formations and/or fossilised;"***

### **Amendment 38**

**Proposal for a directive**

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

Directive 94/62/EC

Article 3 – points 3 to 10

*Text proposed by the Commission*

*Amendment*

(c) points 3 to 10 are deleted;

(c) points 3 ***and 4 and from 6*** to 10 are deleted;

### **Amendment 39**

**Proposal for a directive**

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

Directive 94/62/EC

Article 3 – paragraph 2

*Text proposed by the Commission*

*Amendment*

'In addition, the definitions of 'waste', 'waste producer', 'waste holder', 'waste management', 'collection', 'separate

'In addition, the definitions of 'waste', 'waste producer', 'waste holder', 'waste management', 'collection', 'separate

collection', 'prevention', '**re-use**', 'treatment', 'recovery', '**preparing for re-use**', 'recycling', 'final recycling process' and 'disposal' laid down in Article 3 of Directive 2008/98/EC shall apply.'

collection', 'prevention', '**sorting**', '**municipal waste**', '**industrial and commercial waste**', 'treatment', 'recovery', 'recycling', '**organic recycling**', 'final recycling process', '**litter**', and 'disposal' laid down in Article 3 of Directive 2008/98/EC shall apply.'

## Amendment 40

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2

Directive 94/62/EC

#### Article 4 – paragraph 1 – subparagraph 2

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

**'Such other measures may consist of national programmes, incentives through extended producer responsibility schemes to minimise the environmental impact of packaging or similar actions adopted, if appropriate, in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. They shall comply with the objectives of this Directive as defined in Article 1(1) ';**

##### *Amendment*

**'Member States shall take measures to minimise the environmental impact of packaging and contribute to achieving the waste prevention objectives that are laid down in paragraph -1 of Article 9 of Directive 2008/98/EC. Such measures shall include extended producer responsibility as defined in the third subparagraph in Article 8(1) and incentives for the take-up of re-usable packaging.**

**Member States shall take measures to achieve a sustained reduction in consumption of packaging that is not recyclable and of excessive packaging. Such measures shall not compromise hygiene or food safety.**

**In addition, Member States may take other actions adopted in consultation with economic operators and consumer and environmental organisations and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention.**

They shall comply with the objectives of this Directive as defined in Article 1(1).

***Member States shall make use of adequate economic instruments and other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those listed in Annex IVa to Directive 2008/98/EC.'***

## Amendment 41

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 a (new)

Directive 94/62/EC

Article 4 – paragraph 3

#### *Present text*

3. ***The*** Commission shall, ***as appropriate***, present proposals ***for measures*** to strengthen and complement the enforcement of ***the essential*** requirements ***and*** to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging.

#### *Amendment*

***(2a) In Article 4, paragraph 3 is replaced by the following:***

***'3. By 31 December 2020 the Commission shall present proposals to update the essential requirements in order to strengthen and complement the enforcement of these requirements so as to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging. The Commission shall, after consulting all stakeholders, present a legislative proposal for updating requirements, in particular to strengthen the design for re-use and high quality recycling.***

## **Amendment 42**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 b (new)**

Directive 94/62/EC

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(2b) In Article 4, the following paragraph is inserted:***

***'3a. Member States shall encourage, where environmentally beneficial from a life-cycle perspective, the use of bio-based recyclable packaging and of biodegradable compostable packaging, by taking measures such as those:***

***(a) promoting their use through, inter alia, the use of economic instruments;***

***(b) improving market conditions for such products;***

***(c) reviewing existing law hampering the use of those products.'***

## **Amendment 43**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 c (new)**

Directive 94/62/EC

Article 5 – title

*Text proposed by the Commission*

*Amendment*

***(2c) In Article 5, the following title is inserted:***

***'Re-Use'***

## Amendment 44

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 d (new)

Directive 94/62/EC

#### Article 5 – paragraph 1

##### *Present text*

Member States *may* encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty.

