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COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EU) 2022/1616 as regards the management of the Union register,
compliance documentation, test methods, and documents to be presented upon release
for free circulation**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) 2022/1616 as regards the management of the Union register, compliance documentation, test methods, and documents to be presented upon release for free circulation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC¹, and in particular Article 5(1), second subparagraph, points (h), (i) and (k), thereof,

Whereas:

- (1) Commission Regulation (EU) 2022/1616² lays down rules on development and suitability of recycling technologies and authorisation of recycling processes, as well as on the manufacturing, marketing and use of plastic materials and articles containing plastic originating from waste.
- (2) The experience gained since the entry into force of that Regulation shows that the rules in regard to the registration of recycling installations need to be laid down in more detail and the use of compliance documentation in the supply chain need to be clarified.
- (3) Regulation (EU) 2022/1616 requires that recyclers and converters issue a declaration of compliance. The Declaration described in Part A of Annex III (Declaration A) is to be provided by recyclers, while the Declaration described in Part B of Annex III (Declaration B) is to be provided by converters. However, to allow all business operators in the supply chain to verify and ensure compliance with Regulation (EU) 2022/1616, maintain traceability and facilitate the work of the competent authorities, a declaration of compliance should be provided by operators also at other manufacturing stages within the supply chain other than to consumers. Yet, to avoid excessive burden on operators at the end of the supply chain, food business operators that use plastic with recycled content to pack food should not be obliged to provide a declaration of compliance where they provide the necessary instructions and information on recycled content by means of labelling.
- (4) In accordance with Article 16 of Regulation (EC) No 1935/2004, when issuing a declaration of compliance, operators are to have available supporting documentation

¹ OJ L 338, 13.11.2004, p. 4, ELI : <http://data.europa.eu/eli/reg/2004/1935/oj>.

² Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008 (OJ L 243, 20.9.2022, p. 3, ELI : <http://data.europa.eu/eli/reg/2022/1616/oj>).

demonstrating compliance. In order to facilitate compliance with this obligation, it is appropriate to clarify that for the purposes of Regulation (EU) 2022/1616 such documentation should comprise declarations received from previous manufacturing stages and other documentation concerning the compliance of the recycled plastic with Regulation (EU) 2022/1616, and that it should be available already at the time when operators issue their declaration of compliance and be submitted to the competent authority, upon its request, within ten working days.

- (5) Experience shows that indicating batch numbers in the declaration of compliance to be provided to converters and operators using recycled plastic at its final production stage, is complex and it is not needed after the point in the manufacturing chain where the composition of the plastic is not further modified since the traceability can then be adequately ensured based on the received declarations of compliance. Thus, converters and operators using post-processed recycled plastic at its final production stage should be allowed to issue a simplified declaration ('Declaration C'), without assigning new batch numbers, and adapted to the final manufacturing stages. However, to ensure efficient enforcement, such declaration should list the recycling installations used in the manufacture of the constituent parts of the articles made of recycled content.
- (6) In order for recyclers receiving partially pre-processed plastic input and plastic input and for competent authorities to ascertain whether the plastic input is compliant with Regulation (EU) 2022/1616 and to trace it in case there are questions over its quality or origin, a Declaration of compliance should be issued at all marketing stages of pre-processing stages and for resulting batches of plastic input. This declaration should be referred to as Declaration P. The respective batches should be labelled with a batch number to facilitate their identification.
- (7) Commission Regulation (EU) No 10/2011³ allows the reprocessing of off-cuts and scraps. Regulation (EU) 2022/1616 does not explicitly allow for it. However, as such reprocessing may also be carried out with off-cuts and scraps of recycled plastic, rules in this regard should be laid down in accordance with the principles set out in Regulation (EU) No 10/2011.
- (8) Plastic waste, partially pre-processed plastic input, plastic input, recycled plastic, partially post-processed recycled plastics, recycled plastic materials and articles and products made thereof are increasingly imported into the Union, and are to comply with Regulation (EU) 2022/1616 when placed on the Union market. To prevent that non-compliant plastic materials and articles with recycled content are released into free circulation on the Union market, and to maintain traceability of the origin of the imported materials, Union's customs authorities should receive the relevant declaration of compliance as required by Regulation (EU) 2022/1616 at the time the release into free circulation on the Union market is requested. To this purpose it is appropriate to introduce commodity codes for those plastics. However, introducing commodity codes for all recycled plastics at different stages of their manufacturing chain would require detailed differentiation for individual polymers, packed foods and certain other products such as appliances, as well differentiation to marketing stages. This would require the introduction of very many codes, which would be burdensome and increase the risk of misinterpretation at the border. Considering the number of codes that would be required and that only polyethylene terephthalate ('PET') is

³ Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (OJ L 12, 15.1.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/10/oj>).

presently produced with a suitable technology and subject to recycled content targets under Union environmental legislation such codes should only be introduced for kitchenware and tableware and for PET including if part of multi-layer materials, but not for packed food, appliances and food processing equipment even if packed in or manufactured from PET.

- (9) In order to facilitate the task of the customs authorities, and to prevent misidentification and fraud, declarations of compliance supplied with plastic with recycled content that originates from third countries should mention the commodity codes used to import recycled plastic materials in accordance with the Union customs legislation.
- (10) The registration status of decontamination installations has significant impact on the respective use of those installations and is an important safeguard to avoid the placement of unsafe recycled plastic on the Union market. However, the full implementation of the registration status in accordance with Article 24(2), point (g) of Regulation (EU) 2022/1616 is hindered by the lack of clearly defined procedures and the list of possible statuses of installation in the Register does not allow to distinguish between different scenarios and needs to be completed to reflect all possible situations during the lifecycle of an installation. Furthermore, the current registration also does not allow operators and competent authorities to change the status when the use of an installation changes, which slows down its implementation administratively and increases the risks for mistakes. Therefore, it is important for the management of the Union register of novel technologies, recyclers, recycling processes, recycling schemes and decontamination installations ('the Register') to facilitate the access to the system for operators and competent authorities by creating an electronic registration system where operators are to enter and modify directly their respective information under the competent authorities' supervision.
- (11) There are currently no defined rules as regards the detailed specifications of pre-processed plastic input such as those reported in appendix A to opinions concerning recycling processes that the European Food Safety Authority publishes. In order to ensure safety, maximum limits concerning these specifications and methods to verify compliance should be laid down. A method for this purpose is already provided for in Annex A of ISO 12418-2:2012 which should be considered as appropriate for this purpose. Further methods for the same purpose are being developed and should also be allowed provided that they have an equal or better performance.
- (12) Regulation (EU) 2022/1616 should therefore be amended accordingly.
- (13) In order to allow operators to adapt to the changes established with this Regulation but considering that those changes are necessary to protect human health and are of an administrative nature only, products complying with Regulation (EU) 2022/1616, as applicable before the date of the entry into force of this Regulation, and for which Declarations A or B are required should be allowed to be placed on the market for a period of three months after the entry into force of this Regulation even if they do not comply with the rules concerning those Declarations laid down in this Regulation. However, as operators need information from earlier stages to issue Declaration C and a declaration was not required at pre-processing stages before, products complying with Regulation (EU) 2022/1616, as applicable before the date of the entry into force of this Regulation, and for which this Regulation requires Declarations C or P, should be allowed to be placed on the market without those declarations for a period of six months after the entry into force of this Regulation. In order to ensure a smooth

transition, it should be possible to manufacture recycled plastic materials and articles from such products placed on the market during the transitional periods and place them on the market until exhaustion of stocks.

- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2022/1616

Regulation (EU) 2022/1616 is amended as follows:

- (1) Article 2(3) is amended as follows:
- (a) point (13) is replaced by the following:
‘(13) ‘decontamination installation’ means specific interconnected equipment installed at a recycling facility operating a decontamination process.’
 - (b) the following points (21) and (22) are added:
‘(21) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013 of the European Parliament and of the Council*;
(22) ‘sheet’ means intermediate plastic articles extruded into a flat shape of sufficient size and thickness to be stiff at ambient temperature and suitable for manufacturing thermoformed trays.

* Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/952/oj>).’;

- (2) in Article 4, paragraph 8 is replaced by the following:
‘8. The registration status indicated in the register established by Article 24 for the decontamination installation at the time of manufacture of each batch of recycled plastic contained in the recycled plastic material or article shall be either ‘newly registered’, ‘being established’ or ‘active’.’;
- (3) Article 5 is amended as follows:
- (a) the heading is replaced by the following:
‘Requirements for labelling’;
 - (b) paragraphs 1 and 2 are deleted;
 - (c) point (e) of paragraph 3 is replaced by the following:
‘(e) when the declarations referred to in Article 5a provide additional instructions, the symbol defined in ISO 7000 with reference number 1641.’
- (4) the following Article 5a is inserted:

Article 5a
Requirements for compliance documentation

1. At marketing stages other than the retail stage, business operators shall provide a declaration of compliance in accordance with Article 16 of Regulation (EC) No 1935/2004 for materials and articles subject to this Regulation.
2. Business operators shall establish the declarations of compliance referred to in paragraph 1 in accordance with Article 29.
3. Business operators shall only accept plastic materials, articles or food with packaging subject to this Regulation, that are accompanied by the appropriate declaration of compliance.
4. By derogation to paragraph 1, food business operators that use products with recycled content to pack food shall not be obliged to provide a declaration of compliance to retailers and to the distributors supplying to retailers where all the following conditions are met:
 - (a) relevant information and instructions needed for the retailers to ensure compliance with this Regulation and for consumers to ensure the safe use of the products containing recycled plastics are provided through labelling or through other appropriate documentation;
 - (b) any information concerning the recycled content of the products with recycled plastics does not differ from the information contained in the declaration received by the food business operator in accordance with paragraph 1.

In this case paragraph 3 shall not apply.

Upon request from a competent authority, or from a retailer or distributor it supplies to, a food business operator that uses recycled plastic materials and articles to pack food shall provide within ten working days from the request, where the request is made in the context of a control by a competent authority, or otherwise within twenty working days from the request, one of the following declarations of compliance:

- (a) the declaration of compliance that they have received from their supplier;
 - (b) a new declaration of compliance issued by them.
5. Business operators shall ensure that supporting documentation to demonstrate that the products that they place on the market comply with the requirements of this Regulation is stored in their documentation systems at the time of issuance of the declaration of compliance. In case of recycled plastic, the documentation shall include all relevant records kept in accordance with Article 7(4).
- Supporting documentation shall be made available within ten working days to competent authorities on their request.
6. A declaration of compliance may be provided as a signed digital document, provided that it can be made available without delay as a single document that can be read and printed with commonly available software.
7. The release into free circulation of the following products is subject to the presentation to the customs authorities of the documentation listed in Table 6 of Annex I, under the specified commodity codes:

a) products containing recycled plastic manufactured with a suitable recycling technology where column 11 of Table 1 of Annex I indicates 'yes', as well as partially pre-processed plastic input, plastic input and recycled plastic intended for use in the manufacture thereof, except packaged food, food processing equipment and appliances;

b) tableware and kitchenware falling within CN code ex 3924 10 00 and CN code ex 3924 90 00, if that contains recycled plastic;

c) multi-layer sheets containing at least one layer of recycled PET used behind a functional barrier layer, irrespective of the composition of the barrier layer, as well as plastic input and recycled PET intended for the manufacture of such layers of recycled PET.'

(5) Article 7 is amended as follows:

(a) the following paragraph 1a is inserted:

'1a. Batches of plastic input material shall only be accepted for decontamination provided they are accompanied by Declaration P issued in accordance with Article 29(1).

