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Subject:	Proposal for a Regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC – General Approach

The following corrections are made to the text contained in the Annex to doc. **16706/23 INIT**:

1. Recital 21, third subparagraph, should read:

‘**The producers, in the case of individual fulfilment of extended producer responsibility obligations, the entrusted producer responsibility organisations, or the packaging waste management operators when public authorities are responsible for the organisation of the management of packaging waste, should make sure that the packaging waste is separately collected, sorted and material recycled in installed infrastructure using established processes in a proven operational environment, and should provide the manufacturer with all the technical documentation ensuring that packaging is recycled at scale.**’

2. Recital 32 should read:

'**It should be recalled that food contact materials containing recycled plastic should comply with the requirements laid down in Regulation (EU) 2022/1616, which includes requirements on recycling technologies.** Regarding plastic packaging**,** except where **it is** made from polyethylene terephthalate (PET), it ~~will be warranted~~ **is appropriate**, sufficiently ahead of the date of application of the related recycled content requirements, to re-assess the availability of suitable recycling technologies for such plastic packaging, also with respect to the state of authorisation under relevant Union rules, and the installation in practice of such technology. Based on ~~this~~ **that** assessment, there might be **a** need to provide for derogations from the recycled content requirements for specific contact sensitive plastic packaging concerned, or to revise the derogations. To that end, the power to adopt acts in accordance with Article 290 of the T**FEU**~~reaty~~ should be delegated to the Commission.'

3. Recital 68 should read:

'To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In **the** case~~s~~ of targets for beverages, ~~**with the exception of wine,**~~ the~~y~~**se** should ~~be~~ additionally **be** placed ~~also~~ on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. **Some specific beverages considered perishable, which are sensitive to microbiological spoilage cause by bacteria or yeasts, need specific aseptic technology to protect them from spoilage while keeping a long shelf life. Therefore, milk and other perishable beverages should be exempted from the obligation to meet the beverage packaging re-use targets.** The targets should be calculated as a percentage of sales**, volume or weight sold** in reusable packaging within a system for re-use or through refill or, in **the** case of transport packaging, as a percentage of ~~uses~~ **number of times used**. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, ~~the power to adopt an implementing act in accordance with Article 291 of the Treaty~~**implementing powers should be conferred on the Commission** ~~on~~**as regards** the methodology for their calculation~~, should be delegated to the Commission~~.'

4. Article 3, paragraph 1, point 1b should read:

‘‘**primary production packaging’ means items designed and intended to be used as packaging for unprocessed products from primary production as defined in Regulation (EC) No 178/2002.**’

5. Article 8, paragraph 2 should read:

‘**By way of derogation from Article 6(1), w**~~W~~here **Member States allow waste with similar biodegradability and compostability properties to be collected together with bio-waste pursuant to** ~~**the provision established in second paragraph of**~~ **article 22 (1) of Directive (UE) 2008/98** ~~**applies**~~ **and** appropriate waste collection schemes and waste treatment infrastructure are available to ensure that **compostable** packaging ~~referred to in paragraph 1~~ enters the organic waste management stream, ~~**and by way of derogation from Article 6(1),**~~ Member States ~~are empowered~~ **may** ~~to~~ require that **the following packaging shall be made available on their market for the first time only if they are compostable:**

i) ~~**where**~~ **packaging** ~~**placed on the market**~~ **referred to in Article 3 (1),** ~~**(**~~ **point (1)**~~**,**~~ **point (g)**~~**, if is**~~ **composed of material other than metal, very lightweight plastic carrier bags and** lightweight plastic carrier bags**,**

ii) packaging other than those mentioned in paragraph i) for which the Member State already required that they be compostable before 1 January ~~**2023**~~ **2024.** ~~**the date of publication entry into force of this regulation**~~

~~**it** shall be made available on their market for the first time only if it can be demonstrated that those~~ ~~**they it are is**~~ ~~**compostable** lightweight plastic carrier bags have been entirely manufactured from biodegradable plastic polymers, which are compostable in industrially controlled conditions~~.’

6. Article 21, paragraph 3a should read:

'**By … [8 years ~~after~~from the date of entry into force of this Regulation], the Commission shall review the empty space ratio in paragraph 1 as well as the exemptions in paragraph 3, and assess ~~. This includes~~ the possibility of establishing ~~possible~~ empty space ratios for sales packaging, particularly for toys, cosmetics, Do-It-Yourself kits and electronic products.**'

7. Article 26, paragraph 12, second subparagraph should read:

'The~~is~~ obligation **referred to in the first subparagraph shall** apply~~ies~~ to pallets, **boxes, excluding cardboard** ~~boxes, excluding cardboard,~~ trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats **except flexible transport packaging formats in direct contact with food~~, and boxes, excluding cardboard~~**. **The obligation shall not apply to transport packaging or sales packaging used for the transportation of dangerous goods as set by Directive 2008/68/EC and for large-scale machinery and equipment that are produced to fit the individual requirements of the ordering economic operator.**'

8. Article 26, paragraph 13, second subparagraph should read:

'The~~is~~ obligation **referred to in the first subparagraph shall** apply~~ies~~ to pallets, **boxes, excluding cardboard** ~~boxes, excluding cardboard~~, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats **except flexible transport packaging formats in direct contact with food~~, and boxes, excluding cardboard~~**. **The obligation shall not apply to transport packaging or sales packaging used for the transportation of dangerous goods as set by Directive 2008/68/EC and for large-scale machinery and equipment that are produced to fit the individual requirements of the ordering economic operator.**'

9. Article 26, paragraph 15aa should read:

'**15aa. Under the conditions set out in Article 45, Member States may set targets for economic operators covering beverages made available in sales packaging which do not fall under paragraph 4 of this Article to the extent that those additional targets are necessary for the Member State to achieve one or more of the targets in Article 38.**'

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10. Annex II, Table 2, third paragraph should read:

‘**The Design for Recycling assessment in Performance grades is applied to each packaging category established in Table 1 in Annex II, and will be referenced to the packaging unit, taking into account the methodology of paragraph 4 of Article 6, and the parameters of table 2a of Annex II. After weighing the criteria per packaging unit, it will be classified into categories A, B or C as below. When a packaging unit is below 70% of the degree of compliance with the previous criteria, it is considered to be outside the recyclability grades and therefore the packaging will be considered technically non-recyclable, and its placing on the market should be restricted.**’

11. Annex V, row 2 should read:

2.	Single use **plastic** ~~plastic packaging, single use composite packaging or other single use~~ packaging for **unprocessed** fresh fruit and vegetables	Single use **plastic** packaging for less than 1.5 kg **pre-packed** fresh fruit and vegetables**. Member States may set up exemptions to this restriction if** ~~, unless~~ there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks**, oxidation,** ~~**Exempt in the case**~~ **or if there is no other possibility to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables in compliance** ~~**comply**~~ **with requirements in regulation EU 2018/848, on certification or labelling, without entailing disproportionate economic and administrative costs.**	Nets, bags, trays, containers