##### *Amendment*

**(2d) In Article 5, paragraph 1 is replaced by the following:**

**1. In line with the waste hierarchy, Member States *shall* encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty, *without compromising food hygiene or the safety of consumers.***

## Amendment 45

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 e (new)

Directive 94/62/EC

#### Article 5 – paragraph 1 a (new)

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

##### *Amendment*

**(2e) In Article 5, the following paragraph is inserted:**

**'1a. Member States shall aim to achieve the following targets for re-use of packaging:**

**(a) no later than 31 December 2025, a minimum of 5% by weight of all packaging waste is re-used;**

**(b) no later than 31 December 2030, a minimum of 10% by weight of all**

*packaging waste is re-used.'*

#### **Amendment 46**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 f (new)**

Directive 94/62/EC

Article 5 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***(2f) In Article 5, the following paragraph is inserted:***

***'1b. In order to encourage re-use operations, Member States may take, inter alia, the following measures:***

- the use of deposit return schemes for re-usable packaging products;***
- the setting up of a minimum percentage of re-useable packaging placed on the market every year per packaging stream;***
- the establishment of adequate economic incentives to producers of re-usable packaging.'***

#### **Amendment 47**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 g (new)**

Directive 94/62/EC

Article 5 – paragraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***(2g) In Article 5, the following paragraph is inserted:***

***1c. Packaging and reused packaging which is collected by a deposit-refund scheme may be counted towards the attainment of prevention targets established by national prevention programmes.***

#### **Amendment 48**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point a**

Directive 94/62/EC

Article 6 – title

*Text proposed by the Commission*

*Amendment*

(a) the title is replaced by 'Recovery, ***re-use*** and recycling';

(a) the title is replaced by 'Recovery, and recycling';

#### **Amendment 49**

**Proposal for a directive**

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

Directive 94/62/EC

Article 6 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***(aa) In Article 6, the following paragraph -1 is inserted:***

***‘-1. Member States shall put in place sorting systems for all packaging materials.’***

## **Amendment 50**

### **Proposal for a directive**

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

Directive 94/62/EC

Article 6 – paragraph 1 – point f

#### *Text proposed by the Commission*

(f) no later than 31 December 2025 a minimum of **65%** by weight of all packaging waste will be ***prepared for reuse and*** recycled;

#### *Amendment*

(f) no later than 31 December 2025 a minimum of **70%** by weight of all packaging waste ***generated*** will be recycled;

## **Amendment 51**

### **Proposal for a directive**

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

Directive 94/62/EC

Article 6 – paragraph 1 – point g

#### *Text proposed by the Commission*

(g) no later than 31 December 2025 the following minimum targets by weight for ***preparing for reuse and*** recycling will be met regarding the following specific materials contained in packaging waste:

- (i) **55 %** of plastic;
- (ii) **60%** of wood;
- (iii) **75%** of ferrous metal;

#### *Amendment*

(g) no later than 31 December 2025 the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:

- (i) **60 %** of plastic;
- (ii) **65%** of wood;
- (iii) **80%** of ferrous metal;

- (iv) **75%** of aluminium;
- (v) **75%** % of glass;
- (vi) **75%** of paper and cardboard;

- (iv) **80%** of aluminium;
- (v) **80** % of glass;
- (vi) **90%** of paper and cardboard;

## Amendment 52

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3 – point b

Directive 94/62/EC

Article 6 – paragraph 1 – point h

#### *Text proposed by the Commission*

- (h) no later than 31 December 2030 a minimum of **75%** by weight of all packaging waste will be ***prepared for reuse and*** recycled;

#### *Amendment*

- (h) no later than 31 December 2030 a minimum of **80%** by weight of all packaging waste ***generated*** will be recycled;

## Amendment 53

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3 – point b

Directive 94/62/EC

Article 6 – paragraph 1 – point i

#### *Text proposed by the Commission*

- (i) no later than 31 December 2030 the following minimum targets by weight for ***preparing for reuse and*** recycling will be met regarding the following specific materials contained in packaging waste:
  - (i) **75%** of wood;
  - (ii) **85%** of ferrous metal;
  - (iii) **85%** of aluminium;

#### *Amendment*

- (i) no later than 31 December 2030 the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:
  - (i) **80%** of wood;
  - (ii) **90%** of ferrous metal;
  - (iii) **90%** of aluminium;

- (iv) **85%** of glass;
- (v) **85% of paper and cardboard.**

- (iv) **90%** of glass;

## Amendment 54

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3 – point c

Directive 94/62/EC

#### Article 6 – paragraph 3

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

3. Packaging waste sent to another Member State for the ***purposes*** of ***preparing for reuse, recycling or recovery*** in that other Member State may only be counted towards the attainment of the targets laid down in paragraph 1(f) to (i) by the Member State in which the packaging waste was collected.