Where the recycler directly obtains plastic waste or partially pre-processed plastic input and applies any further pre-processing operations in order to produce plastic input, the recycler shall ensure that a record concerning that plastic input is stored in its documentation system when the recycling of the input batch starts and that it contains data and statements equivalent to those laid down in Article 29(1) for Declaration P.

Declaration P, or the equivalent record, shall be retained by the recycler for a period of at least 5 years.

The recycler shall make the Declaration P available to the national competent authorities within 10 working days from their request.';

(b) paragraph 4 is replaced by the following:

'4. Each batch of plastic shall be subject to a single record regarding its quality, and shall be identified by a unique number and the name of the manufacturing stage from which it originates. The batches shall correspond to the definitions in Section 2.4 of the compliance monitoring summary sheet referred to in paragraph 3, point (c).

A repository of these records shall be maintained in accordance with the format laid down in Section 4.1 of the compliance monitoring summary sheet referred to in paragraph 3, point (c).

Each record shall be retained for a period of at least five years.';

(6) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The following obligations shall apply to converters:

(a) converters shall post-process recycled plastic in accordance with the instructions in section 3 of the declaration of compliance that they have received in accordance with Article 5a; and,

(b) where instructions are necessary to ensure the safe use or compliance with this Regulation of the recycled plastic or recycled plastic materials or articles, converters

shall communicate such instructions to subsequent converters and users by means of section 3 of the declaration that they provide in accordance with Article 5a.'

- (b) the following paragraphs 1a and 1b are inserted:

'1a. Off-cuts and scraps of recycled plastic and recycled plastic materials and articles manufactured in compliance with this Regulation may be added to recycled plastic during post-processing operations where all of the following conditions are met:

(a) the provisions applicable to reprocessing laid down in Article 10(2) of Regulation (EU) No 10/2011 are complied with, except Article 10(2), point (c)(i), thereof;

(b) the off-cuts and scraps are accompanied either by Declaration B or by Declaration C, issued in accordance with Article 29, and such Declaration includes the information required in accordance with point 10 of Annex IV to Regulation (EU) No 10/2011.

1b. At each manufacturing stage subject to the verification of the quality, including at intermediate stages if any, batches of recycled plastic processed by the converter shall be subject to a single record regarding their quality, and shall be identified by a unique number and the name of the manufacturing stage from which they originate.

The converter shall maintain a repository of those records and shall retain each record for a period of at least five years.'

- (c) paragraph 2 is replaced by the following:

'2. Food business operators shall use recycled plastic materials and articles in accordance with the instructions included in section 3 of the declaration that they have received in accordance with Article 5a or with the instructions received in accordance with Article 5a(4).

They shall communicate all relevant instructions to consumers of food packed in such materials and articles, and to other food business operators.';

- (7) (a) in Article 9, paragraph 1 is replaced by the following:

'1. A single legal entity shall act as the manager of a recycling scheme and shall be responsible for the overall functioning of the recycling scheme.

At least 15 working days prior to the start of the operation of a recycling scheme the manager of the recycling scheme shall inform, via the electronic registration system, the competent authority in the territory where it is established and the Commission for the purpose of its registration in the register established by Article 24.

The manager shall provide, in the electronic registration system, its name, address, contact persons, the name of the scheme, a summary of the scheme not exceeding 300 words, the marking referred to in paragraph 5, a list of territories where business operators participating in the schemes are located and references to any decontamination installations used by the scheme. Thereafter, the manager shall ensure this information is kept up to date.'

- b) in paragraph 6, point (b) is replaced by the following:

'(b) they are used only for the purpose of production, distribution, storage, display and sale of the foods which they are intended for;';

- (8) Article 10 is amended as follows:

- (a) paragraph 2 is replaced by the following:

‘2. At least six months prior to the start of the operation of the first decontamination installation operated on the basis of Article 4(3), point (b), the developer shall register the novel technology by means of the electronic registration system referred to in Article 24a. The status of the ‘novel technology’ shall be ‘newly established’.

For the purposes of the registration of the novel technology in the register established by Article 24, the developer shall include in the electronic registration its name, address, contact persons, the name of the novel technology, a summary of the novel technology not exceeding 300 words, an Uniform Resource Locator (‘URL’) locating the reports referred to in paragraph 4 and Article 13(4), and the names and addresses or numbers of any recycling facilities at which the development of the technology is foreseen to take place.’;

(b) paragraph 8 is replaced by the following:

‘8. A competent authority that was notified in accordance with paragraph 2 shall verify within five months from the notification whether the requirements set out in paragraphs 1 to 6 are met and verify the requirements forthcoming from paragraph 7 regularly thereafter.

Where the competent authority considers that the requirements set out in paragraphs 1 to 6 are met, the competent authority shall change the status of the novel technology to ‘verified’ in the electronic registration system.

In case the competent authority cannot verify compliance with the requirements set out in paragraphs 1 to 6, it shall notify its concerns to the developer. The notified novel technology shall then remain ‘newly established’ until the developer has satisfactorily addressed the concerns of the competent authority.

When the status of the novel technology is ‘verified’, the novel technology will be listed in the Register.’

(9) Article 24 is amended as follows:

(a) in paragraph 2, point (g) is replaced by the following:

‘(g) the registration status of decontamination installations and novel technologies and the history of the registration status of each such entity by displaying the date of the modification and the status prior to the modification;’

(b) paragraphs 3 and 4 are replaced by the following:

‘3. The Register shall contain unique identification numbers as follows:

- (a) recycling authorisation number (‘RAN’) for authorised recycling processes;
- (b) recycler operator number (‘RON’) for recyclers;
- (c) recycling installation number (‘RIN’) for decontamination installations;
- (d) recycling scheme number (‘RSN’) for recycling schemes;
- (e) recycling facility number (‘RFN’) for recycling facilities; and
- (f) novel technology number (‘NTN’) for novel recycling technologies.

4. For the purposes of paragraph 2, point (g), the registration status of an installation shall mean:

- (a) ‘newly registered’: the installation has been registered and may be operating, but the recycler has not submitted the compliance monitoring summary sheet;
- (b) ‘being established’: the installation is registered and operating, and the recycler has submitted the compliance monitoring summary sheet to the competent authority in the territory where it is located but the audit referred to in Article 26(3) was not yet completed;
- (c) ‘active’: the installation is operating, the compliance monitoring summary sheet has been submitted and the competent authority has completed the audit referred to in Article 26(3);
- (d) ‘inactive’: the installation is not in use for reasons other than those under points (e), (f) and (g);
- (e) ‘suspended’: the use of the installation was suspended by a competent authority due to non-compliance with this Regulation;
- (f) ‘audit pending’: the audit referred to in Article 26(3) was not completed within the applicable deadline;
- (g) ‘decommissioned’: the recycler has permanently stopped using the installation.

5. For the purposes of paragraph 2, point (g), the registration status of a novel technology shall mean:

- (a) ‘newly established’: the developer registered the novel technology in accordance with Article 10(2);
- (b) ‘verified’: the novel technology dossier has been verified in accordance with Article 10(8);
- (c) ‘assessment requested by the developer’: the developer requested the assessment in accordance with Article 14(2);
- (d) ‘assessment requested by the Commission’: the Commission requested the Authority to assess the novel technology in accordance with Article 14(1);
- (e) ‘development abandoned’: the developer notified that the development is not to be continued;
- (f) ‘not considered suitable’: the technology was not considered suitable in accordance with Article 15(1);
- (g) ‘suitable’: the technology has been established as a suitable technology in Annex I.