##### *Amendment*

3. Packaging waste sent to another Member State for the ***purpose*** of recycling in that other Member State may only be counted towards the attainment of the targets laid down in paragraph 1(f) to (i) by the Member State in which the packaging waste was collected.

## Amendment 55

### Proposal for a directive

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

Directive 94/62/EC

#### Article 6 – paragraph 4

##### *Present text*

4. Member States shall, ***where appropriate***, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and

##### *Amendment*

***(ca) In Article 6, paragraph 4 is replaced by the following:***

'4. Member States shall encourage the use of materials obtained from recycled packaging waste, ***when beneficial from a life-cycle perspective and in line with the***

other products by:

- (a) improving market conditions for such materials;
- (b) reviewing existing regulations preventing the use of those materials.

**waste hierarchy**, for the manufacturing of packaging and other products by:

- (a) improving market conditions for such materials;
- (b) reviewing existing regulations preventing the use of those materials;

***(ba) making use of adequate economic instruments in order to incentivise the uptake of secondary raw material that may include measures promoting the recycled content of the products and the application of sustainable public procurement criteria;***

***(bb) promoting materials that, when recycled, do not endanger human health when they are recycled into food contact materials.'***

## **Amendment 56**

### **Proposal for a directive**

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

Directive 94/62/EC

Article 6 – paragraphs 5, 8 and 9

*Text proposed by the Commission*

- (d) paragraphs 5, **8**, and 9 are deleted;

*Amendment*

- (d) paragraphs 5 and 9 are deleted;

## **Amendment 57**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3 – point d a (new)**

Directive 94/62/EC

Article 6 – paragraph 8

**8. The Commission shall, as soon as possible and no later than 30 June 2005, present a report to the European Parliament and the Council on the progress of the implementation of this Directive and its impact on the environment, as well as on the functioning of the internal market. The report shall take into account individual circumstances in each Member State. It shall cover the following:**

- (a) an evaluation of the effectiveness, implementation and enforcement of the essential requirements;**
- (b) additional prevention measures to reduce the environmental impact of packaging as far as possible without compromising its essential functions;**
- (c) the possible development of a packaging environment indicator to render packaging waste prevention simpler and more effective;**
- (d) packaging waste prevention plans;**
- (e) encouragement of reuse and, in particular, comparison of the costs and benefits of reuse and those of recycling;**
- (f) producer responsibility including its financial aspects;**
- (g) efforts to reduce further and, if appropriate, ultimately phase out heavy metals and other hazardous substances in packaging by 2010.**

***This report shall, as appropriate, be accompanied by proposals for revision of the related provisions of this Directive, unless such proposals have, by that time,***

***(da) Paragraph 8 is replaced by the following:***

***'8. To that end, the Commission shall, by 31 December 2024, examine the targets laid down in Article 6 and the progress towards achieving them, taking into account the best practices and measures used by Member States to reach those targets.***

***In its assessment, the Commission shall consider setting:***

- (a) targets on other packaging waste streams;***
- (b) separate targets for household packaging waste and for commercial and industrial packaging waste.***

***To that end, the Commission, shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.'***

*been presented.*

## Amendment 58

Proposal for a directive  
Article 1 – paragraph 1 – point 4  
Directive 94/62/EC

Article 6a – paragraph 1 – point a

### *Text proposed by the Commission*

'1. For the purpose of calculating whether the targets laid down in Article 6(1)**(f) to (i)** have been attained,

**(a)** the weight of the packaging waste recycled shall be ***understood*** as the weight of the input waste entering the final recycling process;

**(b)** *the weight of the packaging waste prepared for reuse shall be understood as the weight of packaging waste that has been recovered or collected by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing;*

**(c)** *Member States may include products and components prepared for re-use by recognised preparation for re-use operators or deposit-refund schemes. For the calculation of the adjusted rate of packaging waste prepared for re-use and recycled taking into account the weight of the products and components prepared for re-use, Member States shall use verified data from the operators and apply the formula set out in Annex IV.*

### *Amendment*

'1. For the purpose of calculating whether the targets laid down in points (f) to (i) of Article 6(1) have been attained the weight of the packaging waste recycled shall be ***calculated*** as the weight of the input waste entering the final recycling process ***in a given year***.