6. The following rules shall apply to the deletion of entries in the Register:

- (a) when the registration status of a decontamination installation is either ‘suspended’ or ‘audit pending’ and it remains unchanged for one year, the entry regarding the relevant installation shall be automatically deleted from the Register;
- (b) when the registration status of a decontamination installation is ‘decommissioned’, the entry regarding the relevant installation shall be automatically deleted from the Register one year after the date of publication of that status in the Register;

- (c) when the registration status of a technology is either ‘development abandoned’, ‘not considered suitable’ or ‘suitable’, the entry regarding the relevant novel technology shall be automatically deleted from the Register one year after the date of publication of that status in the Register;
- (d) entries related to ‘operators’, ‘facilities’, ‘novel technologies’ and ‘recycling schemes’ that are linked with a deleted entry regarding a decontamination installation or novel technology shall remain in the Register until all dependent entries have been deleted from the Register;
- (e) After deletion, entries shall remain archived in the electronic registration system subject to Article 24a and shall remain accessible to the Commission and the competent authorities of the Member States.’

(10) the following Article 24a is inserted:

*‘Article 24a
Electronic registration system*

1. For the purpose of the management of the Register, a non-public electronic registration system shall be used by competent authorities and operators.

The electronic registration system shall contain the information specified in Article 10(2) and article 24(2) and (4), as well as a contact information including contact persons, a list of competent authorities, and any other information that is necessary for the purpose of managing the Register.

Competent authorities shall be able to modify the information regarding the ‘operators’, ‘facilities’, ‘decontamination installations’, developers of ‘novel technologies’ and entities managing ‘recycling schemes’ located in their territory.

Only competent authorities from Member States shall be able to read all information kept in the electronic registration system.

2. Competent authorities shall ensure the completeness and the accuracy of the information contained in the electronic registration system regarding the ‘operators’, ‘facilities’, ‘decontamination installations’, developers of ‘novel technologies’ and entities managing ‘recycling schemes’ located in their territory.’

(11) Article 25 is replaced by the following:

‘Article 25

Registration of recyclers and decontamination installations

1. At least 30 working days prior to the start date of the production of recycled plastic in a decontamination installation, the recycler shall register the installation using the electronic registration system referred to Article 24a(2) stating the following information:

- (a) the registered recycling facility at which the installation is located;
- (b) the registered recycler that is responsible for the operation of the installation;
- (c) the recycling authorisation number, if such exists;

- (d) the registered novel technology, if the installation does not operate on the basis of a suitable technology;
- (e) the registered recycling scheme, if the installation is part of one;
- (f) the registered competent authority in the territory where the installation is located.

2. The name of the decontamination installation shall include the process name of the recycling process on which basis it operates.

The process name shall be one of the following:

- a) where the process is operated on the basis of an authorised process, the name of that process;
- b) where the process is operated on the basis of a novel technology, the name provided by the developer of that novel technology;
- c) in any other case, a name assigned by the operator.

3. Following completion of the registration according to paragraph 1, the registration status shall become 'newly registered' and Article 26 shall apply.

4. The recycler shall communicate in the electronic registration system the start date of the production of recycled plastic by the day in which that manufacture begins.';

(12) Article 26 is amended as follows:

(a) paragraphs 2, 3 and 4 are replaced by the following:

'2. Within 30 days from the start date of the production of recycled plastic with an installation, recyclers shall submit the compliance monitoring summary sheet in the electronic registration system. Recyclers using an installation based on a novel technology shall upload also the supplementary information and supporting documentation referred to in Article 11(6).

After submission of the compliance monitoring summary sheet, the status of the registration shall change automatically to 'being established'. The compliance monitoring summary sheet may only be replaced in the electronic registration system following approval by the competent authority. The supplementary information and supporting documentation referred to in Article 11(6) shall be replaced in case of change.

3. The competent authority shall verify whether the information provided in the compliance monitoring summary sheet complies with this Regulation and shall perform an audit of the recycling installation in accordance with Article 27.

When compliance is established, the competent authority shall change the status in the electronic registration system to 'active'.