## Amendment 59

Proposal for a directive  
Article 1 – paragraph 1 – point 4  
Directive 94/62/EC

Article 6a – paragraph 1a (new)

*Text proposed by the Commission*

*Amendment*

***1a. By 31 December 2018, the Commission shall request the European standardisation organisations to develop European quality standards for waste materials entering the final recycling process and for the secondary raw materials, in particular for plastics, based on the best available practices.***

## Amendment 60

Proposal for a directive  
Article 1 – paragraph 1 – point 4  
Directive 94/62/EC

Article 6a – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. In order to ensure harmonised conditions for the application of paragraph ***1(b) and (c) and of Annex IV***, the Commission shall adopt delegated acts in accordance with Article 21a establishing minimum quality and operational requirements for the determination of ***recognised preparation for re-use operators and deposit-refund schemes***, including specific rules on data collection,

2. In order to ensure harmonised conditions for the application of paragraph ***1*** the Commission shall adopt delegated acts in accordance with Article 21a ***in order to supplement this Directive by*** establishing minimum quality and operational requirements for the determination of ***final recycling operators***, including specific rules on data collection, ***traceability and*** verification and reporting.

verification and reporting.

## **Amendment 61**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 94/62/EC

Article 6a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall examine the possibilities of and, if appropriate, propose measures for streamlining the reporting of composite packaging with the obligations laid down in this Directive.***

## **Amendment 62**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 94/62/EC

Article 6a – paragraph 3

*Text proposed by the Commission*

*Amendment*

***3. By way of derogation from paragraph 1, the weight of the output of any sorting operation may be reported as the weight of the packaging waste recycled provided that:***  
***(a) such output waste is sent into a final recycling process;***  
***(b) the weight of materials or substances that are not subject to a final recycling process and that are disposed or***

***deleted***

*subject to energy recovery remains below 10% of the total weight to be reported as recycled.*

## Amendment 63

### Proposal for a directive Article 1 – paragraph 1 – point 4

Directive 94/62/EC

Article 6a – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure ***that conditions*** laid down in paragraph 3(a) and (b) are met. The system may consist of either electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC, technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste.

#### *Amendment*

4. ***In accordance with the delegated acts adopted pursuant to paragraph 2,*** Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure ***compliance with the rules*** laid down in paragraph 1. The system may consist of either electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC, technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste. ***Member States shall inform the Commission about the system chosen for quality control and traceability.***

## Amendment 64

### Proposal for a directive Article 1 – paragraph 1 – point 4

Directive 94/62/EC

Article 6a – paragraph 5

*Text proposed by the Commission*

5. For the purposes of calculating whether the targets laid down in Article 6(1)(f) **to (i)** have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality requirements. Member States shall use the common methodology established in accordance with Article 11a(6) of Directive 2008/98/EC.

*Amendment*

5. For the purposes of calculating whether the targets laid down in points (f) to (i) of Article 6(1) have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration ***or co-incineration only if waste has been sorted prior to incineration or if the obligation to set up separate collection for paper, metal, plastic, glass and bio-waste has been complied with*** in proportion to the share of the packaging waste incinerated ***or co-incinerated*** provided that the recycled metals meet certain quality requirements. Member States shall use the common methodology established in accordance with Article 11a(6) of Directive 2008/98/EC.

**Amendment 65**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**  
Directive 94/62/EC

Article 6b – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) examples of best practices which are used throughout the Union and which can provide guidance on progress towards achieving the targets.***

**Amendment 66**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

**2a. Where necessary, the reports referred to in paragraph 1 shall address the implementation of requirements of this Directive other than those referred to in paragraph 1, including the forecasting of the achievement of the targets contained in the waste prevention programmes and the percentage and the per capita quantity of municipal waste that is disposed of or subject to energy recovery.**

**Amendment 67**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 a (new)**

Directive 94/62/EC

Article 7 – paragraph 1

*Present text*

*Amendment*

"1. Member States shall take the necessary measures to ensure that systems are set up to provide for:

- (a) the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;
- (b) the reuse or recovery including recycling of the packaging and/or

**(5a) Article 7 (1) is replaced by the following:**

"1. Member States, **in order to meet the objectives laid down in this Directive**, shall take the necessary measures to ensure that systems are set up to provide for, **and incentivise**:

- (a) the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;
- (b) the reuse or recovery including recycling of the packaging and/or

packaging waste collected,

***in order to meet the objectives laid down in this Directive.***

These systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty."

packaging waste collected.

These systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty."

## **Amendment 68**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5 b (new)**

Directive 94/62/EC

Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(5b) The following Article is inserted:***

***'Article 7a***

***Specific measures for return and collection systems***

***Member States shall take the necessary measures to put in place:***

***(a) the separate collection of at least packaging or packaging waste made up of paper, metal, plastic or glass;***

***(b) composite packaging as defined under Commission Decision 2005/270/EC shall be collected in existing collection schemes meeting the quality standards required for final recycling. '***

## Amendment 69

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 c (new)

Directive 94/62/EC

Article 8 – paragraph 2

#### *Present text*

"2. To facilitate collection, reuse and recovery including recycling, packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC<sup>[1]</sup>.

<sup>[1]</sup> OJ L 50, 20.2.1997, p. 28."

#### *Amendment*

**(5c) In Article 8, paragraph 2 is replaced by the following:**

"2. To facilitate collection, reuse and recovery including recycling, **packaging shall contain information useful for that purpose. In particular**, packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC<sup>[1]</sup>.

<sup>[1]</sup> OJ L 50, 20.2.1997, p. 28."

## Amendment 70

### Proposal for a directive

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

Directive 94/62/EC

Article 12 – paragraph 3a

#### *Text proposed by the Commission*

'3a. Member States shall report the data concerning the attainment of the targets laid down in Article 6(1)(a) to (i) for each calendar year to the Commission. They shall report **this data** electronically within **18** months of the end of the reporting year for which the data are collected.

#### *Amendment*

'3a. Member States shall report the data concerning the attainment of the targets laid down in **points (a) to (i) of Article 6(1)** for each calendar year to the Commission. They shall **collect and process the data in accordance with the common methodology referred to in paragraph 3d and** report **it** electronically within **12**

months of the end of the reporting year for which the data are collected.

## Amendment 71

### Proposal for a directive

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

Directive 94/62/EC

Article 12 – paragraph 3a – subparagraph 2

#### *Text proposed by the Commission*

The data shall be reported in the format established by the Commission in accordance with paragraph 3d. The first reporting shall cover data for the period from 1 January [enter year of entry into force of this Directive + 1 year] to 31 December [enter year of entry into force of this Directive + 1 year].

#### *Amendment*

The data shall be ***collected and processed, using the common methodology referred to in paragraph 3d, and*** reported in the format established by the Commission in accordance with paragraph 3d. The first reporting ***with respect to the targets laid down in points (f) to (i) in Article 6*** shall cover data for the period from 1 January [enter year of entry into force of this Directive + 1 year] to 31 December [enter year of entry into force of this Directive + 1 year].

## Amendment 72

### Proposal for a directive

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

Directive 94/62/EC

Article 12 – paragraph 3c

#### *Text proposed by the Commission*

3c. The Commission shall review the

#### *Amendment*

3c. The Commission shall review the

data reported in accordance with this Article and publish a report on the results of its review. The report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

data reported in accordance with this Article and publish a report on the results of its review. ***Until the common methodology for data collection and processing referred to in paragraph 3d has been established,*** the report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States. ***The Commission shall also assess*** completeness, reliability, timeliness and consistency of the data and the information submitted. The assessment may include specific recommendations for improvement. The report shall be drawn up ***nine months after the first reporting of the data by the Member States and*** every three years ***thereafter.***

## **Amendment 73**

### **Proposal for a directive**

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

Directive 94/62/EC

Article 12 – paragraph 3c a (new)

*Text proposed by the Commission*

*Amendment*

***3ca. In the report, the Commission shall include information on the implementation of the Directive as a whole and evaluate its impact on human health, the environment and the internal market. If appropriate, a proposal to revise this Directive may accompany the report.***

## **Amendment 74**

### **Proposal for a directive**

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

Article 12 – paragraph 3d

*Text proposed by the Commission*

3d. The Commission shall adopt **implementing** acts laying down the format for reporting data in accordance with paragraph 3a. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 21(2).'**;

*Amendment*

3d. The Commission shall adopt **delegated** acts **in accordance with Article 38a in order to supplement this Directive by** laying down **the common methodology for data collection and processing** and the format for reporting data in accordance with paragraph 3a. ';

**Amendment 75**

**Proposal for a directive  
Article 1 – paragraph 1 – point 12**

Directive 94/62/EC

Article 21a – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 6a(2), Article 11(3), Article 19(2) and Article 20 shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

*Amendment*

2. The power to adopt delegated acts referred to in Article 6a(2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

**Amendment 76**

**Proposal for a directive  
Article 1 – paragraph 1 – point 12**

Directive 94/62/EC

Article 21a – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article 6a(2), Article 11(3), Article 19(2) and Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Article 6a(2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

**Amendment 77**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

Directive 94/62/EC

Article 21a – paragraph 5

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 6a(2), Article 11(3), Article 19(2) and Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'

*Amendment*

5. A delegated act adopted pursuant to Article 6a(2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'

## **Amendment 78**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12 a (new)**

Directive 94/62/EC

Annex II

*Text proposed by the Commission*

*Amendment*

***(12a) Annex II to Directive 94/62/EC on packaging and packaging waste is replaced as set out in the Annex to this Directive.***

## **Amendment 79**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 94/62/EC

Annex IV (new)

*Text proposed by the Commission*

*Amendment*

***(14) Annex IV is added to Directive 94/62/EC on packaging and packaging waste as set out in the Annex to this Directive.***

***deleted***

## **Amendment 80**

### **Proposal for a directive**

#### **Annex – paragraph - 1 (new)**

Directive 94/62/EC

Annex II – point 1 – indent 1

*Present text*

- Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.

*Amendment*

***(-1) In Annex II, point 1, the first indent is amended as follows:***

- ‘- Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, ***in line with the waste hierarchy***, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.’

**Amendment 81**

**Proposal for a directive  
Annex – paragraph -1 a (new)**

Directive 94/62/EC

Annex II – point 1– indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(-1a) In Annex II, point 1, the following indent 1a is inserted:***

- ‘- ***Packaging shall be produced in such a way as to minimise its carbon footprint, including by using biodegradable and sustainable bio-based materials.***’

**Amendment 82**

**Proposal for a directive  
Annex – paragraph -1 b (new)**

Directive 94/62/EC

Annex II – point 3 – point c

*Present text*

- (c) Packaging recoverable in the form of composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it *should* not hinder the separate collection and the composting process or activity into which it is introduced.

*Amendment*

***(-1b) In Annex II, point 3, point c is amended as follows:***

- ‘(c) Packaging recoverable in the form of composting

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it *does* not hinder the separate collection and the composting process or activity into which it is introduced.’

**Amendment 83**

**Proposal for a directive  
Annex – paragraph -1 c (new)**

Directive 94/62/EC

Annex II – point 3 – point d

*Present text*

- (d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.

*Amendment*

***(-1c) In Annex II, point 3, point d is amended as follows:***

- ‘(d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. *Oxo-degradable plastic packaging shall not be considered as biodegradable.*’

## Amendment 84

### Proposal for a directive Annex – paragraph 2

Directive 94/62/EC

Annex IV (new)

*Text proposed by the Commission*

*Amendment*

***The following Annex IV is added:*** ***deleted***

***'ANNEX IV***

***Calculation method for preparing for re-use of products and components for the purpose of Article 6(1)(f) to (i)***

***In order to calculate the adjusted rate of recycling and preparation for re-use in accordance with Article 6(1)(f) to (i), Member States shall use the following formula:***

***"E=" "(A+R)\*100" /"(P+R)"***

***E: adjusted recycling and re-use rate in a given year;***

***A: weight of packaging waste recycled or prepared for re-use in a given year;***

***R: weight of products and components prepared for re-use in a given year;***

***P: weight of packaging waste generated in a given year.'***