When compliance cannot be established, the competent authority shall request the recycler to provide additional information or to change the configuration or operation of the installation. When needed the recycler shall update the compliance monitoring summary sheet without delay.

In case the competent authority subsequently considers that the configuration or operation of the recycling installation is still not compliant with the requirements of this Regulation, the competent authority shall change the status of the registration in the electronic register to 'suspended'.

4. As from the date when the registration status is ‘active’, the recycler shall inform the competent authority without delay of any administrative or operational change that affects the information in the electronic registration system.

The recycler shall verify every six months whether the information in the electronic registration system is still accurate and confirm it to the competent authority via the electronic registration system.’;

(b) the following paragraph 5 is added:

‘5. If after one year from the start date of the production of recycled plastic in the decontamination installation the status of such installation is still ‘being established’, the registration in the electronic registration system shall automatically become ‘audit-pending’.

The competent authority and the recycler shall be automatically warned 30, 10 and 3 days before the status of an installation becomes ‘audit-pending’.’;

(13) the following Article 26a is inserted:

‘Article 26a

Deactivation and decommissioning of decontamination installations and change of the recycling process operated

1. The status of a decontamination installation shall become ‘inactive’ automatically in either of the following cases:

- (a) the compliance monitoring summary sheet and the required information and documentation are not submitted in the electronic registration system within three months since the status has become ‘newly registered’, in accordance with Article 26(2);
- (b) the recycler does not confirm the accuracy of the registration within 30 working days following the six months period referred to in Article 26(4), second subparagraph.

The competent authority and the recycler shall be automatically warned 30, 10 and 3 days before the status of an installation becomes ‘inactive’.

2. The status of a decontamination installation shall become ‘decommissioned’ automatically six months after the date on which it has become ‘inactive’ pursuant to paragraph 1. The procedure set out in paragraph 4, second subparagraph, shall apply.

The Commission, the competent authority, and the recycler shall be automatically warned 30, 10 and 3 days before the status of an installation becomes ‘decommissioned’.

3. A recycler may change the registration status of a decontamination installation to ‘inactive’ provided that the registration status has been ‘active’ or ‘being-established’ for at least five consecutive months directly prior to that change.

4. After at least six months from the date on which the status became ‘inactive’ in accordance with paragraph 3, the recycler may resume its recycling activity using the decontamination installation.

Where the inactive period lasted for less than 20 months, the registration status shall change automatically to the same status it had before becoming ‘inactive’. If the status prior to the change was ‘being-established’, the expiry date of the one-year

period referred to in Article 26(5) shall be delayed by the duration of the period in which the status was 'inactive'.

Where the inactive period lasted for 20 months or more, the registration status shall change to 'being-established'. The procedure laid down in Article 26 shall apply and the start date of the production shall be the day of the change of the registration status to 'being established'.

5. When the recycler does not longer operate a decontamination installation, it shall change its registration status to 'decommissioned'.

One year after the date of the status change to 'decommissioned', the entry concerning the decontamination installation shall be deleted automatically from the Register pursuant to Article 24(6)(b).

6. If a decontamination installation, the registration status of which has been changed to 'decommissioned' in accordance with paragraph 4, is planned to be operated according to a new recycling process, the recycler shall register it under a different name in accordance with Article 26 at least one day prior to the start of the production.

7. In case a decontamination installation is used for the manufacture of recycled plastic based on more than one recycling process, the installation shall be registered in accordance with Article 26 for each recycling process it is used for.'

(14) Article 27 is replaced by the following:

'Article 27

Official controls of recycling installations

Official controls of recycling installations and recyclers shall include in particular audits in accordance with Article 14, point (i), of Regulation (EU) 2017/625.

(1) These audits shall be complemented by:

(a) an assessment of procedures on good manufacturing practices in accordance with Article 14, point (d), of Regulation (EU) 2017/625;

(b) an examination in accordance with Article 14, points (a) and (e), of Regulation (EU) 2017/625, of the compliance monitoring summary sheet established in accordance with Article 26, and, on the basis of that summary sheet, of the controls that operators have put in place and of documents and records referred to in that summary sheet.

(2) Official controls from national competent authorities and controls from third country competent authorities of recycling installations other than the verification that the installation is not being used in accordance with this Regulation shall not take place when the registration status is 'inactive', or 'decommissioned'.';

(15) Article 29 is replaced by the following:

'Article 29

Specific requirements for declarations of compliance

1. When partially pre-processed plastic input and plastic input is placed on the market in the Union, batches shall be accompanied by a declaration of compliance stating that the conditions and requirements set out in Article 6 are met and in

accordance with the description and template set out in Part P of Annex III. This declaration shall be referred to as 'Declaration P'.

2. When recycled plastic is placed on the market in the Union, every batch directly originating from a decontamination process that has not been post-processed shall be accompanied by a declaration of compliance in accordance with the description and template set out in Part A of Annex III. This declaration of compliance shall be referred to as 'Declaration A' and shall be issued by the recycler.

3. When recycled plastic is placed on the market and is originating from post-processing operations, batches shall be accompanied by a declaration of compliance in accordance with the description and the template set out in Part B of Annex III. This declaration of compliance shall be referred to as 'Declaration B' and shall be issued by the converter that manufactured the batch.

In case a converter issuing Declaration B also performs the decontamination operations, it should ensure that a record equivalent to Declaration A is stored in its documentation system.

4. By way of derogation from paragraph 3, recycled plastic the composition of which is not to be changed in subsequent processing operations may be accompanied by a declaration of compliance in accordance with the description and the template set out in Part C of Annex III. This declaration of compliance shall be referred to as 'Declaration C'.

Declaration C may be issued only by an operator that has received either Declaration A or Declaration B from its supplier, or by an operator that internally issued and stored in its documentation system a record at least equivalent to either a signed Declaration A or a signed Declaration B.

Declaration C shall accompany recycled plastic materials and articles at all remaining marketing stages at which a Declaration shall be provided in accordance with this Regulation.

The composition of recycled plastic materials and articles accompanied by Declaration C shall not be intentionally modified during any subsequent marketing stage. The addition of substances to the recycled plastic during subsequent marketing stages by up to 1% (w/w) in total shall not be considered as a change. The added amount at each subsequent stage shall be indicated in Declaration C.

For the purposes of this paragraph, the composition of recycled plastic materials and articles shall be considered as not being changed by thermoforming and cutting of sheets, blowing of containers from pre-forms, attaching labels and caps, filling with food, labelling, closing, glueing and cutting and other operations that do not modify the chemical composition of the recycled plastic material.

5. Operators carrying out operations that do not change the composition of a recycled plastic material or article may pass on the declaration of compliance that they received with the recycled plastic material or article from their supplier to the next operator in the supply chain, without issuing their own declaration.

6. Declarations A, B and C shall include appropriate instructions based on the specifications, requirements or restrictions set out for the recycling technology applied and, where applicable, for the recycling process used, as well as on the instructions provided in Annex III.

7. Operators shall make available to competent authorities upon request the declaration of compliance that they received from their supplier.

(16) Annexes I and III are amended in accordance with the Annex to this Regulation.

Article 2

Transitional measures

1. Products complying with Regulation (EU) 2022/1616, as applicable before the date of the entry into force of this Regulation, and for which Declarations A or B are required may be placed on the market until [*OP, please insert date: 3 months after the date of entry into force of this Regulation*] even if they do not comply with the rules concerning those Declarations laid down in this Regulation.
2. Products complying with Regulation (EU) 2022/1616, as applicable before the date of the entry into force of this Regulation, and for which this Regulation requires Declarations C or P, may be placed on the market without those declarations until [*OP, please insert date: 6 months after the date of entry into force of this Regulation*].
3. Recycled plastic materials and articles manufactured from products placed on the market in accordance with paragraphs 1 or 2 may be placed on the market until exhaustion of stocks.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN