



Council of the European Union
General Secretariat

Brussels, 04 August 2023

**Interinstitutional files:
2022/0396 (COD)**

WK 10473/2023 ADD 3

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment

N° prev. doc.:	WK 9205/2023, WK 9986/2023
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Subject:	Packaging and Packaging waste: Follow-up to the WPE meeting on 22 and 23 June 2023 - comments from delegations
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Following the call for comments on the above set out with WK 9205/2023, delegations will find attached comments from the NL delegation.



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REQUEST FOR CONTRIBUTION

From: General Secretariat of the Council
To: Working Party on the Environment

Subject: Packaging and packaging waste: Follow-up to the WPE meeting on 22 and 23 June 2023: CALL FOR COMMENTS

Following the above WPE meeting, delegations are kindly invited to send comments and drafting suggestions on clusters 5, 2, 4, 6, 8, 9, 10 and 11 to the Presidency ([REDACTED] ; [REDACTED] ; [REDACTED] ; [REDACTED] ; [REDACTED] ; [REDACTED]), the Commission ([REDACTED] ; [REDACTED]), with copy to the Council Secretariat ([REDACTED] ; [REDACTED] ; [REDACTED]), by **Monday 31 July, cob**.

WK 9205/2023 INIT


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ANNEX I – PART 2 OF THE TEXT REV01. CLUSTER 2, 4 AND 5.


REV 01_text proposal	Drafting Suggestions	Motivation
2022/0396 (COD)		
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		


REV 01_text proposal	Drafting Suggestions	Motivation
Cluster 2 – Labelling, marking and information requirements		
<i>Recitals corresponding cluster 2:</i>		
<p>(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste receptacles.</p>		
<p>(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid</p>	<p>It is only specifically home compostable packaging which is suitable for home composting.</p>	<p>NL is not in favor of home composting. The composting of packaging is only allowed there where it has benefits for the compost. Such as; extremely lightweight bags for the collection of bio waste, coffee pads, tea bags and fruit and vegetable stickers. No other packaging should be compostable. Packaging should be recycled.</p> <p>NL is positive about using the same labels on packaging as on receptacles. They should at least have the same color, and the same pictogram.</p>


<p>consumer confusion that compostable packaging is not as such suitable for home-composting, but only biodegradable in industrially controlled conditions in bio-waste treatment facilities with industrial composting or anaerobic digestion. <u>It is only specifically home-compostable packaging which is suitable for home-composting.</u> This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the mandatory deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.</p>		
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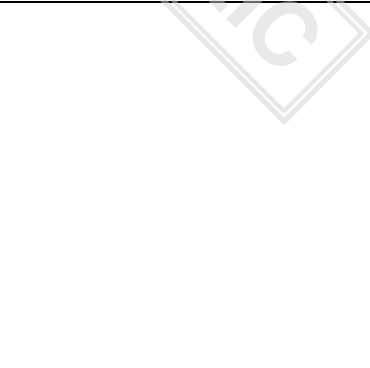
<p>(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the</p>		<p>This text is inconsistent. It should not be mandatory but it should be harmonized?</p>
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<p>proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.</p>		
<p>(47) In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code <u>may contain information which should also</u> facilitates tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.</p>		<p>Please take into account that there are also citizens who do not use any digital devices.</p>
<p>(48) There should be no multiplication of labels on packaging. In order to avoid this, where other Union legislation requires information on the packaged product to be available digitally through a data carrier, the information</p>		

<p>required for the packaging under this Regulation and the information required for the packaged product should be accessible via the same data carrier. That data carrier should comply with the requirements under this Regulation or other applicable Union legislation. In particular, where the packaged product is covered by the Regulation [Ecodesign for Sustainable Products] or other Union legislation requiring a digital product passport, that digital product passport should also be used for providing the relevant information under this Regulation. <u>Where packaging contains substances of concern, it should be marked using a standardised digital marking technology as established in implementing acts adopted by the Commission. This information should enable promoting circularity and to ensure that waste operators have access to relevant information on chemical composition to determine the most appropriate waste management option, according to the waste hierarchy, thus promoting packaging circularity.</u></p>		


<p>(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system¹, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.</p> <p>¹ https://www.pro-e.org/the-green-dot-trademark</p>		


<p><u>(49a) Packaging covered by the mandatory deposit and return systems should bear a label informing the consumers that such packaging is covered by the system and therefore should be collected through specific collection points. This label should be a harmonised EU label established by the Commission. In addition, if any, it should be allowed to use other labels for deposit and return systems established under national or regional legislation.</u></p>		
<p>(49ab) [Placeholder: Directive 2005/29/EC works as a ‘safety net’ ensuring a high level of consumer protection in all sectors, complementing more detailed requirements in sector or product-specific Union law, unless in case of conflict between the provisions of the Directive and other Union rules related to specific aspects of unfair commercial practices, where the latter should prevail and apply to those specific aspects. The proposal for a Directive amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information, provides that</p>		


<p>displaying a voluntary sustainability label, which does not meet certain requirements, constitutes an unfair commercial practice.]</p>		
<p>(50) In order to ensure uniform conditions for the implementation of the labelling requirements, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to further improve waste sorting, to establish the conditions for identifying the material composition of packaging by means of standardised, open, digital marking technologies, and to lay down detailed harmonized specifications for the labelling requirements for packaging and waste receptacles established under this Regulation. When developing these specifications, the Commission should keep linguistic elements to a minimum and take into account scientific or other available technical information, including relevant international standards. The labelling of packaging subject to a harmonised deposit and return system should be designed with consideration given to the different countries' currency deposit system variation in the deposit being charged, which may exist between Member States. In view of the</p>		

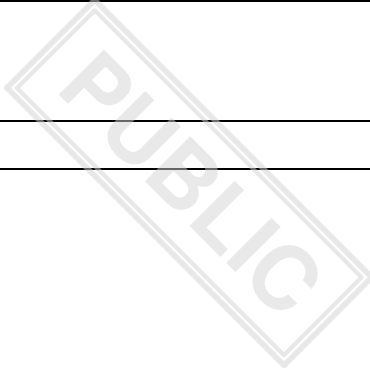
<p>new system, Commission Decision 97/129/EC² should be repealed as of 42 months after the date of entry into force of this Regulation and its content incorporated into this implementing act.</p>		
<p><i>Article 11 Labelling of packaging</i></p>		
<p>1. From <u>42 months after the entry into force of this Regulation or 24 months after the entry into force of the implementing act referred to in paragraph 5, whichever is the latest.</u> <i>{OP: Please insert the date – 42 months after the entry into force of this Regulation}</i>, packaging <u>packaging placed on the market</u> shall be marked with a label containing information on its material composition <u>and including</u> for the packaging referred to in <u>Article 8(1) and (2), that the material is compostable.</u> This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.</p> <p>Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first</p>		<p>Labels should always contain a clear uniform pictogram, color and text.</p>

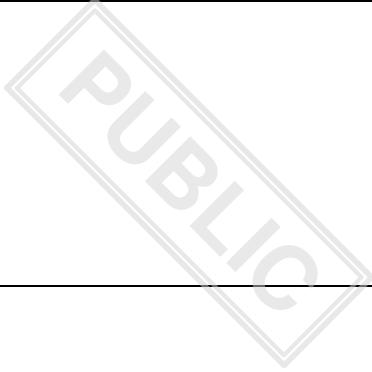
² Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 50, 20.2.1997, p. 28–31).


<p>subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.</p>		
<p>2. Reusable packaging placed on the market from <u>48 months after the entry into force of this Regulation or 24 months after the entry into force of the implementing act referred to in paragraph 5, whichever is the latest</u> [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear a label informing that it the packaging is reusable on packaging reusability and a QR code or other type of standardized, open, digital data carrier that provides further information on packaging reusability including the availability of a local, national or EU-wide system for re-use and of information on collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p>		
<p>3. Where If a unit of packaging is covered by Article 7 placed on the market from <u>42 months after the entry into force of this Regulation, 24 months after the entry into force of the implementing act referred to in paragraph 5, whichever is the</u></p>		

<p>latest {OP: Please insert the date = xx months after the entry into force of this Regulation}, and is marked with a label containing information on the share of recycled content in the plastic part, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where If a unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).</p>		
<p>4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly and legibly and indelibly on the packaging, and the information shall be available to end users before the purchase of the product <u>in distance sales when the product is sold online</u>. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging. The information contained in the QR code or other type of digital data carrier shall be made available in one or more languages which can be easily</p>		

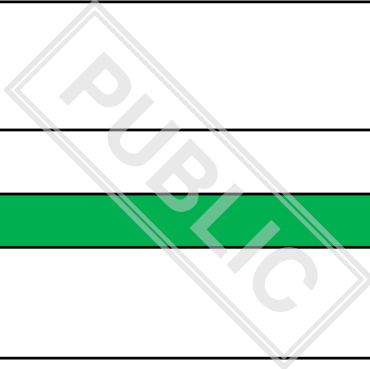
<p>understood by end users as determined by the Member State in which the packaging is to be made available on the market.</p> <p>Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging.</p>		
<p>5. By [<i>OP: Please insert the date = 18 months after the date of entry into force of this Regulation</i>], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. <u>The Commission shall take into account the specificities of composite packaging when developing the implementing act.</u> When developing the harmonised label for packaging subject to deposit and return systems referred to in Article 44(1) the Commission shall <u>take into consideration any variation which may exist in the deposit charged by the Member States' different currencies and deposits system.</u> The Commission shall take into account the specificities of composite packaging when developing the implementing act.</p>		

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).		
<p>6. By [<i>OP: Please insert the date = 24 months after the date of entry into force of this Regulation</i>], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of <u>standardised, open,</u> digital marking technologies, including for composite packaging and packaging that consists of several parts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3). <u>The identification of substances of concern by means of standardized, open, digital technologies shall also be included and shall include at least the name and concentration of the substance of concern present in each material in a packaging unit.</u></p> <p><u>The packaging placed on the market containing substances of concern shall be marked using the technology as referred to in this paragraph by 2030.</u></p>		
7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels,		

<p>marks, symbols or inscriptions, that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.</p>		
<p>8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.</p>		
<p><u>8a. Packaging covered by a deposit and return system referred to in Article 44(1) shall be labelled with the harmonised label in accordance with paragraph 1. These packaging may, in addition, by virtue of national law and on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States, be identified by means of a corresponding symbol throughout the territory in which that</u></p>		

<p><u>scheme or system applies. Packaging covered by a deposit and return system other than that referred to in Article 44(1) may, by virtue of national law, be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. The symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.</u></p>		
<p><i>Article 12 Labelling of waste receptacles for the collection of packaging waste</i></p>		
<p>1a. By 1 January 2028, <u>[OP: Please insert the date = 42 months after the entry into force of this Regulation], 42 months after the entry into force of this Regulation, or 24 months after the entry into force of the implementing acts referred to in paragraph 1b, whichever is the latest.</u> Member States shall ensure that labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be are affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste. <u>A receptacle for packaging waste may bear more than one</u></p>		<p>It would be really positive if the receptacles have the same color as the labels on the packaging. This makes it clear for consumers where packaging can be disposed of.</p>

<p><u>label.</u> This obligation does not apply to receptacles covered by a deposit and return system.</p>		
<p>Cluster 4 Waste prevention</p>		
<p><i>Recitals corresponding cluster 4:</i></p>		
<p><u>(10a) Cups, food containers, sandwich bags or other items, which can perform a packaging function, should not be considered as being packaging when they are not designed and intended to be filled at the point of sale. Only when these items are designed and intended to be filled at the point of sale or offered for sale pre-filled, they should be considered packaging, provided that they perform a packaging function.</u></p>		
<p>(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve</p>		

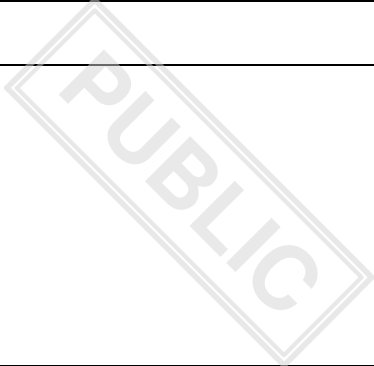



circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000^[1], should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. **On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria.** Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

[1] Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

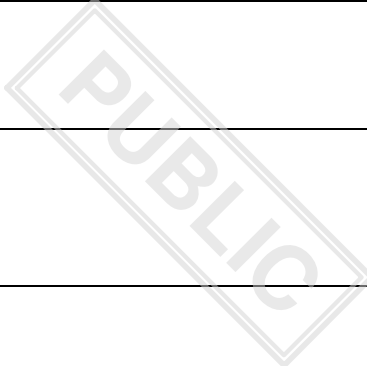
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The text could be more clear about the possible consequence that for better recyclability or re-use, more weight can be necessary. That should not be a problem.
Overall this would lead to less use of raw materials.

<p>(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space in grouped and transport packaging, including e-commerce packaging.</p>		
<p>(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.</p>		
<p>(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space ratio</p>		


<p>should be set on economic operators who fill the packaging and in terms of reducing the empty space when for the using of such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ratio should not exceed 40 %. In line with the waste hierarchy and to promote packaging innovation with the aim of packaging waste reduction, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.</p>		
<p>(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and food hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list. <u>The Commission will publish guidelines explaining in more detail Annex V, including</u></p>		

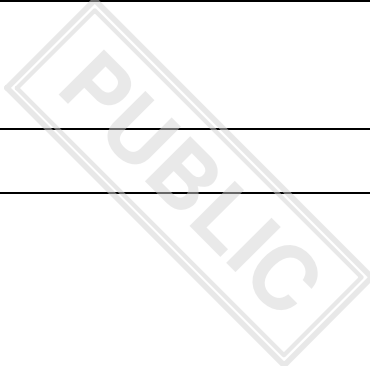
<p><u>examples of the packaging and guidance as regards the exemptions.</u></p>		
<p>(72) In view of the continued high consumption levels of plastic carrier bags, inefficient use of resources and their littering potential, it is appropriate to maintain provisions aimed at reaching a sustained consumption reduction of plastic carrier bags, as had already been established by Directive 94/62/EC as amended by the Directive (EU) 2015/720 of the European Parliament and of the Council^[1]. In view of the current divergent approaches and limited reporting requirements on the plastic carrier bags, it is difficult to assess whether the consumption reduction measures taken by the Member States have achieved the objective of a ‘sustained’ reduction in the consumption of such bags and also, if they have not increased the consumption of other types of plastic carrier bags. It is therefore necessary to harmonise a definition of sustained reduction consumption and set a common target as well as introduce new reporting requirements.</p>		




<p>^[1] Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).</p>		
<p>(73) In view of the results of the evaluation study on plastic carrier bags^[1], further measures need to be taken to reduce the consumption of lightweight plastic carrier bags and assess possible substitution effects with very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns.</p> <p>^[1] Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.</p>		
<p>(74) <u>To achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory.</u>The measures by Member States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory <u>may adopt measures which</u> include banning these types of plastic carrier bags, the use of implementation of national reduction targets, maintaining or introducing economic instruments as well as other marketing restrictions, provided that these restrictions</p>		

<p>measures are proportionate and non-discriminatory. Such measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use.</p>		
<p>(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.</p>		
<p>(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %,</p>	<p>(...)Meeting a target of 5% 15% reduction in 2030 compared to 2018 (...) 20 % by 2035; 25 % by 2040.</p>	

<p>compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10 % from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established.</p>		
<p>(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use and refill targets, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt</p>		

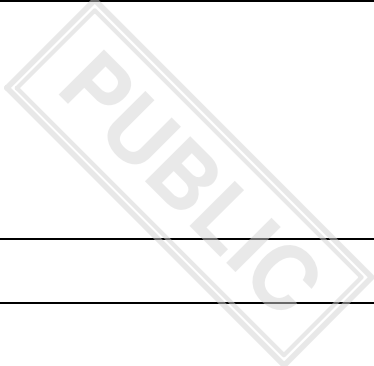

<p>provisions which go beyond the minimum targets set out in this Regulation.</p>		
<p>(134a) This Regulation establishes general rules applying to all packaging. However, Ccertain single-use plastic products covered by Directive (EU) 2019/904 are considered to be packaging (e.g.i.e. plastic carrier bags, beverages cups, food and beverage containers, including bottles) with the main purpose of that Directive being to prevent littering and its environmental impact. Directive (EU) 2019/904 is a <i>lex specialis</i> in relation to this Regulation. In the event of a conflict between Directive (EU) 2019/904 and this Regulation, Directive (EU) 2019/904 should prevail within the scope of its application, unless specifically provided otherwise in this Regulation.</p> <p><u>Article 4 of Directive (EU) 2019/904 requires Member States to take measures to reduce the consumption of certain single-use plastic products, including marketing restrictions. Because Directive (EU) 2019/904 is a <i>lex specialis</i> in relation to this Regulation, such marketing restrictions adopted by the Member States pursuant to Directive (EU) 2019/904 should apply and prevail over any conflicting provisions in this Regulation. As a</u></p>		


<p><u>consequence, it should not be possible for Member states to adopt an exemption from the ban in Article 5 in Directive (EU) 2019/904 on placing packaging made of expanded polystyrene on the market.</u></p> <p><u>Article 22 of this Regulation provides a restriction on the placing on the market of plastic products listed in Annex V point 3 thereto, while Article 4 of Directive (EU) 2019/904 allows the Member States to take the necessary measures to achieve reduction in the consumption of those single-use plastic products. Since such measures can be less restrictive than a ban on the placing on the market, in order to boost the reduction of single use plastic packaging and reduce the amount of single use plastic packaging in the environment, it is deemed necessary to establish stricter measures than those which can be adopted pursuant to article 4 in Directive (EU) 2019/904. Therefore Article 22 in this Regulation should prevail over Directive (EU) 2019/904 as regards such products. [In addition, Article 26(2)(3) and Article 45(4) under this Regulation should prevail over Directive (EU) 2019/904 as regards such products, for the same reasons.] To reflect this, Directive (EU) 2019/904 should be amended accordingly.</u></p>		

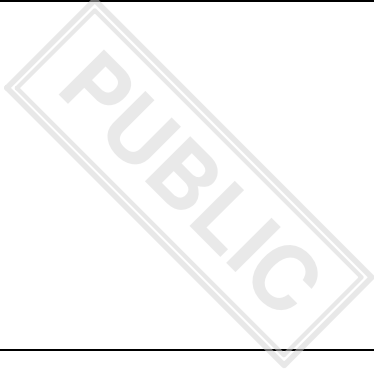
<i>Articles</i>		
<i>Definitions from Article 3 regarding cluster 4:</i>		
(21) ‘packaging waste prevention’ means measures that are taken before any packaging or packaging material has become packaging waste and that reduce the quantity of packaging waste, so that less or no packaging is required to contain, protect, handle, deliver or present products, <u>including re-use and measures to extend the life of the packaging before it becomes waste.</u>		
<i>Article 9 Packaging minimisation</i>		
1. Packaging shall be The manufacturer or importer shall ensure that the packaging placed on the market is designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.	1. Packaging shall be The manufacturer or importer shall ensure that the packaging placed on the market is designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material and the recyclability that the packaging is made of.	Also focus on the recyclability of the packaging placed on the market. Not only on weight.
2. The manufacturer or importer shall ensure that p ackaging not necessary to comply ing with any of the performance criteria set out in Annex IV and/or packaging with characteristics that are only	(...) unless the packaging design is subject to geographical indications of origin protected under Union legislation. This also applies to packaging design subject to geographical indications or intellectual property rights.	The Netherlands is alert to possible consequences of this regulation for existing intellectual property rights, more specifically (form) trademarks and designs. Nevertheless, The Netherlands would like to see those products to be as sustainable as possible and to be sustainable packaged, also in cases


		where there are intellectual property rights. This also applies to the geographical indications already mentioned in the regulation.
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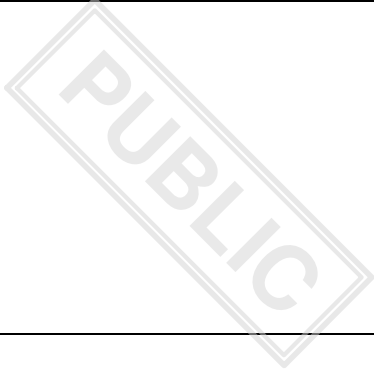
<p>aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall is not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.</p>		
<p>3. The economic operator who fills the packaging shall ensure that empty space shall be reduced to the minimum necessary for ensuring the packaging functionality, including product protection, as follows:</p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p>		

<p>4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</p> <ul style="list-style-type: none"> (a) an explanation of the technical specifications, standards, and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV; (b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria; (c) any test results, studies or other relevant sources such as modelling and simulation studies used to assess the minimum necessary volume or weight of the packaging. <p>For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10, and in the first place the requirements set out thereof.</p>		
<p>4a. months after entry into force of this Regulation, the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and</p>		<p>Due to many other ICT implementation obligations given by EU-law, we would like to see a phased implementation.</p>


<p>measurement of compliance with the requirements concerning packaging minimisation under this Regulation. <u>For certain most common packaging types and formats such standards should and specifying maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space for certain most common packaging types and formats.</u></p>		
<p><i>Article 21 Obligation related to excessive packaging</i></p>		
<p>I. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.</p>	<p>1a. Economic operators who supply cosmetics, electronic products and toys to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 15%. 1b. Economic operators who supply bulk products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 25%.</p>	<p>This addition reintroduces the empty space ratios for these types of packaging of these categories of products as proposed in the draft version.</p>

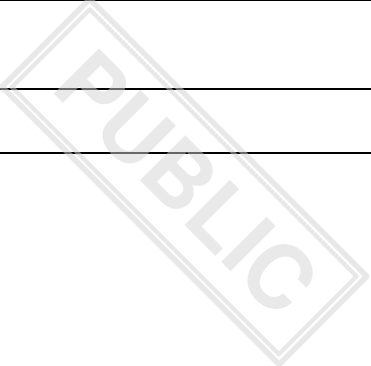
<p>2. For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p>		
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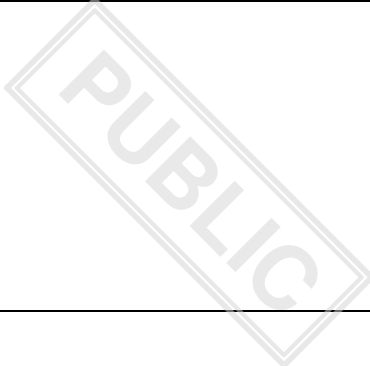
<p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.</p> <p>Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips <u>or other filling materials</u>, shall be considered as empty space.</p>		
<p><u>2a The economic operator who fills the sales packaging shall ensure that empty space is reduced to the minimum necessary for ensuring the packaging functionality, including product protection. Empty space ratio for sales packaging shall mean the difference between the total volume of the packaged product and its characteristics. For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</u></p>		

<p>3. Economic operators using sales packaging as e-commerce packaging <u>or using reusable packaging</u> shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements set out in Article 9.</p>		
<p><u>3a. 8 years after the 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. This includes establishing possible empty space ratios for sales packaging, particularly for toys, cosmetics, Do-It-Yourself kits and electronic products.</u></p>		
<p><i>Article 22 Restrictions on use of certain packaging formats</i></p>		
<p>1. <u>At the latest, three years after entry into force of this Regulation.</u> Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.</p>		


2. <u>By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.</u>		
3. Member States may exempt micro-enterprises defined in accordance with the Commission Recommendation 2003/361/EC , economic operators from point 3 of Annex V if they comply with the definition of micro company in accordance with rules set out in the Commission Recommendation 2003/361 , as publicly available applicable on [<i>OP: Please insert the date = the date of entry into force of this Regulation</i>], and where if it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.		
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to		

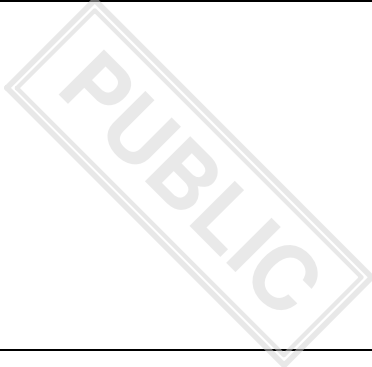
<p>adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.</p>		
<p>4a. <u>48</u> months after the entry into force of this Regulation, the Commission shall publish guidelines, in consultation with Member States, explaining in more detail Annex V, including examples of the packaging <u>formats in scope</u> and guidance as regards the any exemptions.</p>		

<p><i>Article 29 Plastic carrier bags</i></p>		
<p>1. Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory.</p> <p>A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.</p>		
<p>2. Measures to be taken by Member States to meet the target set out in paragraph 1 may vary depending on the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include the banning of lightweight plastic carrier bags or other marketing restrictions, provided that they are proportionate and non-discriminatory.</p>		

<p>3. In addition to the measures under paragraphs 1 and 2 above, Member States may take measures, such as economic instruments, and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.</p>		
<p><u>3a.</u> <u>In case the Member State adopts national reduction targets concerning certain plastic carrier bags, they can introduce measures to achieve such targets, which may, by way of derogation from Article 4, include the banning of such carrier bags or other marketing restrictions, provided that they are proportionate and non-discriminatory .</u> <u>If the measures take the form of bans, Member States shall monitor the effects of such measures and revoke the measures immediately in case there is a risk the end users can replace the use of banned carrier bags with a product having a more detrimental impact on the environment.</u></p>		
<p>4. Member States may exclude very lightweight plastic carrier bags which that which are required for hygiene purposes or provided as</p>		

sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.		
<i>Article 38 Prevention of packaging waste</i>		
<p>1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by at least</p> <ul style="list-style-type: none"> 1. 5 % by 2030; 1. 10 % by 2035; 1. 15 % by 2040. 	<p>1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by at least (a) 15 % by 2030; (b) 20 % by 2035; (c) 25 % by 2040.</p>	<p>The obligation to achieve the 15% target by 2030 will have a stimulating effect on the MS to effectively implement the necessary measures to reach this target, for instance regarding the checks on technical documentation regarding packaging minimization mentioned in article 9 of the proposal.</p>
2. Member States shall implement measures aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging.		

<p>3. For the purpose of paragraph 2, Member States may introduce packaging waste prevention measures going beyond the minimum measures set out in this Article, while complying with the provisions set out in this Regulation.</p> <p>Such measures may include the use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures They shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.</p>		
<p><u>3a. By way of derogation from paragraph 1, Member States may at the latest by [xx] request to the Commission to use another base year than 2018 for the calculations of the targets under paragraph 1. Without prejudice to paragraph 2-3 of this Article, the Commission may allow Member States to use the requested base year when calculating the targets under paragraph 1 under</u></p>		<p>Please clarify why MS want to use different base years?</p>

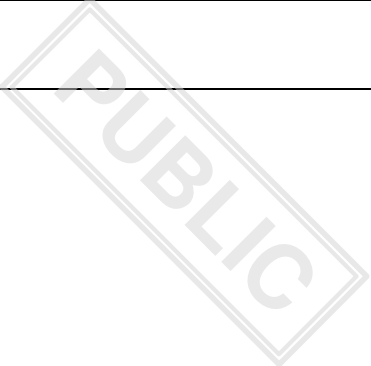
<p><u>the condition that the Member State provide substantiated evidence (i) of a significant increase of packaging waste during the year to be used for base as calculation of the targets under paragraph 1 (ii) that such increase is due to changes in the reporting procedures only, and (iii) the increase is not due to an increased consumption.</u></p>		
<p>4. By [<i>OP: Please insert the date = 8 years after the date of entry into force of this Regulation</i>], the Commission shall review the targets laid down in paragraph 1. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.</p>		
<p>5. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.</p>		

<p style="text-align: center;"><u>ANNEX IV</u> <u>METHODOLOGY FOR PACKAGING MINIMISATION</u> <u>ASSESSMENT</u></p>		
<p style="text-align: center;">PART I Performance criteria</p>		
<p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p>		
<p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes. The packaging manufacturing processes may determine packaging design elements such as the shape of a</p>		

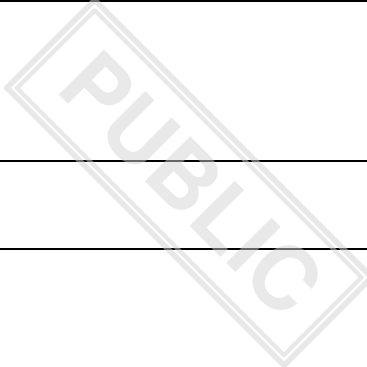
<p>container, thickness tolerances, size, feasibility of tooling, specifications minimising waste in manufacturing. The processes operated by manufacturer of products may also require certain design elements of packaging, such as impact and stress resistance, mechanical strength, packing line speed and efficiency, stability in conveying, heat resistance, effective closing, minimum headspace, hygiene.</p>	<p>(...). The processes operated by manufacturer of products may also be customized or require certain design elements of packaging, such as impact and stress resistance, mechanical strength, packing line speed and efficiency, stability in conveying, heat resistance, effective closing, minimum headspace, hygiene.</p>	<p>The process of designing packaging could also be adjusted.</p>
<p>3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product. Requirements may consist of dimensional co-ordination for optimum space utilisation, compatibility with palletizing and de-palletizing systems, handling and warehousing system, packaging system integrity during transport and handling.</p>		
<p>4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers. Requirements may consist of</p>		


<p>providing product information, instructions for storage, application and use, bar codes, best before date, etc.</p>		
<p>5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal. Requirements may consist of: safe handling design, child resistance, tamper evidence, hazard warnings, clear identification of content, safe opening device, pressure release closure, etc.</p>		
<p>6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.</p>		
<p>7. Recycled content, recyclability and re-use: The packaging design shall ensure reusability, recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation. This means that the packaging</p>		


<p>weight or volume may have to be increased, beyond what would otherwise be possible under the other performance factors in order to enable for e.g. a higher number of trips / rotations, to facilitate inclusion of recycled content or to enhance recyclability (e.g., when moving to a mono- material).</p>	<p>(...) (e.g., when moving to a mono-material or PCR- Post Consumer Recycled content).</p>	
<p>PART II Assessment methodology and determination of the minimum packaging volume and weight</p>		
<p>The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:</p>		
<p>(b) (aa) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented;</p>	<p>(aa) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging given the material used. Possible variations between production batches for a same packaging shall be taken into account and documented;</p>	<p>Take the used material into account. Mono material and post-consumer recycled content can be heavier than multi layers.</p>


<p>(a) (ab) for each performance criterion as listed in Part I, a list of design requirements a description shall be made which explains the design requirement that which prevents further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. It shall not be sufficient to substitute one packaging material with another;</p>		
<p>(c) any test results, market research or studies that have been used for the assessment conducted under points (aa) and (ab).</p>		


ANNEX V			
RESTRICTIONS ON USE OF PACKAGING FORMATS			
	Packaging format	Restricted use	Illustrative example
1	Single-use plastic grouped packaging	Plastic packaging used at the point of sale retail level to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage consumers and users to purchase more than one product. This	Collation films, shrink wrap





		<p>excludes grouped packaging necessary to facilitate handling in <u>business-to-business</u> distribution.</p>			
<p>2</p>	<p>Single use plastic packaging, single use composite packaging or other single use packaging for <u>unprocessed</u> fresh fruit and vegetables</p>	<p>Single use packaging for less than 1.5 kg <u>pre-packed</u> fresh fruit and vegetables, unless there is a demonstrated need to avoid water loss or turgidity loss, microbiological hazards or physical shocks, <u>oxidation,</u></p>	<p>Nets, bags, trays, containers</p>		

		<p><u>with the exemption of packaging needed to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables according to Regulation (EU) 2018/848. Exemptions can also be made in the case there is no other possibility to comply with the requirements in regulation EU 2018/848, such as</u></p>			
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		<p><u>certification or labelling.</u></p>			
<p>3</p>	<p>Single use plastic packaging, single use composite packaging or other single use packaging</p>	<p>Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating areas inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by</p>	<p>Trays, disposable plates and cups, bags, foil, boxes</p>		

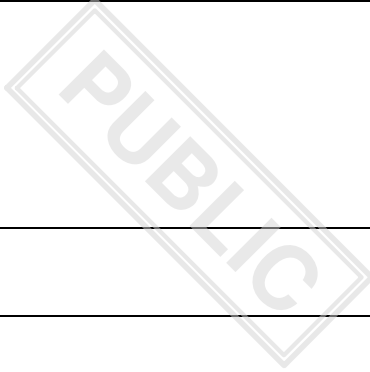
		<p>several economic operators or third party for the purpose of food and drinks consumption.</p> <p><u>Packets and wrappers made from flexible material for the purpose of containing food that is intended for immediate consumption from the packet or wrapper without any further preparation, may be exempted.</u></p>			
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4	Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector	Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation	Sachets, tubs, trays, boxes		
5	Single use hotel miniature packaging	For disposable cosmetics, hygiene and toiletry products of	Shampoo bottles, hand and body lotion bottles, sachets around		

		<p>less than 50 ml for liquid products or less than 100 g for non liquid products <u>for the use in the accommodation sector, according to NACE Rev. 2 – Statistical classification of economic activities^[1], intended for a single service and discarded before the next guest arrives.</u></p>	<p>miniature bar soap</p>		
		<p>^[1] NACE code I55, list can be found in EUROPA - Competition - Cases by NACE code - I</p>			

Cluster 5 General provisions including the legal basis (Articles 1,2,4)		
<i>Recitals</i>		
<p>(1). Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to on the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.</p>		
<p>(2). In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste^[1]. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the</p>		

<p>adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the transition to a circular economy.</p> <p>^[1] Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics</p>		
<p>(3) .European Parliament and Council Directive 94/62/EC^[1] lays down requirements for Member States on packaging, such as essential requirements, which relate to the composition of packaging and its reusable and recoverable nature, and recovery and recycling targets.</p> <p>^[1] European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).</p>		
<p>(4) .In 2014, a Fitness Check relating to Directive 94/62/EC^[1] recommended adaptations of the essential requirements to make them “more concrete and easily enforceable” and to strengthen them,</p>		

<p>which were seen as a key tool to achieve better environmental performance of packaging.</p> <p>^[1] European Commission (2014), Ex-post evaluation of Five Waste Stream Directives, – SWD (2014)209</p>		
<p>(5). In line with the Green Deal^[1], the new Circular Economy Action Plan (CEAP)^[2] commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. It commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source.</p> <p>^[1] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN</p> <p>^[2] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter</p>		


(6). Plastic packaging is the most carbon-intensive material and, in terms of fossil fuel use, recycling of plastic waste is approximately five-times better than incineration with energy recovery^[1]. Just as the European Strategy for Plastics^[2] states, CEAP commits to increase uptake of recycled plastics and contribute to the more sustainable use of plastics. The Union budget and the system of own resources contribute to reducing pollution from plastic packaging waste^[3]. As of 1 January 2021, the Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union introduced a national contribution that is proportional to the quantity of plastic packaging waste that is not recycled in each Member State. This own resource is part of incentives to reduce the consumption of single-use plastics, foster recycling and boost the circular economy.

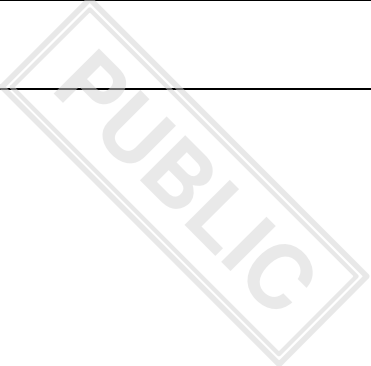
^[1] Amadei A., Ardente F., Garcia-Gutierrez P., Klenert D., Nessi S., Tonini D., Tosches D., Saveyn H. (2022), Environmental and economic assessment of plastic waste recycling, Mechanical, physical and chemical recycling technologies, publication pending.

^[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Strategy for Plastics in a Circular Economy COM(2018)28 final.


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<p>^[3] Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom COM(OJ L 424, 15.12.2020, p. 1).</p>		
<p>(7). The Council underlined in its Conclusions of December 2020^[1], that the revision of Directive 94/62/EC should update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste should be discarded to facilitate sorting and recycling.</p> <p>^[1] https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf</p>		
<p>(8). The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan^[1] reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a</p>		

<p>legislative proposal including waste reduction measures and targets and ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use.</p> <p>https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html</p>		
<p>(12). In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.</p>	<p>(12). In line with the waste hierarchy set out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimization given the material used, avoiding packaging where it is not needed, and increased re-use of packaging. (...)</p>	<p>Take the used material into account. Mono material and post-consumer recycled content can be heavier than multi layers.</p>

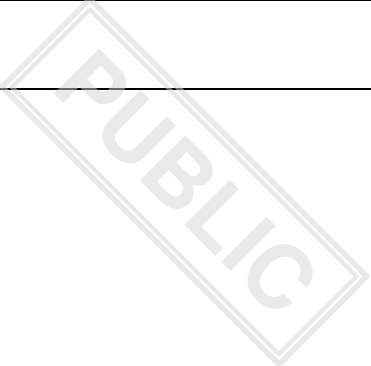
<p>(13). Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.</p>		
<p>(32). It should be recalled that food contact materials containing recycled plastic should comply with the requirements in Regulation (EU) 2022/1616, which includes requirements on recycling technologies. Regarding plastic packaging except where made from polyethylene terephthalate (PET), it will be warranted, 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 assessment, there might be 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</p>		

<p>adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.</p>		
<p><i>Articles</i></p>		
<p><i>Article 1 Subject matter</i></p>		
<p>1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, and treatment, including and recycling of packaging waste.</p>		
<p>2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the</p>		

<p>Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental protection.</p>		
<p>3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.</p>		
<p><i>Article 2 Scope</i></p>		
<p>1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.</p>		

<p>2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.</p>		
<p><i>Article 4 Free movement</i></p>		
<p>1. Packaging shall only be placed on the market if it complies with this Regulation.</p>		
<p>2. Member States shall not prohibit, restrict or impede the placing making available on the market for the first time within the territory of a Member State of packaging that</p>		

<p>complies with the sustainability, labelling and information requirements set out in Articles 5 to 110 of this Regulation.</p>		
<p>3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.</p>		
<p>4. In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the plaeing making available on the market for the first time within the territory of a Member State of packaging that complies with the requirements under this Regulation for reasons of non- compliance with those national requirements.</p>		<p>NL wants to see room for more ambitious national policy on certain points. That is why NL argues that the regulation should also be based on the environmental basis.</p>

<p>5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).</p>		
<p>6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.</p>		

PUBLIC

ANNEX II – PART 3 OF THE TEXT REV01. CLUSTER 6, 8 - 11.

Dear Delegates,

Kindly find attached the recitals, articles and annexes of the REV_1 discussed at the meetings on 22 and 23 June 2023 for the PPWR regarding Clusters 6 and from 8 to 11 in a table form. We kindly ask for your detailed and specific comments by **31st July 2023**.

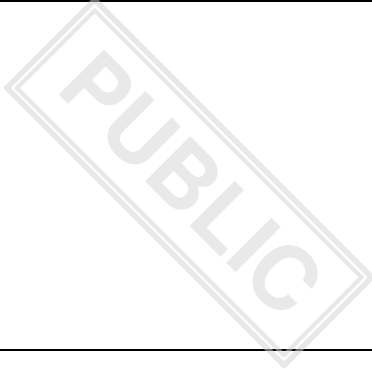
Kindly note the following important instructions when completing the table:

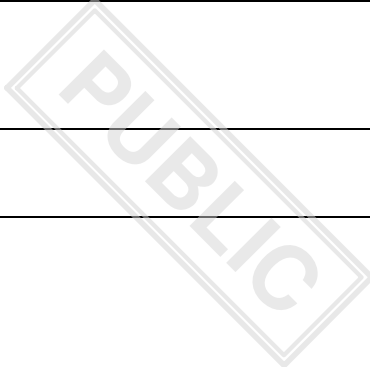
- Please do not delete any lines or squares from the table and do not insert any new lines or squares;
- Insert your comments into the 2nd and 3rd columns of the table only, in the line/square corresponding the provision concerned.
- For drafting suggestions please highlight amendments in bold and deletions in bold strikethrough
- You are free to change header/footer of the attached file as you wish - but please keep the table intact.

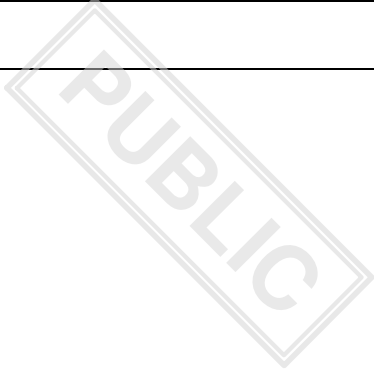
Delegations are particularly invited to express for which Articles and specific paragraphs more flexibility is still needed and how this could be achieved in concrete track changes proposals. Also in these cases, more information on the specific, national circumstances and examples that require such flexibility are also welcomed.

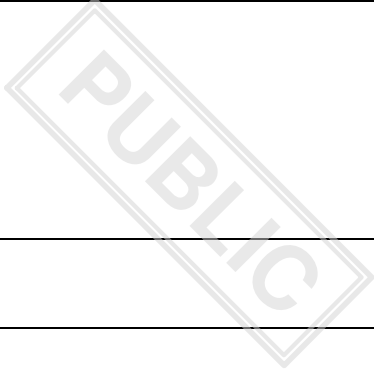
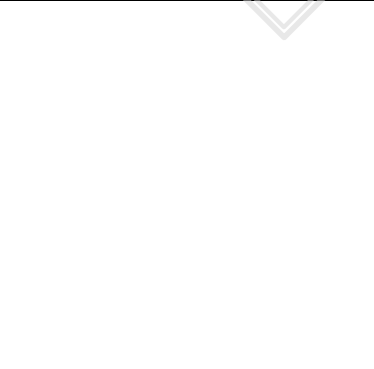
REV 01_text proposal	Drafting Suggestions	Motivation
2022/0396 (COD)		
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC		

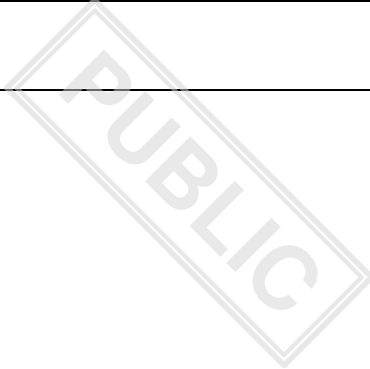
Cluster 6 Management of packaging waste		
<i>Recitals corresponding Cluster 6</i>		
<p>(84) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.</p>		
<p>(85) Despite packaging minimisation requirements and objectives as laid down in Directive 94/62/EC, packaging waste generation has been increasing in absolute terms and on a per capita basis and trends indicate a further steep decline in re-use and refill of packaging amplified by increased on-the-go consumption and e-commerce. As</p>		


<p>products, materials and consumption patterns have evolved, there has been a significant rise in the use of single use packaging, especially single use plastic. This is linked to the retail landscape, with larger distribution networks, manufacturing and packing products on high-speed packaging lines, which exert a combined downward pressure on the market for re-use and refill.</p>		
<p>(86) In order to monitor and verify compliance of producers and producer responsibility organisations with obligations under Extended Producer Responsibility relating to the collection and treatment of waste from their products it is necessary that Member States designate one or more competent authorities.</p>		
<p>(87) In order to ensure better, timelier and more uniform implementation of the obligations by Member States and anticipate any implementation weaknesses, a system of early warning reports should be maintained to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets. Extension of this system, which has under Directive 94/62/EC covered the attainment</p>		


<p>of recycling targets, should include also packaging waste reduction targets to be attained by Member State by 2030 and 2035.</p>		
<p>(88) As collection and management of packaging and packaging waste is an important element of waste management in general, Member States should dedicate a separate chapter to this issue in waste management plans prepared in the execution of obligation laid down in Directive 2008/98/EC. As regard to the mMeasures on waste prevention and re-use, these should be included in the waste prevention programmes required pursuant to Directive 2008/98/EC be given particular attention. <u>These chapters can be added to the waste management plan and the waste prevention programme as part of their next regular evaluation specified in Directive 2008/98/EC, or earlier.</u></p>		
<p>(89) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC.</p>		


<p>(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.</p>		
<p>(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018 should entail an overall absolute reduction of approximately 19 % on average across the Union in 2030 compared to the 2030 baseline. Member States should reduce packaging waste generation by 10 %, compared to 2018, by 2035; this is estimated to reduce packaging waste by 29 % compared to the 2030 baseline. In order to ensure that the reduction efforts continue beyond 2030, a reduction target of 10</p>	<p>(a) 15 % by 2030; (b) 20 % by 2035; (c) 25 % by 2040.</p>	


<p>% from 2018, which would mean a reduction of 29 % compared to baseline, should be set for 2035 and, for 2040, a reduction target of 15 % from 2018, which means a reduction of 37 % compared to baseline should be established.</p>		
<p>(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use and refill targets, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.</p>		

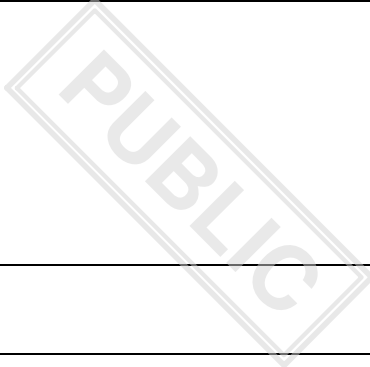
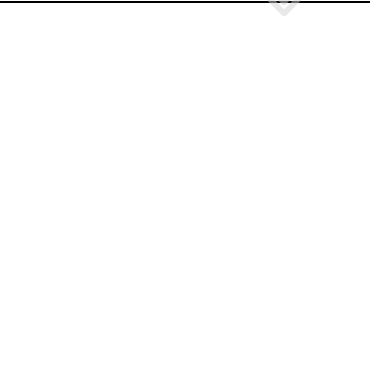
<p>(93) To implement the polluter pays principle, it is appropriate to lay the obligations for the management of packaging waste on producers, which includes any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council^[4], makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark. <u>To this end, this Regulation builds on the extended producer responsibility (EPR) requirements in Directive 2008/98/EC in order to ensure that the EPR system is set up to cover the full waste management costs of packaging and to facilitate adequate controls by the competent authorities. The Regulation seeks to clearly define one producer per packaging unit, be it for empty packaging or for packaging containing products. As a general rule, the producer should be the economic operator located in the Member State where the packaging is made available for the first time. The exception is when packaging is made available by means of distance contracts directly to the end-user when the producer is established outside the EU. The definition of producer takes into account, which economic operator is best</u></p>		

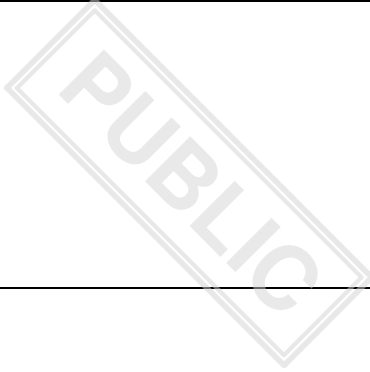
<p><u>placed to comply with the producer-related obligations, but also seeks to minimize unnecessary administrative burden for small businesses filling service packaging at the point of sale.</u></p> <p>iii Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).</p>		
<p>(94) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of the waste from the packaging they make available for the first time on the market of a Member State, it is necessary that a register is established and managed by the competent authority in each Member State and that producers should be obliged to register.</p>		


<p>(95) The registration requirements should be harmonised across the Union to the greatest extent possible so to facilitate registration in particular where producers make packaging available in different Member States. In order to ensure uniform conditions for the implementation of the registration requirements, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to lay down a common format for registration in and reporting to the register, detailing the data to be reported.</p>		
<p>(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and</p>		

<p>in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.</p> <p><u>For example, in order to facilitate the separate collection of packaging waste, the producers shall finance the labelling of waste receptacles. This is in line with the producer pay principle and the general minimum requirements for EPR schemes established in Directive 2008/98/EC.</u></p>		
<p>(96a) As regards extended producer responsibility (EPR) obligations, this Regulation is a <i>lex specialis</i> in relation to Directive 2008/98/EC, which means that where this Regulation <u>has sets out EPR-related provisions,</u> these should prevail over any conflicting provisions in that Directive. This concerns, for example, requirements on <u>producer registration, fee eco-modulation of EPR fees and reporting.</u> However, all <u>Where this Regulation does not provide for a full harmonisation as regards other</u> measures related to EPR or additional rules on non-</p>		

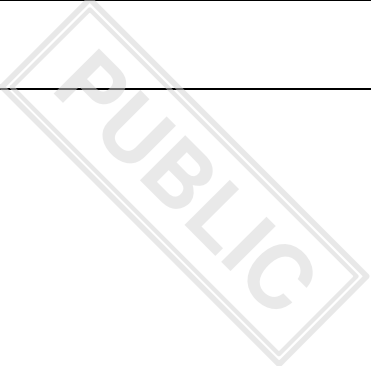
<p><u>harmonised topics in relation to EPR, Member States should be able to provide for additional measures, provided such measures are in accordance with Directive 2008/98/EC and consistent both with the national laws transposing that Directive and with this Regulation, should be regulated in accordance with the provisions of Directive 2008/98/EC and national rules transposing that Directive, without and do not creating barriers to the internal market. Furthermore, this Regulation does not regulate arrangements of the systems of collection of packaging waste, as this is an example of a matter that is set by national law transposing Directive 2008/98/EC. The same rule applies as regards separate collection of packaging waste and the labelling of waste receptacles. However, this Regulation does not regulate which operator is responsible for the collection of packaging waste and other national contractual arrangements for packaging waste collection.</u></p>		<p><i>“The same rule applies as regards separate collection of packaging waste (...).”</i></p> <p>NL wants to underline the importance of keeping the possibility of post collection separation of plastic packaging waste – as mentioned in the WFD.</p>
<p><u>(96b) In addition to the harmonized requirement on recyclability for the modulation of the producers’ financial contributions as detailed in accordance with the delegated acts referred to in Article 6(4) and (6), Member States should be allowed to use</u></p>		


<p><u>other criteria, such as recycled content, reusability, presence of hazardous substances or other criteria in accordance with point (b) of paragraph 4 of Article 8a Directive 2008/98/EC.</u></p>		
<p>(97) Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation by the Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility. Member States, when laying down administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance, could differentiate processes for individual producers and producer responsibility organisation to limit the administrative burden on individual producers. It should be recalled that Member States may authorise multiple producer responsibility organisations, as competition among them may lead to greater consumer benefits. Moreover, when establishing measures ensuring that arrangements are to be concluded with distributors, public authorities or third</p>		

<p>parties carrying out waste management, Member States should allow for preliminary, or similar, agreements, and require that binding agreements are concluded only within a reasonable timeframe after the authorisation.</p>		
<p>(98) This Regulation should specify how the traceability of traders' obligations laid down in Regulation (EU) 2022/2065 of the European Parliament and of the Council^[1] lays down rules on the traceability of traders, which more specifically contain obligations for are to be applied to providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union in relation to the registers of producers established pursuant to this Regulation. For the purposes of this Regulation, any producer offering packaging, by means of distance contracts directly to consumers located in a Member State, whether established in a Member State or a third country, should be considered to be a trader as defined in Regulation (EU) 2022/2065. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should</p>		

<p>fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter III 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain, in line with Regulation (EU) 2022/2065, from those producers, information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.</p> <p>^[1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).</p>		
<p>(99) Member States should provide for the measures for the extended producer responsibility under this Regulation <u>and may also provide further requirements for extended producer</u></p>		


<p><u>responsibility</u> in accordance with the provisions of Directive 2008/98/EC and of this Regulation.</p>		
<p>(100) Member States should set up return and collection systems for packaging waste, so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy. The systems should be open for participation for all interested parties, in particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems should also be applicable for packaging of imported products under non-discriminatory provisions.</p>		
<p>(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled content in plastic packaging.</p>		

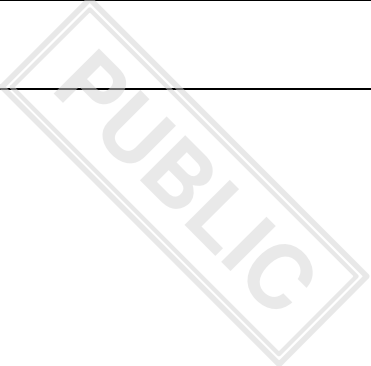
<p>(102) It has been shown that well-functioning deposit and return systems ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.</p>		
<p>(103) Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They</p>		

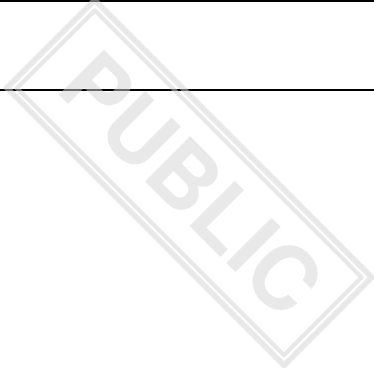
<p>should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.</p>		
<p>(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council^[1]. Member States may establish deposit and return systems covering also other packaging.</p> <p>1. ^[1] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72,</p>		<p>In regards to circularity and level playing field it's unclear why these exemptions exist. Also for law enforcement it would be more clear without those exemptions.</p>


<p>(EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).</p>		
<p>(105) All deposit and return systems <u>established after 1 January 2028</u> should comply with the <u>general</u> minimum general requirements laid down in this Regulation. Those requirements will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems. The requirements are designed to allow for innovation while offering a level of flexibility to adapt to local circumstances.</p>		
<p>(106) Member States and all the relevant stakeholders involved in the setting up of the deposit and return systems should strive for the maximum inter-operability of these systems and cooperate to ease the return of packaging by consumers, in particular in border areas where it is demonstrated that the lack of interoperability is causing lower return rates. <u>The Commission, in consultation with Member</u></p>		


<p><u>States, should develop guidelines, including best-practices, for system inter-operability in regions with high transboundary business.</u></p>		
<p>(107) Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.</p>		
<p>(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that</p>		


<p>such requirements will not result in fragmentation of single market and creation of trade barriers. <u>To ease the implementation and managing systems for different packaging formats, Member States are allowed to have a different system operator for the re-use system and another operator for the system for single-use plastic beverage bottles and single use metal beverage containers. However, only one operator per system should be allowed.</u></p>		
<p>(109) Directive 94/62/EC was amended by Directive (EU) 2018/852 of the European Parliament and of the Council^[1] setting out recycling targets for Member States to be achieved by 2025 and 2030. These targets and the rules for their calculation should be retained. Furthermore, measures facilitating the attainment of these targets should be set up, such as sustainability requirements for packaging, in particular provisions regarding packaging's recyclability. For this reason, it should not be possible to postpone the deadlines for attaining the 2030 recycling targets.</p> <p>^[1] Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p. 141).</p>		


<p>(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows that some Member States still have difficulties with meeting the existing targets. For this reason, measures encouraging manufacturers to place on the market more recyclable packaging, and thereby helping Member States to achieve the recycling targets, should be set up. In the future, more recyclable packaging, coupled with greater granularity of data on the packaging and packaging waste recycling flows, should be reported to the Commission. That will enable the Commission to review the targets with the possibility of maintaining or increasing them. In order to take account of the effect of the measures aimed at improving the packaging recyclability, the review should not take place earlier than the envisaged general evaluation of the Regulation, i.e. 8 years after its entry into force. During that review, attention should also be paid to the possibility of introducing new targets on a more granular basis than the current targets.</p>		


<p>(111) The calculation of the recycling targets should be based on the weight of packaging waste, which enters recycling. Member States should ensure the reliability and accuracy of the data gathered on recycled packaging waste. As a general rule, the actual measurement of the weight of packaging waste counted as recycled should be at the point where packaging waste enters the recycling operation. Nevertheless, in order to limit the administrative burden, Member States should, under strict conditions and by way of derogation from the general rule, be allowed to establish the weight of packaging waste recycled on the basis of measuring the output of any sorting operation, to be corrected with average loss rates occurring before the waste enters the recycling operations. Losses of materials which occur before the waste enters the recycling operation, for instance due to sorting or other preliminary operations, should not be included in the waste amounts reported as recycled. Those losses can be established on the basis of electronic registries, technical specifications, detailed rules on the calculation of average loss rates for various waste streams or other equivalent measures. Member States should report on such measures in the quality check reports accompanying the data which they report to the Commission on waste recycling. The average loss rates should preferably be</p>		


<p>established at the level of individual sorting facilities and should be linked to the different main types of waste, different sources (such as household or commercial), different collection schemes and different types of sorting processes. Average loss rates should only be used in cases where no other reliable data are available, in particular in the context of shipment and export of waste. Losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operation where packaging waste is actually reprocessed into products, materials or substances should not be deducted from the weight of the waste reported as recycled.</p>		
<p>(112) Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can be counted as recycled provided that such treatment generates output which is to be used as a recycled product, material or substance. While the output of such treatment is most commonly compost or digestate, other output could also be taken into account provided that it contains comparable quantities of recycled content in relation to</p>	<p>Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can NOT be counted as recycled provided that such treatment generates output which is to be used as a recycled product, material or substance.</p>	<p>Once biodegradable packaging is being composed in industrial facilities, the material breaks down in smaller pieces. So, when packaging breaks down in industrial controlled facilities, that material is lost. The material can't be used as recycled content. Biodegradable packaging should not be named recycled if it does not gives any recycled content for new packaging.</p>

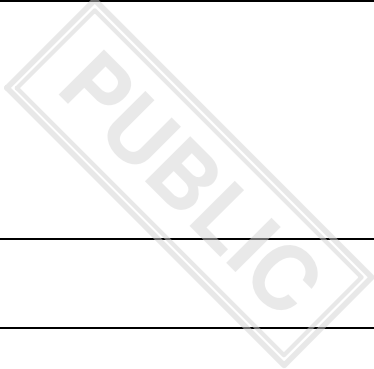
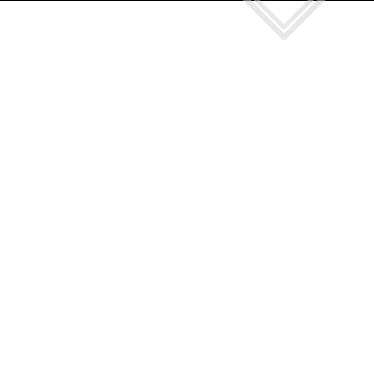
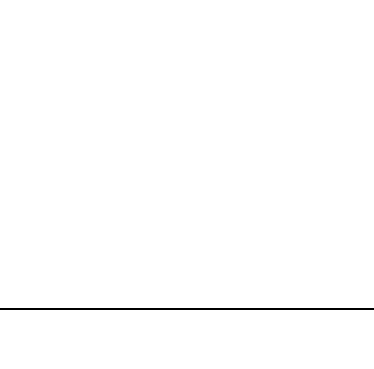
<p>the amount of the treated biodegradable packaging waste. In other cases, in line with the definition of recycling, the reprocessing of biodegradable packaging waste into materials which are to be used as fuels or other means to generate energy, which are disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.</p>		
<p>(113) Where packaging waste materials cease to be waste as a result of a preparatory operation before being actually reprocessed, they should be counted as recycled provided that they are destined for subsequent reprocessing into products, materials or substances, whether for their original or other purposes. End-of-waste materials which are to be used as fuels or other means to generate energy, which are backfilled or disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.</p>		

<p>(114) Member States should be enabled to take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004^[1] laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC.</p> <p>^[1] Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012)2384 (OJ L 163, 20.6.2019, p. 66).</p>		
<p>(115) In the case of exports of packaging waste from the Union for recycling, Regulation (EC) No 1013/2006 of the European Parliament and of the Council^[1] applies.</p> <p>^[1] Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).</p>		

<p>(116) As re-use means that no new packaging is placed on the market, reusable sales packaging that is placed on the market for the first time and wooden packaging that is repaired for re-use should be taken into account for the purposes of attaining the respective packaging recycling targets. Member States should be able to use this possibility to calculate adjusted level of recycling targets by taking into account maximum 5 percentage points of the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and reused as part of a system for re-use.</p>		
<p>(117) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. <u>They should also inform consumers that packaging marked as compostable means that the packaging is compostable in industrially controlled conditions in bio-waste treatment facilities and not suitable for home composting. Only packaging listed in this</u></p>	<p>Only packaging listed in this Regulation and marked as home compostable is suitable for home composting.</p>	<p>NL is not in favor of home composting of packaging. This should be done in industrial controlled facilities.</p>

<p><u>Regulation and marked as home-compostable is suitable for home composting. No packaging is suitable for biodegradation in nature.</u> The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as reporting on packaging should make use of modern information technologies. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.</p>		
<p><u>(117a) For labelling of biobased plastic content, t</u>he Communication from the Commission on an EU policy framework on bio-based, biodegradable and compostable plastics¹¹ (COM 2022/682) refers to plastics as ‘biobased’ points to the raw materials, or feedstock, used for their production. While conventional plastics are made from fossil resources (oil and natural gas), biobased plastics are, <u>fully or partly</u>, made from biomass <u>biobased feedstock</u> . The biomass currently</p>		

<p>originates mainly from plants grown specifically to be used as feedstock to substitute fossil resources, such as sugarcane, cereal crops, oil crops or non-food sources like wood. Other sources are organic waste and by-products, such as used cooking oil, bagasse and tall oil. Plastics can be fully or partially made from biobased feedstock. Biobased plastics can be both biodegradable and non-biodegradable.</p> <p>¹¹¹ https://ec.europa.eu/environment/topics/plastics/bio-based-biodegradable-and-compostable-plastics_en</p>		
<p>(118) For each calendar year, Member States should provide the Commission with information on attainment of recycling targets. To evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags, data on consumption of very lightweight plastic carrier bags and thick plastic carrier bags should also be reported to allow for the assessment whether the consumption of these bags has increased in response to the reduction measures targeting lightweight plastic carrier bags. Providing of data on the annual consumption of very thick carrier bags should be voluntary for the Member States. In order to allow assessing whether the mandatory deposit and return systems to be</p>		

<p>set up by the Member States are effective, or whether exemptions by Member States from the obligation to set up those systems are justified, it is important to obtain information on the collection rate of such packaging through Member States reporting.</p>		
<p>(119) In order to establish the methodology for assessment of the at scale recyclability, Member States should also report data on recycling rates of packaging waste per packaging material and type, amounts of separately collected packaging waste for each packaging material, amounts of packaging waste placed on the market per material and packaging type, and installed capacities of sorting and recycling. Reporting should be done annually.</p>		
<p>(120) Member States should report data to the Commission electronically and provide it with a quality check report. In addition, data on recycling targets should be accompanied by a report describing measures undertaken in order to establish an effective system of quality control and traceability of packaging waste.</p>		

(121) In order to ensure uniform conditions for the implementation of the reporting obligations, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission **so that the latter ~~to~~ can** establish rules for calculation and verification of data on attainment of the recycling targets, separate collection rates of packaging covered by the deposit and return system, and data necessary for establishing the methodology for recyclability at scale assessment. This implementing act should also include rules for determination of the amount of packaging waste generated as well as lay down the format for reporting of data. It should also establish the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person and the format for reporting of this data, as this is necessary to support the monitoring and the full implementation of the substantive requirements related to plastic carrier bags, in particular to ensure disaggregated and mandatory reporting on different categories of plastic carrier bags. This implementing act should replace Commission Decisions (EU) 2018/896^[1] and 2005/270/EC^[2].

^[2] Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6).

(122) In order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in this Regulation, the Member States should establish packaging databases and ensure that they are well-functioning		
<i><u>Corresponding definitions in Article 3</u></i>		
(1.d) items designed and intended to be filled at the point of sale, provided that they perform a packaging function, <u>also referred to as ‘service packaging’</u> .		
(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark; <u>alternatively, is one of the following:</u>		

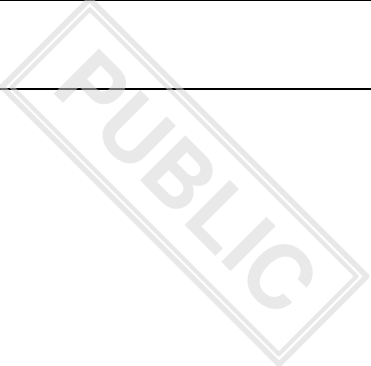
(i) is established in a Member State and manufactures service packaging or reusable packaging under its own name or trademark, or has service packaging or reusable packaging designed or manufactured and makes it available for the first time under its own name or trademark, within the territory of that Member State;


(ii) is established in a Member State and makes available a packaged product under its own name or trademark for the first time within the territory of that Member State, with the exceptions of service packaging and reusable packaging where (i) applies;

(iii) is established in a Member State and makes available packaging or packaged products for the first time in this Member State, from a third country or from another Member State;

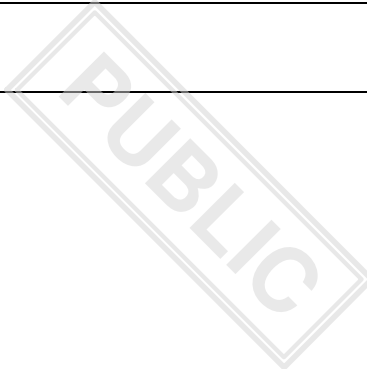
(iv) makes packaging or packaged products available for the first time, by means of distance contracts directly to end-users in a Member State, and is established in another Member State or in a third country.

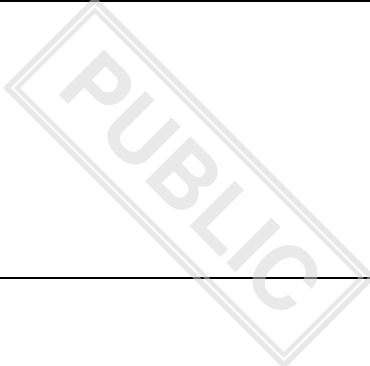
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<p>(15) authorised appointed representative for the extended producer responsibility’ means a legal or natural person established in a Member State where the producer makes packaging available on the market for the first time, other than the Member State where the producer is established, and who is appointed by the producer in accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EC for fulfilling the obligations of that producer under Chapter VII of this Regulation;</p>		
<p>(50) ‘deposit’ means a fixed sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;</p>		


<p>(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;</p>		
<p>(52) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;</p>		
<p>(53) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c) of Regulation (EU) No 1025/2012;</p>		
<p>(55) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;</p>		

(56) ‘life-cycle’ means the consecutive and interlinked stages that packaging goes through, including the packaging waste management stage , from raw material acquisition or generation from natural resources to final disposal of the packaging waste management .		
(59) ‘online platform’ means online platform as defined in Article 3 point (i) of Regulation (EU) 2022/2065;		
(60) ‘ waste’ means waste as defined in Article 3 point (1) of Directive 2008/98/EC, with the exception of reusable packaging conveyed to reconditioning;		
<i>Article 35 Competent authority</i>		




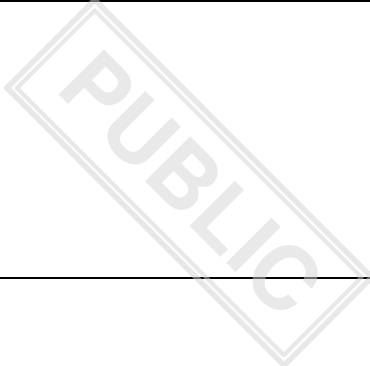
<p>1. Member States shall designate one or more competent authorities responsible for implementation and enforcement of the obligations set out in this Chapter and in Article 6(9), 26(1) to (10), Article 27, Article 28 and Article 29.</p>		
<p>2. Member States shall lay down the details of the organisation and operation of the competent authority or competent authorities, including administrative and procedural rules governing:</p> <ul style="list-style-type: none"> (a) the registration of producers in accordance with Article 39; (b) the organisation and monitoring of reporting requirements under Article 39(7); (c) the oversight of the implementation of the extended producer responsibility obligations in accordance with Article 40; (d) the making available of information in accordance with Article 50. 		


<p>3. By [<i>OP: Please insert the date = 63 months after the date of entry into force of this Regulation</i>], Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.</p>		
<p><i>Article 36</i></p> <p><i>Early warning report</i></p>		
<p>1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Articles 38 and 46 at the latest three years before each of the deadlines laid down in those Articles.</p>		


<p>2. The reports referred to in paragraph 1 shall include the following:</p> <ul style="list-style-type: none"> (a) an estimation of the attainment of the targets by each Member State; (b) a list of Member States at risk of not attaining the targets within the respective deadlines, accompanied by appropriate recommendations for the Member States concerned; (c) examples of best practices that are used throughout the Union which could provide guidance for progressing towards attaining the targets. 		
<p><i>Article 37 Waste management plans and waste prevention programmes</i></p>		
<p>1. Member States shall include in the waste management plans required pursuant to Article 28 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 43, 44 and 38 and 4546 of this Regulation.</p>		


<p>1.a Member States shall include in the waste prevention programmes required pursuant to Article 29 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 38 and 45 of this Regulation.</p>		
<p><i>Article 39 Register of producers</i></p>		
<p>1. Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.</p> <p>The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or appointed authorised representatives for the extended producer responsibility.</p>		

<p>2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless otherwise specified by the Member State in which the register is established.</p>		
<p>3. The obligations set out in this Article may, on the producer's behalf, behalf of producers by written mandate, be met by an appointed authorised representative for the extended producer responsibility.</p>		

<p>4. Producers shall not make available packaging on the market, if they or, where applicable, their appointed authorised representatives for the extended producer responsibility, are not registered in such Member State.</p>		
<p>5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if it is necessary for an efficient use of the register.</p>		
<p>6. Where an appointed authorised representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.</p>		


<p>7. The producer or, where applicable, the producer's appointed authorised representative for the extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, <u>at the latest by 1 June</u> 30 April + March for each full preceding calendar year, the information set out in Part B of Annex IX.</p>		
<p>7a. Producers, or where applicable, the producer's authorised <u>representative, who are exempted from the obligation in paragraph 7 if they</u> fall under the definition of micro-enterprise in accordance with the Commission Recommendation 2003/361/EC as publicly available applicable on [OP: Please insert the date = the date of entry into force of this Regulation] <u>shall report to the competent authority responsible for the register, by 30 April, for each full preceding calendar year, the information set out in Part C of Annex IX .</u></p>		<p>Why do micro-enterprises have to report to the competent authority responsible for the register by 30 April, but do larger enterprises have to report at the latest by 1 June (see article 39.7, above). Please harmonize this date.</p>


<p>8. The competent authority responsible for the register:</p> <p>(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;</p> <p>(b) shall grant registrations and provide a registration number within a maximum period of twelve weeks <u>1 month twelve weeks</u> from the moment that all the information laid down in paragraphs 5 and 6 is provided;</p> <p>(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6;</p> <p>(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;</p> <p>(e) shall receive and monitor the reporting referred to in paragraph 7.</p>		
<p>9. The producer, or, where applicable, the producer's appointed authorised representative for the extended producer responsibility or the producer responsibility organisation</p>		


<p>shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register if the producer has ceased to exist as a producer.</p>		
<p>10. Member States shall ensure that the list of registered producers shall be publicly available <u>free of charge.</u> However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. <u>The list of registered producers shall be machine readable, sortable and searchable, respecting open standards for third party use.</u> Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.</p>		


<p>11. The Commission shall, <u>by no later than three years after the entry into force of this Regulation</u> <i>{OP: please insert the date X after the date of entry into force of this Regulation}</i>, adopt implementing acts establishing the format for registration in, and reporting to, the register and specifying the granularity of data to be reported and the packaging types and material categories to be covered by the reporting.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>	<p>The Commission shall, <u>by no later than 12 months after the entry into force of this Regulation (...)</u></p>	
<p><i>Article 40 Extended Producer Responsibility</i></p>		
<p>1. Producers of packaging shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the</p>		

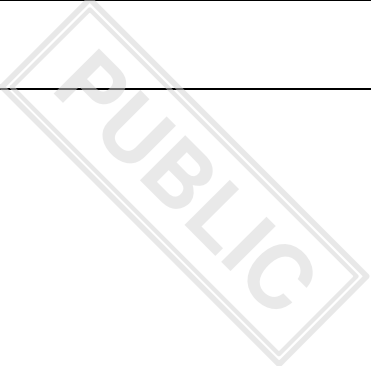
market for the first time within the territory of a Member State.		
<u>1a. The financial contributions paid by the producer shall cover the costs of labelling waste receptacles for the collection of packaging waste as referred to in Article 12.</u>		
2. A producer shall appoint, by written mandate, an appointed authorised representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time.		
3. For the purpose of compliance with Article 30, paragraph 1, points (d) and (e), of Regulation (EU) 2022/2065, Providers of online platforms, falling within the scope of Section 4 of Chapter 3 III of Regulation (EU) 2022/2065,		

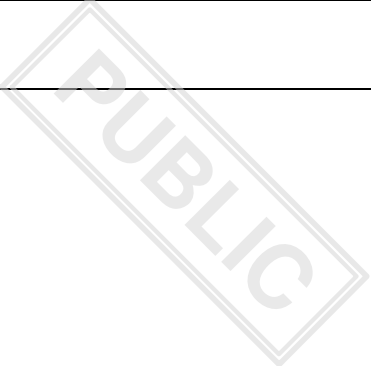
<p>allowing consumers to conclude distance contracts with producers shall obtain the following information from producers offering packaging to consumers located in the Union:</p> <p>(a) information on the registration of the producers referred to in Article 39 in the Member State where the consumer is located and the registration number(s) of the producer in that register;</p> <p>(b) a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article are complied with in the Member State where the consumer is located.</p>		
<p><u>3a The provider of the online platform allowing consumers to conclude distance contracts with traders shall verify the information in paragraph 3 point (a) with the publicly available registration list referred to in Article 39(10), and where the provider obtains sufficient indications or has reason to believe that any item of information referred to in paragraph 3 obtained from</u></p>		


<p><u>the trader concerned is inaccurate, incomplete or not up-to-date, the provider shall request the trader to remedy that situation without delay or within the period set by national law. Where the trader fails to correct or complete that information, the provider of the online platform shall swiftly suspend the provision of its service to that trader until the request has been fully complied with.</u></p>		
<p><i>Article 41 Producer Responsibility Organisation</i></p>		
<p>1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.</p>		

<p>2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations <u>and producers that have not entrusted a producer responsibility organisation</u> , when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.</p>		
<p>3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their appointed authorised representatives.</p>		

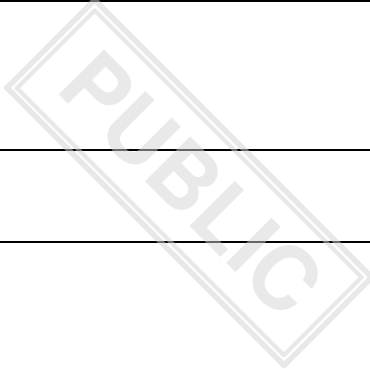
<p>4. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year and subject to commercial and industrial confidentiality, information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility obligations.</p>		
<p><i>Article 42 Authorisation on fulfilment of extended producer responsibility</i></p>		
<p>1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, or the appointed producer responsibility organisations in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.</p>		

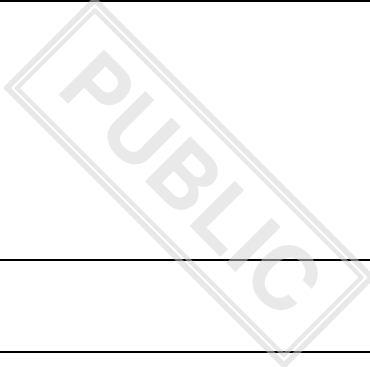
<p>2. The Member State shall in its measures laying down administrative and procedural rules referred to in Article 35, establish the requirements and details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraph 3, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification shall may be done by a competent authority or an independent expert who shall issue a verification report on its result. The independent expert shall be independent of the competent authority and of the producer responsibility organisations or the producers authorised for individual fulfilment.</p>		

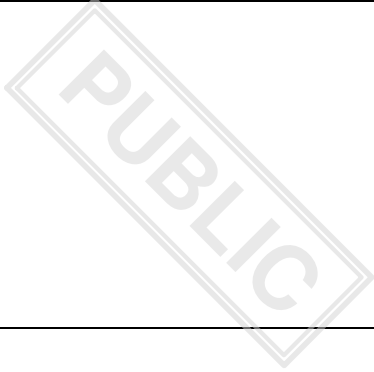
<p>3. The measures to be established by Member States in accordance with paragraph 2 shall include measures ensuring that:</p> <p>(a) the requirements laid down in of Article 8a(3), points (a) to (d), of Directive 2008/98/EC are complied with;</p> <p>(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return or collection in accordance with Article 43(1) and (2) and Article 44, free of charge for end users, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;</p> <p>(c) the necessary arrangements, including preliminary arrangements, to that end are in place with distributors, public authorities or third parties carrying out waste management on their behalf;</p>		

<p>(d) the necessary sorting and recycling capacity is available to ensure that packaging waste collected is subsequently subject to preliminary treatment and recycling;</p> <p>(e) the requirement laid down in paragraph 6 is complied with.;</p>		
<p>4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations.</p>		
<p>5. The competent authority may decide to revoke the relevant authorisation in particular if the producer or producer responsibility organisation no longer fulfils the requirements with regard to the organisation of the treatment of packaging waste or fails in relation to reporting to the competent authority or in relation to the notification of any changes that</p>		

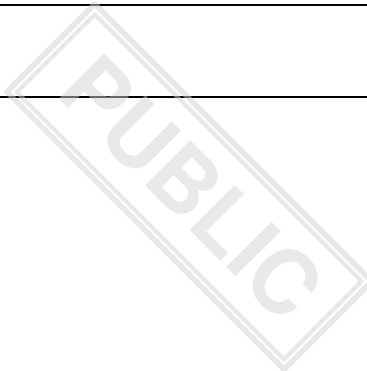
<p>concern the terms of the authorisation, or has ceased operations.</p>		
<p>6. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide an adequate guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non-compliance with the extended producer responsibility obligations, including in case of permanent cessation of its operations or insolvency. That guarantee may take the form of a recycling insurance or a blocked bank account or participation by the producerproducer in the producer responsibility organisation. Member States may specify additional requirements on this guarantee.</p>		




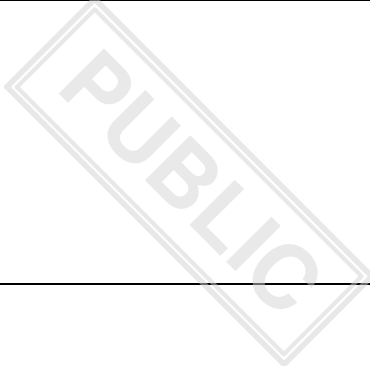
<p style="text-align: center;"><u>Annex IX</u></p> <p style="text-align: center;"><u>INFORMATION FOR REGISTRATION AND REPORTING TO THE REGISTER REFERRED TO IN ARTICLE 39</u></p>		<p>Describe how the figures to be submitted have been established/have been verified by third parties. The best option with a view to fraud resistance is to record somewhere that the figures must be verified by third parties</p>
<p>A. Information to be submitted upon registration</p>		
<p>1. The information to be submitted by the producer or its authorised representative for EPR shall include:</p> <p>(a) name and brand names (if available) under which the producer operates in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, indicating a single contact point;</p> <p>(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number;</p>		

<p>(c) quantities by weight of types of packaging as set out in Table 1 of Annex II, that the producer makes available in the Member State for the first time;</p> <p>(d) a declaration on how the producer meets its responsibilities under Article 40.</p>		
<p>2. Where a producer responsibility organisation is entrusted to carry out the EPR obligations, the information to be provided shall include the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation, including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate, a statement by the producer or, where applicable, producer's authorised representative for the EPR or the producer responsibility organisation, stating that the information provided is true.</p>		

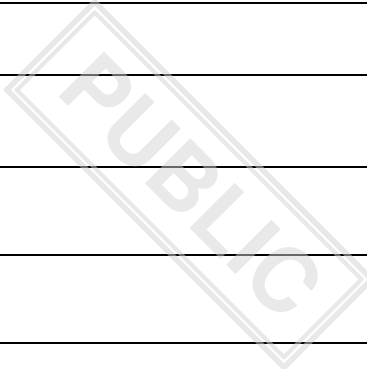
<p>3. In the case of an authorisation in accordance with Article 41(1), the producer responsibility organisation shall, in addition to the information required under point 1 of Part A of this Annex, provide:</p> <p>(a) the names and contact details, including postal codes and places, streets and numbers, countries, telephones, web addresses and e-mail addresses of the producers represented;</p> <p>(b) the mandate of each represented producer, where applicable;</p> <p>(c) where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 40.</p>		
B. Information to be submitted for reporting		
<p>(a) national identification code of the producer;</p> <p>(b) reporting period;</p>		

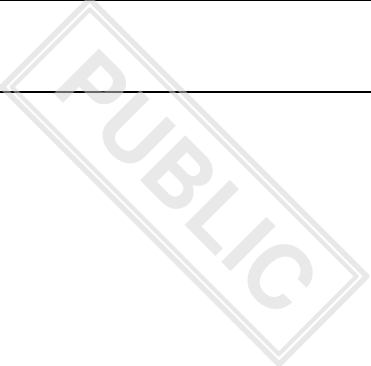



<p>(c) quantities by weight of packaging types as set out in Table 1 in Annex II that the producer makes available in the Member State for the first time;</p> <p>(d) quantities, by weight, per material of packaging waste separately collected within the Member State as set out in Table 1 in Annex II; (e) quantities, by weight, per material and type of packaging waste recycled, recovered and disposed of within the Member State or shipped within or outside the Union as set out in Table 4 in Annex XII;</p> <p>(f) quantities, by weight, of separately collected single use plastic beverage bottles with the capacity of up to three litres and single use metal beverage containers with a capacity of up to three litres, as set out in Table 6 of Annex XII;</p> <p>(g) arrangements to ensure the producer responsibility regarding the waste from packaging placed on the market.</p>		
<p><u>C. Information to be submitted for reporting for micro-enterprises</u></p>		
<p><u>a. national identification code of the producer;</u></p>		


<p><u>b. reporting period;</u></p> <p><u>c. information on packaging types set out in Table 1.</u></p> <p><u>d. arrangements to ensure the producer responsibility regarding packaging placed on the market</u></p>					
Table 1					
	Quantities by weight made available in member state	Quantities by weight collected	Quantities by weight recycled		<p>Why is it necessary to report quantities by weight collected? This data is currently not requested and/or reported. And there are no targets to be fulfilled with quantities of collected packaging.</p>
Glass					
Plastic					
Paper/cardboard (including composite)					
Ferrous metal					
Aluminium					
Wood					
Other					

Total					
Deposit return systems and waste collection					
<i>Article 43 Return and collection systems</i>					
<p>1. <u>By 2030,</u> Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users, <u>in a given year,</u> in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high-quality recycling. <u>Packaging complying with Design for Recycling criteria as defined in delegated acts adopted under Article 6(4) shall be collected for recycling. Incineration and landfill of such packaging shall not be allowed.</u></p>					<p>All packaging should be recyclable by 2030 and by 2035 at scale. Why should packaging complying with the Design for Recycling criteria not be allowed to be incinerated and landfilled? Shouldn't this apply <u>for all packaging</u> placed on the market?</p>





<p>2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.</p>		
<p>3. The systems referred to in paragraph 1 shall:</p> <ul style="list-style-type: none"> (a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf; (b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, 		

<p>and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business premises and residential areas;</p> <p>(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.</p>		
<p>4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the use of recycled materials in the relevant sectors.</p>		
<p>5. By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not</p>		

<p>affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.</p>		
<p><i>Article 44 Deposit and return systems</i></p>		
<p>1. By 1 January 2029, Member States shall take the necessary measures to ensure that deposit and return systems are set up for the separate collection of at least 90% per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year</p> <p>(a) single use plastic beverage bottles with the minimum capacity of 0,1 litres up to three litres; and</p> <p>(b) single use metal beverage containers with a minimum capacity of 0,1 litres up to three litres.</p>		

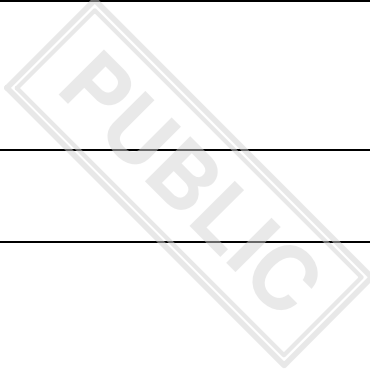
<p>2. In order to achieve the targets referred to in paragraph 1, Member States shall <u>take the necessary measures to ensure that establish</u> deposit return systems <u>are set up</u> for the relevant packaging formats referred to in paragraph 1. Such obligation The obligation laid down in paragraph 1 does not apply to packaging for:</p> <ul style="list-style-type: none"> (a) wine, aromatised wine products, and spirit drinks; (b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013. 	<p>In order to achieve the targets referred to in paragraph 1, Member States shall <u>take the necessary measures to ensure that establish</u> deposit return systems <u>are set up</u> for the relevant packaging formats referred to in paragraph 1. Such obligation The obligation laid down in paragraph 1 does not apply to packaging for:</p> <p>a. wine, aromatised wine products, and spirit drinks;</p>	<p>Regarding the proposed deletion of paragraph (a): there is no need for the exemption of these kinds of packaging from DRS.</p>

<p>3. Without prejudice to paragraph 1 of this Article, a Member States will may be exempted from the obligation under paragraph 42 under the following conditions:</p> <p>(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90 % by weight of such packaging placed made available on the market for the first time on the territory of that Member</p>		
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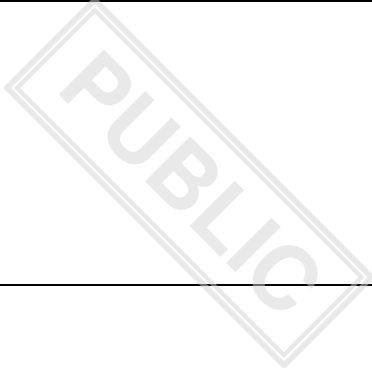
<p>State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;</p> <p>(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.</p>		
<p>3. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (be) of that paragraph. The Member State concerned shall</p>		

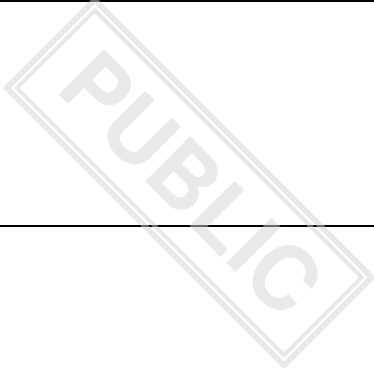
<p>submit a revised plan within 3 months of receipt of the Commission's request.</p>		
<p>5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.</p>		
<p>6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally</p>		

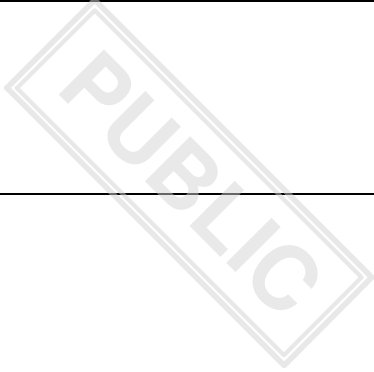



<p>available for reusable packaging where technically and economically feasible.</p>		
<p>7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article <u>and the possibility to include packaging for other products.</u></p>		
<p>8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system.</p>		




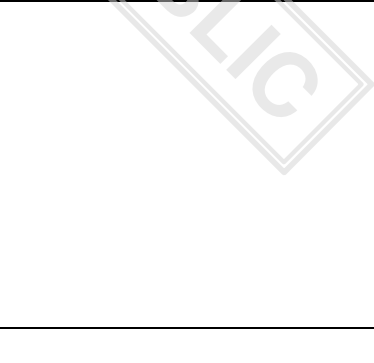

<p>9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5 <u>6</u>, meet the minimum criteria listed in Annex X.</p>		
<p><u>9a. 48 months after the entry into force of this Regulation, the Commission shall publish guidelines, in consultation with Member States, on deposit and return systems inter-operability, including examples of best-practices, for regions with high transboundary business.</u></p>		
<p style="text-align: center;"><u>ANNEX X</u></p> <p><u>MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS</u></p>		
<p>For the purpose of this Annex, the following definition shall apply:</p> <p>‘system operator’ means any natural or legal person, who is entrusted with a responsibility to establish or operate a deposit and return system in a Member State.</p>		


<p>Minimum general requirements for deposit and return systems</p> <p>Member States shall ensure that the deposit and return systems established on their territories meet the following minimum requirements:</p>		
<p>(a) a single system operator is established or licenced. When deposit and return systems are established for specific packaging formats for reuse or single use, Member States may establish more than one single a different system operator per system;</p>		
<p>(b) the governance of the system allows for equal access and fair conditions of all economic operators wishing to become part of the system, provided they make available on the market packaging that belongs to a packaging type or category included in the system;</p>		
<p>(c) control procedures and reporting systems are set up allowing the system operator to obtain data on the collection of packaging covered by the deposit and return system;</p>		


<p>(d) a minimum deposit level is established, which is sufficient to achieve the required collection rates;</p> <p><u>(da) a minimum deposit to be charged at the point of sale,</u></p>		
<p>(e) minimum requirements on the financial capacity of the system operator are established allowing the system operator to perform its functions;</p>		
<p>(f) system operator is a non-profit and independent legal entity</p>		
<p>(g) system operators performs exclusively roles arising from the rules of this Regulation, and any additional roles related to the coordination and operation of the deposit and return system as established by the Member States;</p>		
<p>(h) system operators coordinates the functioning of the deposit and return system;</p>		
<p>(i) system operator keeps in writing:</p> <p>(i) a statute establishing its internal organization;</p> <p>(ii) evidence of its funding system;</p>		


<p>(iii) a statement proving the compliance of the system with the requirements laid down in the Regulation, as well as any additional requirements established in the Member State in which it operates;</p>		
<p>(j) a sufficient amount at least 1% of the annual turnover of the system operator (excluding deposits) are used for public awareness campaigns on the information on management of packaging waste;</p>		
<p>(k) system operators must provide any information requested by the competent authorities of a Member State, in which the system operates, for the purposes of monitoring compliance with the requirements in this Annex;</p>		
<p>(l) Member States shall ensure that final distributors are obligated to accept the deposit bearing packaging and provide end users with redeemed deposits. When implementing this obligation, Member States shall take into account at least the following factors:</p> <ul style="list-style-type: none"> (i) sales surface area allowing end users to return deposit bearing packaging in their according to the local conditions; (ii) buying and selling habits and traditions; (iii) food safety; 		


<p>(iv) health and safety;</p> <p>(v) public health;</p>		
<p>(m) deposit is exempted from sales taxes;</p>		
<p>(n) end user is able to return the deposit bearing packaging without the need to purchase any goods; deposit shall be redeemed to the consumer;</p>		
<p>(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;</p>		
<p>(p) fees are transparent;</p>		
<p>(q) all packaging covered by the deposit and return system.</p>		
<p>(r) In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.</p>		
<p>Member States with regions with high transboundary business shall ensure that the functioning of the DRS allows for the inter-</p>		

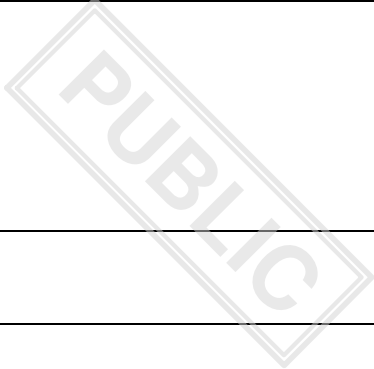
<p>operability of DRS and that the implementation of the minimum requirements and of any additional requirements does not result in discrimination of business and consumers and market distortions.</p>		
<p>Member States are allowed to create exemptions from charging a deposit for a deposit bearing packaging in the context of consumption in hospitality premises provided that a deposit bearing packaging is opened, the product is consumed, and the empty deposit bearing packaging is returned within the premises.</p>		
<p><i>Article 46 Recycling targets and promotion of recycling</i></p>		
<p>1. Member States shall take the necessary measures to attain the following recycling targets covering the whole of their territory:</p> <ul style="list-style-type: none"> (a) by 31 December 2025, a minimum of 65 % by weight of all packaging waste generated; (b) by 31 December 2025, the following minimum percentages by weight of the following specific materials contained in packaging waste generated: <ul style="list-style-type: none"> (i) 50 % of plastic; 		

<p>(ii) 25 % of wood; (iii) 70 % of ferrous metals; (iv) 50 % of aluminium; (v) 70 % of glass; (vi) 75 % of paper and cardboard;</p> <p>(c) by 31 December 2030, a minimum of 70 % by weight of all packaging waste generated;</p> <p>(d) by 31 December 2030, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:</p> <p>(i) 55 % of plastic; (ii) 30 % of wood; (iii) 80 % of ferrous metals; (iv) 60 % of aluminium; (v) 75 % of glass; (vi) 85 % of paper and cardboard.</p>		<p>The recycling targets by 2030 should be more ambitious</p>
<p>2. Without prejudice to paragraph 1, point (a) a Member State may postpone the deadlines set out in paragraph 1, points (b)(i) to (vi), by up to 5 years, under the following conditions:</p>		

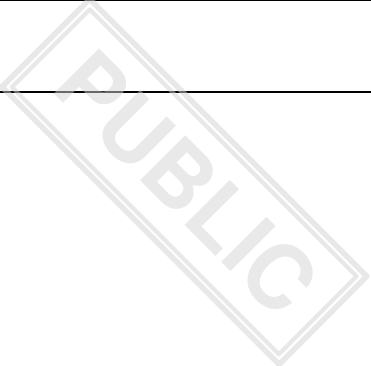
<p>(a) the derogation from the targets in the period of postponement is limited to a maximum of 15 percentage points from a single target or divided between two targets,</p> <p>(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,</p> <p>(c) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target referred to in paragraph 1, points (b)(v) or (vi) of paragraph 1 is not reduced below 60 %, and</p> <p>(d) at the latest 24 months before the respective deadline laid down in paragraph 1, point (b), of this Article, the Member State notifies the Commission of its intention to postpone the deadline and submits to the Commission an implementation plan in accordance with Annex XI to this Regulation, which may be combined with an implementation plan submitted pursuant to Article 11(3), point (b), of Directive 2008/98/EC, to comply with the targets in paragraph 1(c) and (d)(i) to (vi).</p>		


<p>3. Within three months of receipt of the implementation plan submitted pursuant to paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.</p>		
<p>4. By [<i>OP: Please insert the date = 8 years after the date of entry into force of this Regulation</i>], the Commission shall review the targets laid down in paragraph 1, points (c) and (d), of with a view to increasing them or setting further targets. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.</p>		


<p>5. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:</p> <p>(a) improving market conditions for such materials;</p> <p>(b) reviewing existing rules preventing the use of such materials.</p>		
<p>6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets<u>requirements</u> set out in this Article.</p>		
<p><i>Article 47 Rules on the calculation of the attainment of the recycling targets</i></p>		

<p>1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article.</p>		
<p>2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive.</p>		
<p>3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste</p>		


<p>materials are actually reprocessed into products, materials or substances.</p>		
<p>4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.</p>		
<p>5. Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.</p>		

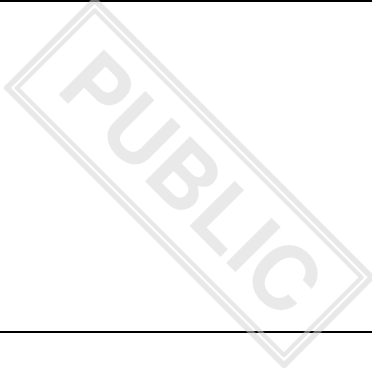
<p>6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.</p> <p>By way of derogation from the first sub-paragraph of this Articleparagraph, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:</p> <p>(a) such output waste is subsequently recycled;</p> <p>(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.</p>		
<p>7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 and to 7 are met. That system may consist of electronic registries set up</p>		

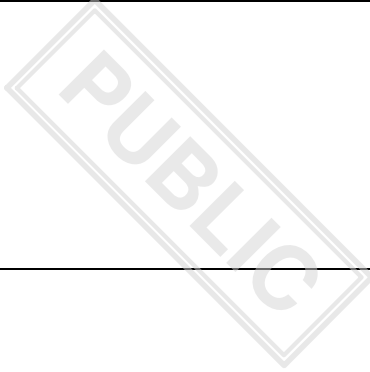

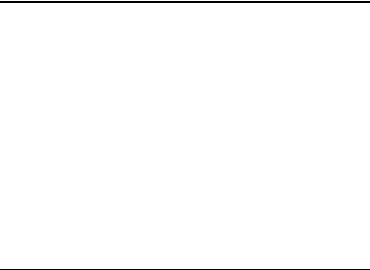

<p>pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.</p>		
<p>8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.</p>	<p>The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may NOT be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.</p>	<p>Once biodegradable packaging is being composed in industrial facilities, the material breaks down in smaller pieces. So, when packaging breaks down in industrial controlled facilities, that material is lost. The material can't be used as recycled content. Biodegradable packaging should not be named recycled if it does not gives any recycled content for new packaging.</p>

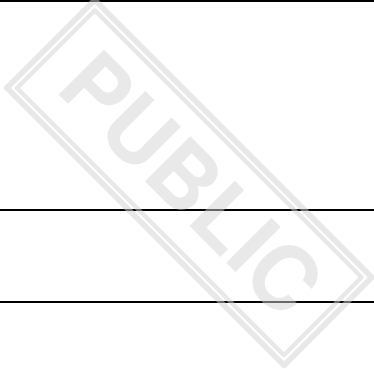
<p>9. The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.</p>		
<p>10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004.</p>		
<p>11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only</p>		


<p>be counted as recycled by the Member State in which that packaging waste was collected.</p>		
<p>12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are broadly equivalent to the requirements of the relevant Union environmental law.</p>		
<p><i>Article 48 Rules on the calculation of the attainment of the recycling targets by including re-use</i></p>		
<p>1. A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking</p>		

<p>into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.</p> <p>The adjusted level shall be calculated by subtracting:</p> <ul style="list-style-type: none"> (a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and (b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market. <p>No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.</p>		

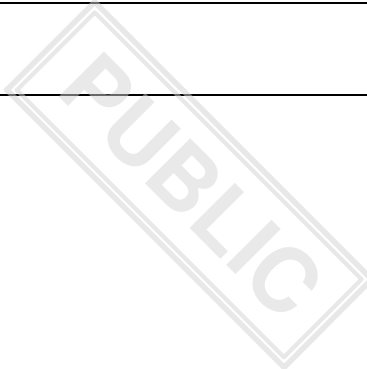
<p>2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).</p>		
<p style="text-align: center;"><u>ANNEX XI</u></p> <p style="text-align: center;"><u>IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO POINT (D) OF ARTICLE 46(2)</u></p>		
<p>The implementation plan to be submitted pursuant to Article 46(2), point (d), shall contain the following:</p>		
<p>(a) assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed;</p>		
<p>(b) assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to Articles 28 and 29 of Directive 2008/98/EC;</p>		


<p>(c) reasons for which the Member State considers that it might not be able to attain the relevant target laid down in point (b) of Article 46(1) within the deadline set therein and an assessment of the time extension necessary to meet that target;</p>		
<p>(d) measures necessary to attain the targets set out in points (b) of Article 46(1) of this Regulation that are applicable to the Member State during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in Article 4(1) of, and Annex IVa to, Directive 2008/98/EC;</p>		
<p>(e) a timetable for the implementation of the measures identified in point 4(d), determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;</p>		
<p>(f) information on funding for waste management in line with the polluter-pays principle;</p>		

<p>(g) measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.</p>			
<p><i>Article 50 Reporting to the Commission</i></p>			
<p>1. Member States shall report to the Commission for each calendar year the following data:</p> <ul style="list-style-type: none"> (a) data on the implementation of Article 46(1), points (a) to (d), and on reusable packaging, (b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags and thick plastic carrier bags per person, separately for each category <u>as listed in table 5 of Annex XII</u>; (c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1), <p>Member States may provide data on the annual consumption of very thick plastic carrier bags per person</p>			

<p>2. Member States shall report for each packaging material and type as listed in Table 1 of Annex IX for each calendar year data on:</p> <p>(a) the amounts of packaging made available placed on the market for the first time on the territory of that Member State for each packaging type category and material as listed in Table 1 of Annex IX;</p> <p>(b) amounts of separately collected packaging waste for each packaging material as listed in Table 13 in the Annex XII;</p> <p>(c) the recycling rates of packaging waste as listed in Table 4 of Annex XII;</p> <p>(d) installed capacities for sorting and recycling for each packaging type and material as listed in Table 1 of Annex II.</p>		<p>Why is it necessary to report quantities by weight collected? This data is currently not requested and/or reported. And there are no targets to be fulfilled with quantities of collected packaging.</p>
<p>3. The first reporting period shall concern:</p> <p>(a) with respect to obligations laid down in paragraph 1, points a and b, and paragraph 2, the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 7;</p> <p>(b) with respect to obligation laid down in paragraph 1, point c, the calendar year starting from 1 January 2028.</p>		

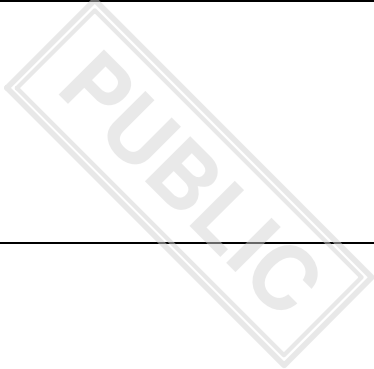
<p>4. Member States shall make the data referred to in paragraphs 1 and 2 available electronically within 19 months after the end of the reporting year for which the data are collected. They shall report the data electronically within 19 months of the end of the reporting year for which the data are collected in the format established by the Commission in accordance with paragraph 7.</p>		
<p>5. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That quality check report shall be presented in the format established by the Commission in accordance with paragraph 7.</p>		
<p>6. The data made available by Member States in accordance with this Article shall be accompanied by a report on the measures taken pursuant to Article 47(58) and (8<u>12</u>), including detailed information about the average loss rates where applicable.</p>		



<p>7. The Commission shall, by [<i>OP: Please insert the date = 2412 months after the date of entry into force of this Regulation</i>], adopt implementing acts establishing:</p> <p>(a) rules for the calculation, verification and reporting of data in accordance with paragraphs 1, points (a) and (c), and 2, including the methodology for determining packaging waste generated, and the format for the reporting;</p> <p>(b) the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person referred to in paragraph 1, point (b), and the format for their reporting.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>		
<p>8. Member States shall require that all economic operators making packaging available in the Member States provide competent authorities with accurate and reliable data allowing Member States to fulfil their reporting obligations under this Article, taking into account, where relevant, particular problems faced bying small and medium-sized enterprises with regard to the provision of detailed data.</p>		

<i>Article 51 Packaging databases</i>		
<p>1. By <i>[OP: Please insert the date = xx months after the date of entry into force of this Regulation]</i>, the Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis, to enable the reporting to the Commission.</p>		
<p>2. The databases referred to in paragraph 1 shall include the following:</p> <p>(a) information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the level of individual Member States;</p> <p>(b) information on the toxicity or danger of packaging materials and components used for their manufacture;</p> <p>(c) the data listed in Annex XII.</p>		

<p style="text-align: center;"><u>ANNEX XII</u></p> <p style="text-align: center;"><u>DATA TO BE INCLUDED BY MEMBER STATES IN THEIR DATABASES ON PACKAGING AND PACKAGING WASTE</u></p> <p style="text-align: center;"><u>(IN ACCORDANCE WITH TABLES 1 TO 4)</u></p>		
<p>1. For sales, grouped and transport packaging:</p> <p>(a) quantities, for each packaging categories of packaging generated within the Member State (produced + imported + stored - exported) (Table 1);</p> <p>(b) quantities reused (Table 2).</p>		
<p>2. For sales, grouped and transport packaging waste:</p> <p>(a) Quantities for separately collected packaging waste per material (Table 3)</p> <p>(b) Quantities recovered and disposed of, recycled and quantities recovered for each packaging type (Table 4).</p> <p>(c) The annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags and thick plastic carrier bags per person, separately for each category, as laid down in Article 50(1) point (b) (Table 5)</p>		

<p>(d) Separate collection rate of the packaging formats covered by the deposit return systems, as laid down in Article 44(1) (Table 6)</p>							
							<p>These tables are very detailed. What is the purpose for reporting all this information? This also asks for a lot of monitoring/capacity to comply with this.</p> <p>The types of materials in the tables are not consequent. For example: the inclusion of composite. And ferrous and non-ferrous metals are not consequently written down. In the WFD we have separate targets for metals. Please harmonize.</p>
<p>TABLE 1 Quantity of packaging (sales, grouped and transport) generated within the national territory</p>							
	Tonnage produced	- Tonnage exported	+ Tonnage imported	+ Tonnage stored	= Total		
Glass							
Plastic							

Paper/c ardboard (includin g composi te)						
Ferrous metal						
Alumini um						
Wood						
Other						
Total						

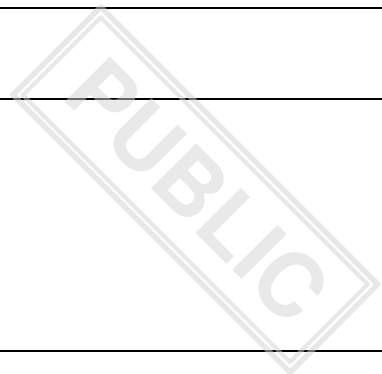


TABLE 2 Quantity of total sales packaging (sales, grouped and transport) reused within the national territory					
	Tonnage of packaging placed made available on the market for the first time on the territory of that Member State	Reusable packaging		Reusable sales packaging	
		tonnage	Percentage of total reusable packaging	Tonnage	Percentage of total reusable sales packaging
Glass					
Plastic including composite					
Paper/cardboard					


(including composite packaging)							
Ferrous metal (including tinplate and composite packaging)							
Aluminium							
Wood							
Other							
total							

TABLE 3 <u>Quantity of generated packaging waste within the national territory and Quantity of separately collected packaging waste per material (sales, grouped and transport) generated within the national territory</u>				
Packaging material	Packaging w Waste generation (t)	From Packaging waste separately collected on (t)		
Glass				
Plastic (rigid and flexible)				
Paper/cardboard (including composite)				
Metals (Ferrous metal and aluminium, including composite)				
Wood				
Other				
Total				

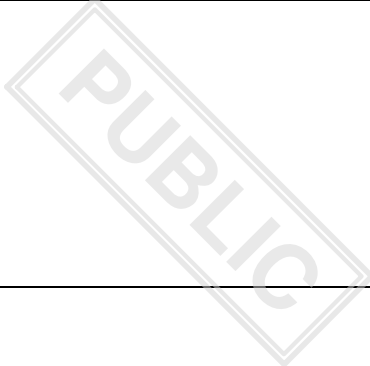
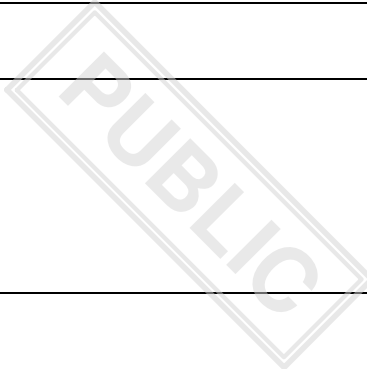




TABLE 4										Why is there a need of reporting all different types of (plastic packaging? Does this have a function?	
Quantity of packaging waste recovered and disposed of within the national territory <u>and exported</u>											
Packaging		Total tonnage disposed of outside national territory	Total tonnage disposed of	Total tonnage recovered and disposed of	Quantity recycled		Quantity recovered				
					Tonnage	Percentage	Tonnage	Percentage			
Within the national territory											
Glass, including composite											
Plastic, PET	Rigid										
Plastic, PP											



Packaging	Total tonnage disposed of outside national territory	Total tonnage disposed of	Total tonnage recovered and disposed of	Quantity recycled		Quantity recovered			
				Tonnage	Percentage	Tonnage	Percentage		
Plastic, HDPE and PP									
Plastic, PS									
Plastic, HDPE									
Plastic,									




PVC												
Plastic, PC												
Plastic, EPS												
Plastic, XPS												
Plastic, PET	Flexible											
Packaging		Total tonnage disposed of outside national territory	Total tonnage disposed of	Total tonnage recovered and disposed of	Quantity recycled		Quantity recovered					
					Tonnage	Percentage	Tonnage	Percentage				
Plastic, PP												


Plastic, PE											
Plastic, multi-layer											
Paper/cardboard (non-composite)											
Composite Paper/cardboard											
Ferrous metal (including tinplate and composite packaging of which the											
Packaging	Total tonnage disposed of	Total tonnage disposed of	Total tonnage recovered and disp	Quantity recycled		Quantity recovered					
				Tonnage	Percentage	Tonnage	Percentage				

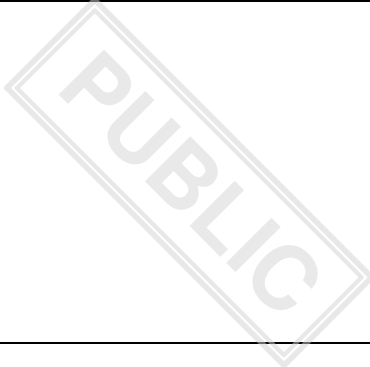
	ide nati ona l terr itor y		ose d of						
majority is steel)									
Aluminium (including composite packaging of which the majority is aluminium									
Wood									
Textile									
Ceramic, porcelain or stoneware									
Other									
Total packaging									
Packaging	Tot al ton nage disp dip	Tota l tonn age disp	Tot al tonn age reco vere	Quantity recycled		Quantity recovered			
				Ton nage	Perc enta ge	Ton nage	Perc enta ge		


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lightweight plastic carrier bags <i>plastic carrier bags with a wall thickness below 50 microns</i>				
thick plastic carrier bags <i>plastic carrier bags with a wall thickness between 50 and 99 microns</i>				
Table 6 Separate collection rate of packaging formats covered under the deposit return systems, as laid down in Article 44(1)				
	Tonnes of packaging placed on the market for the first time within the national territory (t)	Separately collected within the national territory by the deposit and return scheme (t)		
Single use plastic beverage bottles with the capacity of up to 3 litres				
Single use metal beverage containers with a capacity of up to 3 litres				


Cluster 8 Remaining obligations of economic operators		
Recitals corresponding cluster 8		
<p>(39) It should be recalled that all compostable packaging constituting a food contact material is packaging in contact with food, including compostable packaging, has to meet the requirements set out in <u>under the scope of set out in</u> Regulation (EC) No 1935/2004 on materials and articles intended to <u>be brought come</u> into contact with food <u>or already in contact with food</u>. Where appropriate, the documentation and information required according to the legislation on food contact materials can also be used as part of the information and documentation required in this Regulation.</p>		

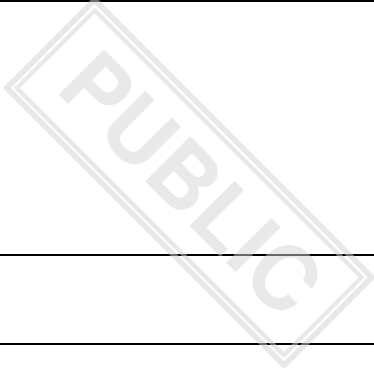
<p>(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability.</p>		
<p>(51a) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products provides common principles and reference provisions for the drawing up of legislation harmonising the conditions for the marketing of products. In order to ensure consistency with other sectoral product legislation and to simplify application and enforcement, this regulation should be aligned to that Decision, unless specific circumstances require a different solution <u>in this Regulation</u>. Therefore, <u>the current Regulation should have recourse to that</u> <u>Decision 768/2008/EC should be used</u> as regards certain definitions, general obligations of economic operators, presumption of conformity,</p>		

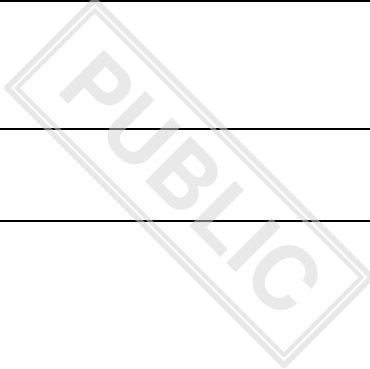
<p>provisions regarding formal objections against harmonised standards, and notification procedures, and the provisions concerning procedures dealing with products presenting a risk, <u>when not otherwise specified in this Regulation.</u></p>		
<p>(52) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure provided for under this Regulation. Such conformity assessment should therefore remain solely the obligation of the manufacturer.</p>	<p>The manufacturer <u>or client for the fabrication</u></p>	<p>There are also manufacturers who outsource (a part of) the production.</p>
<p>(53) It should be ensured that suppliers of packaging or packaging materials provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials. That information and documentation should be provided in either paper or electronic form.</p>		


<p>(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market complies complies with this Regulation, whether imported as self-standing standalone packaging or in as part of in association with a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.</p>		<p>Importers should have the same administrative obligations as manufacturers. Otherwise they can't place their goods on the market.</p>
<p>(55) When placing packaging on the market, every importer should indicate on the packaging their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted.</p>		

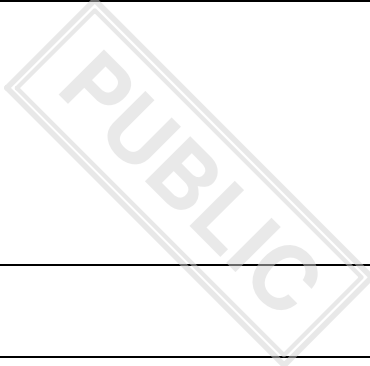
<p>Exceptions should be provided for in cases where the packaging does not allow for such indications.</p>		
<p>(56) As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements.</p>		
<p>(57) As distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product packaging concerned.</p>		

<p>(58) Any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product packaging in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.</p>		
<p>(59) Ensuring packaging's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant packaging. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.</p>		
<p>Definitions article 3 corresponding :</p>		


<p>(6) ‘making available on the market’ means any supply of a packaging for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;</p>		
<p>(7) ‘placing on the market’ means the first making available of a packaging on the Union market;</p>		
<p>(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, authorised representative, final distributors, and fulfilment service providers;</p>		
<p>(9) ‘manufacturer’ means any natural or legal person who manufactures packaging under its own name or trademark, or has packaging designed or manufactured <u>under its own name or trademark</u> and uses that packaging for the containment, protection, handling, delivery or presentation</p>		

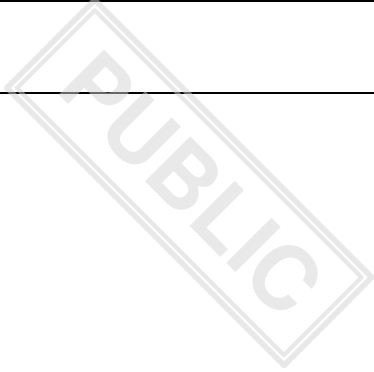
<p>of products under its own name or trademark, without it having been placed on the market previously;</p>		
<p>(10) ‘producer’ means any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark; <u>alternatively, is one of the following:</u></p> <p><u>(i) is established in a Member State and manufactures service packaging or reusable packaging under its own name or trademark, or has service packaging or reusable packaging designed or manufactured and makes it available for the first time under its own name or trademark, within the territory of that Member State;</u></p> <p><u>(ii) is established in a Member State and makes available a packaged product under its own name or trademark for the first time within the territory of that Member State,</u></p>		

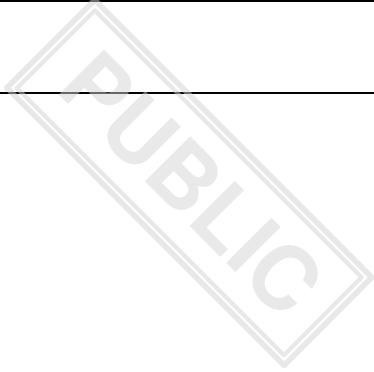
<p><u>with the exceptions of service packaging and reusable packaging where (i) applies:</u></p> <p><u>(iii) is established in a Member State and makes available packaging or packaged products for the first time in this Member State, from a third country or from another Member State:</u></p> <p><u>(iv) makes packaging or packaged products available for the first time, by means of distance contracts directly to end-users in a Member State, and is established in another Member State or in a third country.</u></p>		
<p>(11) ‘supplier’ means any natural or legal person who supplies packaging or packaging material to a manufacturer who uses this packaging for the containment, protection, handling, delivery or presentation of products under its own name or trademark;</p>		

<p>(12) ‘importer’ means any natural or legal person established within the Union who places packaging, or a packaged product, from a third country on the Union market;</p>		
<p>(13) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market;</p>		
<p>(14) ‘authorised representative’ means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under this Regulation;</p>		


<i>Article 13 Obligations of manufacturers</i>		
<p>1. When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following:</p> <p>(a) it has been designed and manufactured in accordance with the applicable requirements set out in Articles 5 to 10;</p> <p>(b) it is labelled in accordance with the applicable requirements set out in Article 11.</p>		
<p>2. Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.</p> <p>Where compliance of packaging with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in Article 33, manufacturers shall draw up an EU declaration of conformity in accordance with Article 34.</p>		

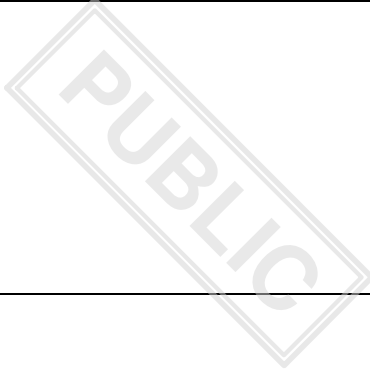
<p>3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 105 years after the <u>single-use</u> packaging has been placed on the market, and <u>10 years after reusable packaging has been placed on the market.</u></p>		
<p>4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical specifications by reference to which conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers. In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.</p>		

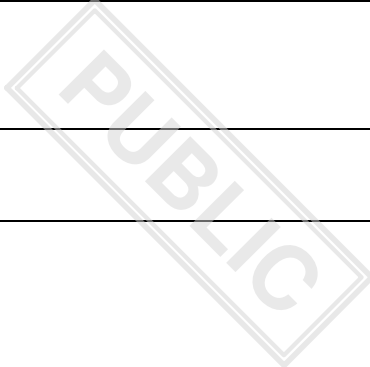
<p>5. Manufacturers shall ensure that the packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product.</p>		
<p>6. Manufacturers shall indicate on the packaging or on a QR code or another data carrier their name, registered trade name or registered trade mark as well as the postal address, and where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided as part of the information through the QR code or other type of digital data carrier referred to in Article 11(2) or the data carrier referred to in Article 11(4) or in a document accompanying the packaged product. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be clear, understandable and legible.</p>		


<p>7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.</p>		
<p>8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.</p>		


<p>9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form and, on request, in paper form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.</p>	<p>Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary in a readable and well-organized manner to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. (...)</p>	<p>There should not be an administrative burden for the national authority.</p>
<p><i>Article 14 Information obligations of suppliers of packaging or packaging materials</i></p>		<p>It is unclear whether a transitional period/right is provided for packaging that is already on the EU market when the Regulation enters into force.</p>
		<p>Article 14 makes the chain responsible for supplying the necessary information. The question is how enforcement action can be taken in this regard. This group is not always located in Europe. Experience shows that this group shares the (sometimes business sensitive) information very reluctantly.</p>

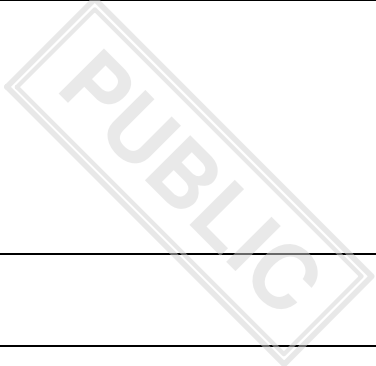
		<p>Without the fulfillment of the information obligations, the packaging can't enter the market.</p> <p>Article 14: It is not yet clear from the proposal how national governments will be informed about the packaging placed on the market. Nor is it clear whether this information can be made directly available for supervision and how information from other MS should be obtained.</p>
<p>10. Any supplier of packaging or packaging materials shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the</p>		

<p>packaging and the packaging materials with this Regulation, including the technical documentation referred to in Annex VII and required under Articles 5 to 10, in a language or languages, which can be easily understood by the manufacturer. That information and documentation shall be provided in either paper or electronic form.</p>		
<p>11. Where appropriate, the documentation and information provided for in legislation applicable to contact sensitive packaging shall be part of the information and documentation to be provided to the manufacturer pursuant to paragraph 1.</p>		
<p><i>Article 15 Obligations of authorised representative</i></p>		
<p>1. A manufacturer may, by a written mandate, appoint an authorised representative.</p> <p>The obligations laid down in Article 13(1) and the obligation to draw up technical documentation referred to in Annex VII and required</p>		

<p>under Articles 5 to 10 shall not form part of the authorised representative's mandate.</p>		
<p>2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:</p> <p>(a) keep the EU declaration of conformity and the technical documentation at the disposal of the national market surveillance authorities for 10 5 years after the <u>single-use packaging has been placed on the market, and 10 years after reusable packaging has been placed on the market;</u></p> <p>(b) cooperate with the national authorities, at their request, on any measures taken with regard to non-compliances of the packaging covered by the authorised representative's mandate;</p> <p>(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging in a language or languages, which can be easily understood by that authority;</p>		


<p>(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request;</p> <p>(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.</p>		
<p><i>Article 16 Obligations of importers</i></p>		
<p>1. Importers shall only place on the market packaging which is compliant with the requirements of Articles 5 to 11.</p>		
<p>2. Before placing packaging on the market, importers shall ensure the following:</p> <p>(a) the appropriate conformity assessment procedure, referred to in Article 33 has been carried out and the technical</p>		


<p>documentation, referred to in Annex VII and required under Articles 5 to 10, has been drawn up by the manufacturer;</p> <p>(b) the packaging is labelled in accordance with Article 11,</p> <p>(c) the packaging is accompanied by the required documents;</p> <p>(d) the manufacturer has complied with the requirements set out in Article 13(5) and (6).</p> <p>Where an importer considers or has reason to believe that packaging is not in conformity with the applicable requirements set out in Articles 5 to 11, the importer shall not place the packaging on the market until it has been brought into conformity.</p>		
<p>3. Importers shall indicate on the packaging their name and their registered trade name or registered trade mark as well as the postal address, and, where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided via the data carrier or in a document accompanying the packaged product. The contact details shall be clear, understandable and legible.</p>		

<p>4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.</p>		
<p>5. Importers shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable requirements set out in Articles 5 to 11.</p>		
<p>6. Importers who consider or have reason to believe that packaging, which they have placed on the market, is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate.</p>		
<p>7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging</p>		

<p>available of the suspected non-compliance and of any corrective measures taken.</p>		
<p>8. Importers shall, for 4 5 years after the single-use packaging has been placed on the market, and 10 years after reusable packaging has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation referred to in Annex VII and required under Articles 5 to 10 can be made available to those authorities, upon request.</p>		
<p>9. Importers shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging, including technical documentation, with the applicable requirements set out in Articles 5 to 11, in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided either in paper or in electronic form and, on request, in paper form. The relevant documents shall</p>		

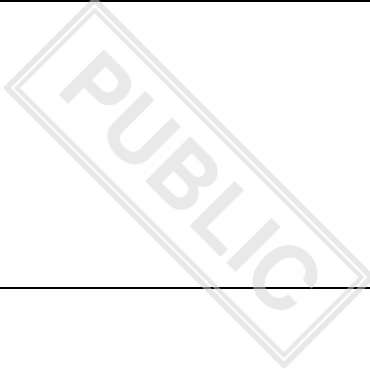
<p>be made available within 10 days of receipt of the request from the national authority.</p>		
<p>10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.</p>		
<p><i>Article 17 Obligations of distributors</i></p>		
<p>1. When making packaging available on the market, distributors shall act with due care in relation to the requirements of this Regulation.</p>		
<p>2. Before making packaging available on the market, distributors shall verify the following:</p>		


<p>(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article 4039;</p> <p>(b) the packaging is labelled in accordance with Article 11;</p> <p>(c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.</p>		
<p>3. Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer or importer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.</p> <p>Distributors shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Articles 5 to 11.</p>		

<p>4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken.</p> <p>Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.</p>		
<p>5. Distributors shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a packaging with the applicable requirements set out in Articles 5 to 11 in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided in paper or electronic form and, on request, in paper form.</p>		

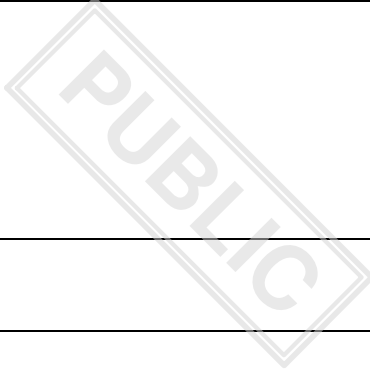
<p>Distributors shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.</p>		
<p><i>Article 18 Obligations of fulfilment service providers</i></p>		
<p>Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.</p>		
<p><i>Article 19 Case in which obligations of manufacturers apply to importers and distributors</i></p>		
<p>An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 134, where they place packaging</p>		

<p>on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation</p>		
<p><i>Article 20 Identification of economic operators</i></p>		
<p>1. Economic operators shall, upon request, provide information to the market surveillance authorities on the following:</p> <ul style="list-style-type: none"> (a) the identity of any economic operator that has supplied them with packaging; (b) the identity of any economic operator to which they have supplied packaging. 		
<p>2. Economic operators shall be able to provide the information referred to in paragraph 1(a) for 10 5 years after they have been supplied with the <u>single-use</u> packaging and for 10 years after they have <u>been</u> supplied <u>a reusable</u> packaging.</p>		


<p><u>Economic operators shall be able to provide the information referred to in paragraph 1(b) 5 years after they have supplied the single-use packaging and for 10 years after they have supplied the reusable packaging.</u></p>		
<p><i>Article 49 Information on prevention and management of packaging waste</i></p>		
<p>1. In addition to the information referred to in Article 8a(2) of Directive 2008/98/EC and in Article 11 of this Regulation, producers or, where appointed in accordance with Article 41(1), producer responsibility organisations shall make available to end-users, in particular consumers, the following information regarding the prevention and management of packaging waste with respect to the packaging that the producers supply within the territory of a Member State:</p>		

<p>(a) the role of end-users in contributing to waste prevention, including any best practices;</p> <p>(b) re-use arrangements available for packaging;</p> <p>(c) the role of end-users in contributing to the separate collection of packaging waste materials, including handling of packaging containing hazardous products or waste;</p> <p>(d) the meaning of the labels and symbols affixed, marked or printed on packaging in accordance with Article 11 or present in the documents accompanying the packaged product;</p> <p>(e) the impact on the environment and on human health or safety of persons of inappropriate discarding of packaging waste, such as littering or discarding in mixed municipal waste, and the adverse environmental impact of single-use packaging, in particular plastic carrier bags;</p> <p>(f) the composting properties and appropriate waste management options for compostable packaging.</p> <p><u>Consumers shall be informed that compostable packaging is compostable in industrially controlled conditions and should not be thrown in home compost or nature.</u></p>		
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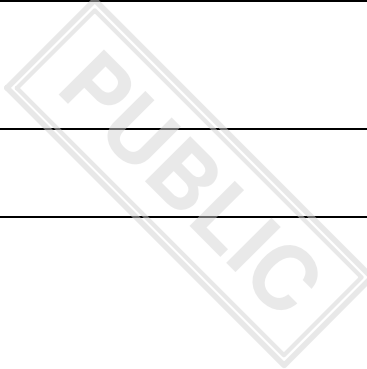
<p>Obligations under paragraph 1(d) shall be applicable as of <i>[OP: Please insert the date = 42 months after the entry into force of this Regulation]</i> or the date of application of Article 11, whichever is the latest.</p>		
<p>2. The information referred to in paragraph 1 shall be up to date and provided by means of:</p> <ul style="list-style-type: none"> (a) a website or other means of electronic communication; (b) public information; (c) education programmes and campaigns; (d) signposting in a language, or languages, which can be easily understood by users and consumers. 		
<p>3. Where information is provided publicly, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.</p>		

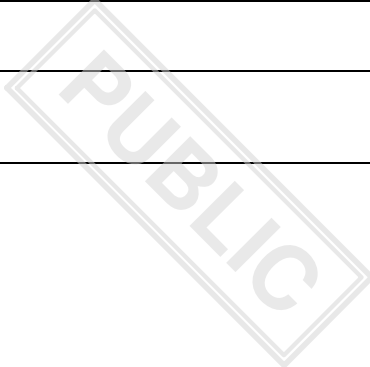


Cluster 9 Conformity		
Recitals corresponding cluster 9		
<p>(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market <u>complies</u> with this Regulation, whether imported as self-standing <u>standalone</u> packaging or in <u>as part of in association</u> <u>with</u> a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.</p>		

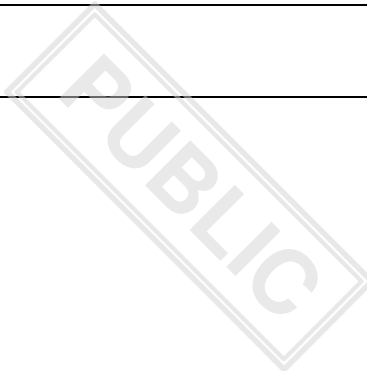
<p>(55) When placing packaging on the market, every importer should indicate on the packaging their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications.</p>		
<p>(56) As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements.</p>		
<p>(57) As distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate</p>		


<p>actively, providing those authorities with all necessary information relating to the product packaging concerned.</p>		
<p>(58) Any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product packaging in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.</p>		
<p>(59) Ensuring packaging's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant packaging. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.</p>		




<i>Article 30 Test, measurement and calculation methods</i>		
<p>For the purposes of compliance and verification of compliance of packaging with the requirements set out in Articles 5 to 11, and 21 and 29 24 of this Regulation, tests, measurements and calculations shall be made using reliable, accurate and reproducible methods, which take into account the generally recognised state-of-the art methods, and whose results are deemed to be of low uncertainty.</p>		<p>Article 30: “tests, measurements and calculations shall be made using reliable, accurate and reproducible methods, which take into account the generally recognized state-of-the art methods, and whose results are deemed to be of low uncertainty”. NL would like to have more clarity on this article. It is unclear when those standards will be there and who will take the initiative. This is essential for effective enforcement.</p>
<i>Article 31 Presumption of conformity</i>		
<p>1. Tests, measurements or calculation methods referred to in Article 30 which are in conformity with harmonised standards or parts thereof, the references of which have been published in the <i>Official Journal of the European Union</i>, shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in that Article.</p>		

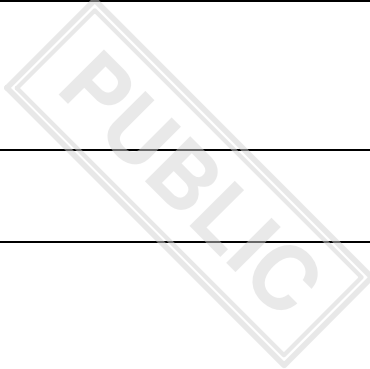
<p>2. Packaging which is in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in Articles 5 to 11 and 24.</p>		
<p><i>Article 32 Common technical <u>technical</u> specifications</i></p>		
<p>1. Packaging which is in conformity with common technical specifications referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the requirements set out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common technical specifications or parts thereof.</p>		




<p>2. The Commission may, by means of implementing acts, establish common technical specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:</p> <p>(a) there is no harmonised standard covering the relevant requirements the reference of which is published in the <i>Official Journal of the European Union</i> or the standard does not satisfy the requirements it aims to cover; and</p> <p>(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and either of the following conditions are fulfilled:</p> <p>(i) the request has not been accepted by any of the European standardisation organisations to which the request was addressed;</p> <p>(ii) the request has been accepted by at least one of the European standardisation organisations to which the request was addressed, but the standards requested:</p>		
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<ul style="list-style-type: none"> • are not adopted within the deadline set in the request; • do not comply with the request; or • are not fully in line with the requirements they aim to cover. <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> <p><u>2a. Before preparing the draft implementing act, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers that the conditions in paragraph 2 have been fulfilled.</u></p>		
<p>3. Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the publication of its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standard in accordance with Regulation 1025/2012. When references of a harmonised standard are published in the <i>Official Journal of the European Union</i>, the Commission shall assess whether implementing acts referred to in paragraph 2, or parts thereof</p>		


<p>which cover the same requirements set out in Articles 5 to 11 and Article 24 need to be repealed or amended.</p>		
<p><u>3a. When a Member State considers that a common specification does not entirely satisfy the requirements set out in Article 5 to 11 and Article 24, it shall inform the Commission thereof by submitting a detailed explanation. The Commission shall assess that detailed explanation and may, if appropriate, amend the implementing act establishing the common specification in question.</u></p>		
<p><i>Article 33 Conformity assessment procedure</i></p>		
<p>Conformity assessment of packaging with the requirements set out in Articles 5 to 11 shall be carried out in accordance with the procedure set out in Annex VII.</p>		



<i>Article 34 EU declaration of conformity</i>		
1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Articles 5 to 11 has been demonstrated.		
2. The EU declaration of conformity shall have the model structure set out in Annex VIII, shall contain the elements specified in the module set out in Annex VII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the packaging is placed on the market or made available on the market.		

<p>3. Where packaging or the packaged product are subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall, where appropriate, be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.</p>		
<p>4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation.</p>		


<p style="text-align: center;"><u>ANNEX VII</u></p> <p style="text-align: center;"><u>CONFORMITY ASSESSMENT PROCEDURE</u></p>		
<p style="text-align: center;">Module A</p> <p style="text-align: center;">Internal production control</p>		
		<p>It is unclear what possibilities a competent authority of a MS has to enforce that packaging from outside the EU meets the standards. Based on the Market Surveillance Regulation (2019/1020), it seems that a product in packaging can only be banned from the market if there is a serious risk (art 19).</p>
<p>1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 5 4, and ensures and declares on his sole responsibility that the packaging concerned satisfies the requirements of Articles 5 to 10 of this Regulation that apply to them.</p>		<p>What is the meaning of “internal production control is the conformity assessment procedure”?</p>

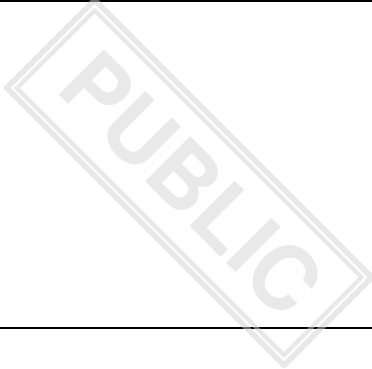
<p>2. Technical documentation</p> <p>The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the packaging's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s).</p> <p>The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the</p>		<p>“Shall include an adequate analysis of the risk(s).” It is unclear what this means and how it should be presented. This point also states that the manufacturer must draw up technical documentation. On the basis of that documentation it must be possible to provide an assessment of compliance with the relevant requirements. However, it seems better to indicate concretely that these are plausibly the requirements from Articles 5 to 10.</p>
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design, manufacture and operation of the packaging. The technical documentation shall contain, wherever applicable, at least the following elements:

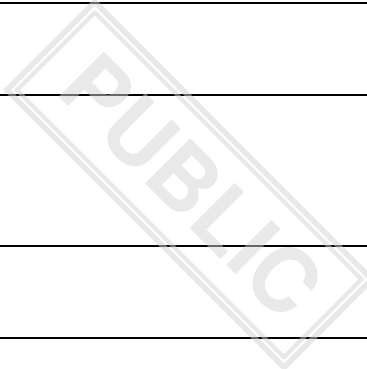
- (a) a general description of the packaging and of its intended use,
 - (b) conceptual design, and manufacturing drawings and materials schemes of components, etc.
- (a) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the packaging,
- (b) a list of:
- (i) the harmonised standards, referred to in Article 31, applied in full or in part
 - (ii) the common technical specifications, referred to in Article 32, applied in full or in part
 - (iii) other relevant technical specifications used for measurement or calculation purposes,
 - (iv) in the event of partly applied harmonised standards and/or common specifications, an indication of the parts which have been applied,

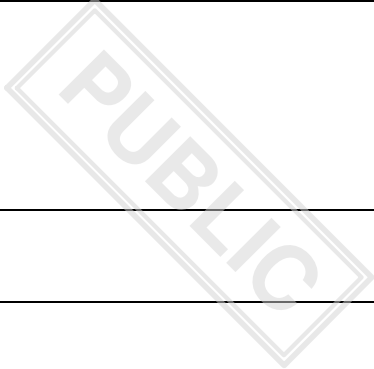
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<p>(iv) in the event of harmonised standards and/or common technical specifications not being applied, a description of the solutions adopted to meet the requirements referred to in point 1.</p> <p>(c) qualitative description of how the assessments provided for in Articles 6, 9 and 10 has been carried out, and,</p> <p>(d) test reports.</p>		
<p>3. Manufacturing</p> <p>The manufacturer shall take all measures necessary, so that the manufacturing process and its monitoring ensure compliance of the manufactured packaging with the technical documentation referred to in point 2 and with the requirements referred to in point 1.</p>		
<p>4. Declaration of conformity</p> <p>The manufacturer shall draw up a written declaration of conformity for a packaging type and keep it together with the technical documentation at the disposal of the national authorities for 10</p>		

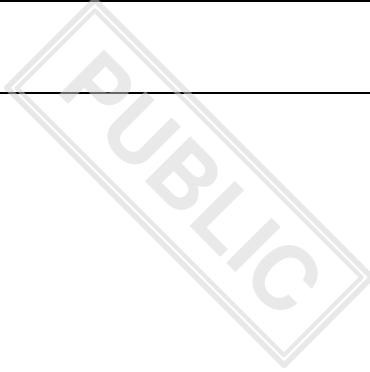
<p>years after the packaging has been placed on the market. The declaration of conformity shall identify the packaging for which it has been drawn up.</p> <p>A copy of the declaration of conformity shall be made available to the relevant authorities upon request.</p>		
<p>5. Authorised representative</p> <p>The manufacturer's obligations set out in point 4 as regards keeping of the technical documentation may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.</p>		
<p><u>ANNEX VIII</u></p> <p><u>EU DECLARATION OF CONFORMITY NO* ...</u></p>		
<p>1. No.... (unique identification of the packaging):</p>		<p>The consequences of counterfeit the Declaration of Conformity (DOC) should be clear and strict.</p>

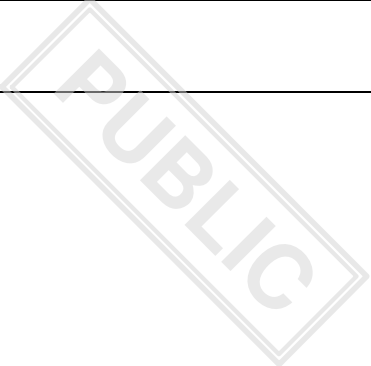
2. Name and address of the manufacturer and, where applicable, its authorised representative.		
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.		
4. Object of the declaration (identification of the packaging allowing traceability): description of the packaging.		
5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: ... (reference to the other Union acts applied).		





<p>6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared.</p>		
<p>7. The Where applicable, the notified body ... (name, address, number) ... performed ... (description of intervention) ... and issued the certificate(s): ... (details, including its date, and, where appropriate, information on the duration and conditions of its validity).</p>		
<p>8. Additional information</p> <p>Signed for and on behalf of:</p> <p>(place and date of issue):</p> <p>(name, function) (signature)</p> <p>* (identification number of the declaration)</p>		


<i>Cluster 10 Safeguard procedures</i>		
Recitals corresponding cluster 10		
<p>(83) Regulation (EC) No 765/2008 of the European Parliament and of the Council^[1] provides a framework for the market surveillance of products and for controls on products from third countries. That Regulation should be applicable to packaging covered by this Regulation in order to ensure that packaging benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment.</p> <p>^[1] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).</p>		

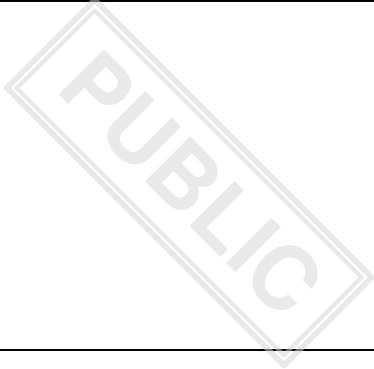
<p>(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation’s expected benefits and contribution to achieving the Union’s climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council^[1] setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation. The market surveillance mechanisms laid down by Regulation (EU) 2019/1020 sets out the requirements for market surveillance relating to the marketing of products and provides for safeguard mechanisms to check compliance with this Regulation in respect of placing on the market of packaging.</p> <p>^[1] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).</p>		


<p>(124) Packaging should be placed on the market only if it does not present a known risk to the environment and human health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement, may adversely affect the environment or other public interests protected by the relevant requirements.</p>		
<p>(131) In order to optimise and unburden the control process at the external borders of the Union, it is necessary to allow for an automated data transfer between the Information and Communication System on Market Surveillance (ICSMS) and customs systems. Two different data transfers should be distinguished in view of their respective purposes. Firstly, prohibitions measures decided by market</p>		<p>This recital should be written more clearly. Do article 55(3) and the reference to 'case management' in recital 131 refer to the interface between customs systems and ICSMS through EU CSW CERTEX, as mentioned in 34(7) of Regulation (EU) 2019/1020 (on Market Surveillance), or is there a separate connection that will be developed?</p> <ul style="list-style-type: none"> • If it does not refer to the 34(7)-interface: will the use of this

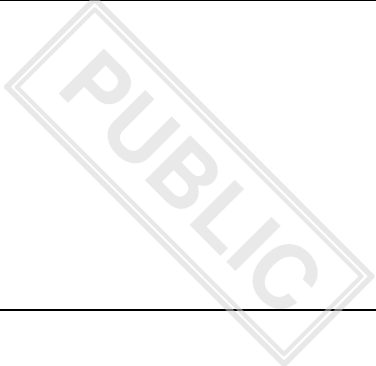
		<p>connection be mandatory for authorities designated pursuant to article 25(1) of Regulation (EU) 2019/1020 from the moment it starts operating?</p> <ul style="list-style-type: none">• If it does refer to the 34(7)-interface: the use of the interface is not mandatory through Regulation (EU) 2019/1020. Will this proposal create mandatory use of this interface?
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<p>surveillance authorities further to the identification of non-compliant packaging should be communicated from ICSMS to customs for use by authorities designated for controls at external borders to identify packaging that may correspond to such a prohibition measure. The electronic Electronic System Customs Risk Management Control System (CRMS) set out in Article 36 of Commission Regulation (EU) 2447/2015, without prejudice to any future evolution of the customs risk management environment, should be used for those first data transfers. Secondly, where customs authorities identify non-compliant packaging, case management will be necessary to, among others, transfer the notification of the suspension, the conclusion of market surveillance authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs supports those second data transfers between ICSMS and national customs systems.</p>		

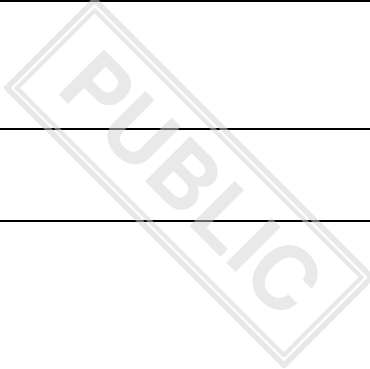
<p>(132) In order to ensure uniform conditions for the implementation of the interconnection for communication between the market surveillance authorities and the customs authorities, the power to adopt implementing acts the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to specify the procedural rules and the details of the implementation arrangements, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for that interconnection.</p>		
<p>(133) When adopting delegated acts pursuant to Article 290 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level, and those consultations be conducted in accordance with the principles laid down in the Inter-institutional 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</p>		

<p>Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When developing these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards.</p>		
<p><i>Article 52 Procedure for dealing with packaging presenting a risk at national level</i></p>		
<p>1. Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.</p> <p>Where, in the course of that evaluation, the market surveillance authorities find that the packaging does not comply with the</p>		

<p>requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective measures, within a reasonable period prescribed by the market surveillance authorities which is commensurate with the nature and, where relevant the degree of the non-compliance, to bring the packaging in compliance with those requirements.</p>		
<p>2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.</p>		

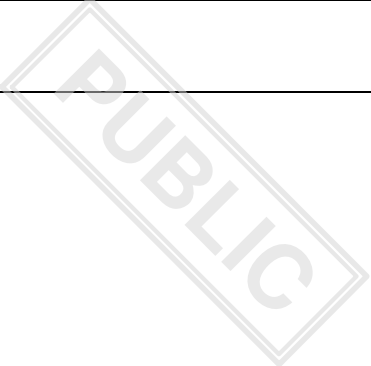
<p>3. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions, which they have required the economic operator to take.</p>		
<p>4. The economic operator shall ensure that all appropriate corrective measures is taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.</p>		
<p>5. Where the relevant economic operator does not take adequate corrective measures within the period referred to in paragraph 1, second subparagraph, or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit the making available of the packaging on their national market, to withdraw the packaging from that market or to recall it.</p>		

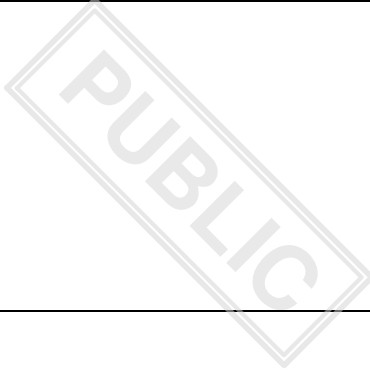
<p>The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.</p>		
<p>6. The information to the Commission and the other Member States referred to in paragraph 5 4—shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article 55 4—(1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:</p> <p>(a) failure of the packaging to meet the sustainability requirements set out in Articles 5 to 10 of this Regulation;</p>		




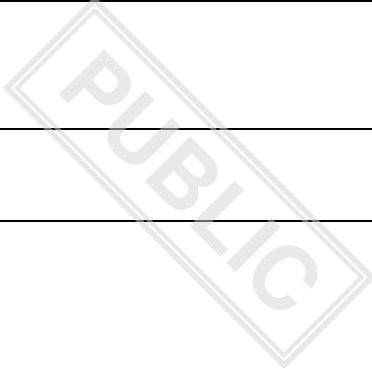
<p>(b) shortcomings in the harmonised standards or common specifications referred to in Articles 31 and 32 of this Regulation.</p>		
<p>7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the packaging concerned, and, in the event of disagreement with the adopted national measure, of their objections.</p>		
<p>8. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.</p> <p>Provisional measures may provide for a period longer or shorter than three months in order to take account of the specificities of the requirements concerned.</p>		

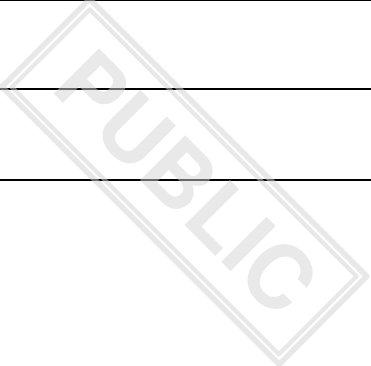
9. Member States shall ensure that the packaging is withdrawn from their market or that other appropriate restrictive measures are taken without delay in respect of the packaging or the manufacturer concerned.		
<i>Article 53 Union safeguard procedure</i>		
1. Where, on completion of the procedure set out in Article 52(3) (5) and (6) (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).		

<p>2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.</p> <p>If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant packaging is withdrawn from their market, and shall inform the Commission accordingly.</p> <p>If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.</p>		
<p>3. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the harmonised standards referred to in Article 31 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>		

<p>4. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the common technical specifications referred to in Article 32, the Commission shall, without delay, amend or repeal the common technical specifications concerned.</p>		
<p><i>Article 54 Compliant packaging which presents a risk</i></p>		
<p>1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.</p>		


<p>2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.</p>		
<p>3. The economic operator shall ensure that corrective measures are taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.</p>		
<p>4. The Member State shall immediately inform the Commission and the other Member States of its findings and subsequent actions pursuant to paragraph 1. That information shall include all available details, in particular the data necessary for the identification of the packaging concerned, the origin and the supply chain of the</p>		

<p>packaging, the nature of the risk involved and the nature and duration of the national measures taken.</p>		
<p>5. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not and, where necessary, propose appropriate measures.</p> <p>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p> <p>On duly justified imperative grounds of urgency relating to the protection of the environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article 589(4).</p> <p>The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.</p>		

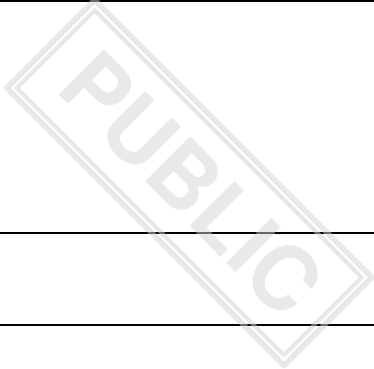
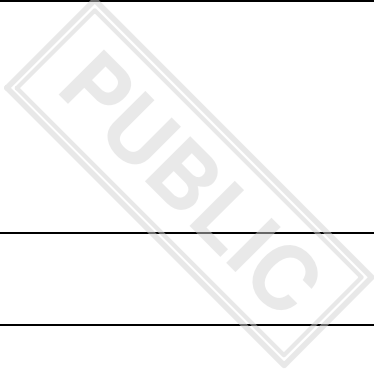
<p><i>Article 55 Controls on packaging entering the Union market</i></p>		
<p>1. Market surveillance authorities shall communicate without delay to the authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 the measures referred to in Article 52(5) (4)—of this Regulation where the non-compliance is not restricted to their national territory. This communication shall include all relevant information, in particular the details necessary for the identification of the non-compliant packaging to which the measures apply and, in case of packaged product, the product itself.</p> <p>1a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 for carrying out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.</p>		

<p>2. The communication of information referred to in paragraph 1 shall take place through entering the information in the relevant customs risk management environment.</p>		
<p>3. The Commission shall develop an interconnection to automate the communication referred to in paragraph 1 from the information and communication system referred to in Article 52(56) to the environment referred to in paragraph 2 3. That interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 4 5.</p>		<p>NL doesn't agree with the short term of two years (from the date of the adoption of the implementing act referred to in paragraph 4), to start operating the interconnection. Due to many other ICT implementation obligations given by EU-law, we would like to see a phased implementation.</p>
<p>4. The Commission is empowered to adopt implementing acts specifying the procedural rules and the details of the implementation arrangements for paragraph 3 4- including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for the interconnection referred to in paragraph 3 4. Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 59(3).</p>		

<i>Article 56 Formal non-compliance</i>		
<p>1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:</p> <p>(a) the EU declaration of conformity has not been drawn up</p> <p>(b) the EU declaration of conformity has not been drawn up correctly;</p> <p>(c) the QR code or data carrier referred to in Article 11 do not provide access to the required information in accordance with that Article;</p> <p>(d) the technical documentation referred to in Annex VII is not available, is not complete or contains errors;</p> <p>(e) the information referred to in Article 13(6) or Article 16(3) is absent, false or incomplete;</p> <p>(f) any other administrative requirement set out in Article 13 or Article 16 is not fulfilled;</p>		

<p>(g) the requirements on restrictions on uses of certain packaging formats and on excessive packaging set out in Articles 21 and 22 are not complied with;</p> <p>(h) in relation to reusable packaging, the requirements on the establishment, operation and participation in a system for re-use referred to in Article 24 are not fulfilled;</p> <p>(i) in relation to refill, the information requirements set out in Article 25(1) and (2) are not fulfilled;</p> <p>(j) the requirements on the refill stations set out in Article 25(3) are not fulfilled;</p> <p>(k) the re-use and refill targets in Article 26 are not achieved.</p>		
<p>2. Where the non-compliance referred to in paragraph 1, points (a) to (f), persists, the Member State concerned shall take all appropriate measures to prohibit the packaging being made available on the market or ensure that it is recalled or withdrawn from the market.</p> <p>Where the non-compliance referred to in paragraph 1, points (g) to (k), persists, Member States shall apply the rules on penalties</p>		

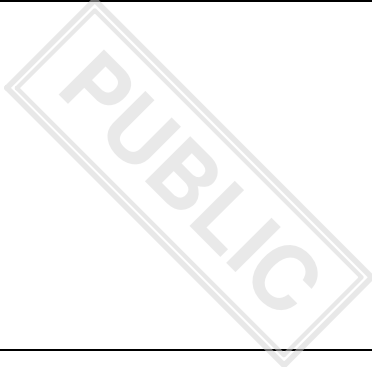
<p>applicable to infringements of this Regulation which are laid down by the Member States in accordance with Article 62.</p>		
<p>Cluster 11 Final Chapters</p>		
<p>Recitals corresponding cluster 11</p>		
<p>(134) In order to ensure that product requirements in Directive (EU) 2019/904 can be monitored and enforced and that they are subject to subject to appropriate market surveillance, Regulation (EU) 2019/1020 should be amended to include Directive (EU) 2019/904 into its scope. The requirements the requirements related to the plastic recycled plastic content for plastic beverage bottles as of 1 January 2030 should be deleted from Directive (EU) 2019/904, as this matter is exclusively regulated by this Regulation. The corresponding reporting obligations should also be deleted. <u>As this Regulation does not regulate the recycled content in the plastic part in packaging before 1</u></p>		

<p><u>January 2030, provisions regarding requirements for recycled content for plastic beverage bottles in Directive (EU) 2019/904 should remain in force before this date.</u></p>		
<p>(134a) This Regulation establishes general rules applying to all packaging. However, € certain single-use plastic products covered by Directive (EU) 2019/904 are considered to be packaging (e.g. i.e. plastic carrier bags, beverages cups, food and beverage containers, including bottles) with the main purpose of that Directive being to prevent littering and its environmental impact. Directive (EU) 2019/904 is a <i>lex specialis</i> in relation to this Regulation. In the event of a conflict between Directive (EU) 2019/904 and this Regulation, Directive (EU) 2019/904 should prevail within the scope of its application, unless specifically provided otherwise in this Regulation.</p> <p><u>Article 4 of Directive (EU) 2019/904 requires Member States to take measures to reduce the consumption of certain single-use plastic products, including marketing</u></p>		


restrictions. Because Directive (EU) 2019/904 is a lex specialis in relation to this Regulation, such marketing restrictions adopted by the Member States pursuant to Directive (EU) 2019/904 should apply and prevail over any conflicting provisions in this Regulation. As a consequence, it should not be possible for Member states to adopt an exemption from the ban in Article 5 in Directive (EU) 2019/904 on placing packaging made of expanded polystyrene on the market.

Article 22 of this Regulation provides a restriction on the placing on the market of plastic products listed in Annex V point 3 thereto, while Article 4 of Directive (EU) 2019/904 allows the Member States to take the necessary measures to achieve reduction in the consumption of those single-use plastic products. Since such measures can be less restrictive than a ban on the placing on the market, in order to boost the reduction of single use plastic packaging and reduce the amount of single use plastic packaging in the environment, it is deemed necessary to establish stricter measures than those which can be adopted pursuant to article 4 in Directive (EU) 2019/904. Therefore Article 22 in this Regulation

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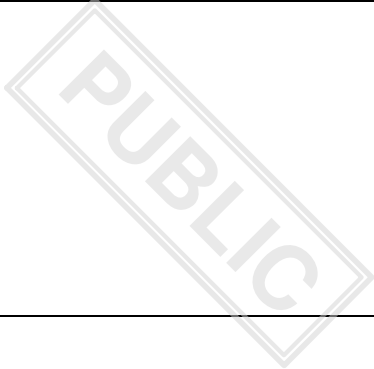
<p><u>should prevail over Directive (EU) 2019/904 as regards such products. [In addition, Article 26(2)(3) and Article 45(4) under this Regulation should prevail over Directive (EU) 2019/904 as regards such products, for the same reasons.] To reflect this, Directive (EU) 2019/904 should be amended accordingly.</u></p>		
<p><u>(134bis) As this Regulation does not regulate the recycled content in the plastic part in packaging before 1 January 2030, provisions regarding requirements for recycled content for plastic beverage bottles in Directive (EU) 2019/904 should remain in force before this date.</u></p>		
<p>(135) To enhance public trust in packaging placed on the market, in particular as regards compliance with sustainability requirements, the economic operators placing non-compliant packaging on the market or who do not comply with their obligations should be subject to penalties. It is therefore necessary that Member States lay down effective,</p>		

<p>proportionate and dissuasive penalties in national law for failure to comply with this Regulation.</p>		
<p>(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.</p>		
<p>(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the</p>		

<p>administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.</p>		
<p>(138) In order to meet those commitments and establish an ambitious yet harmonised framework on packaging, it is necessary to adopt a Regulation establishing requirements on packaging over its entire life-cycle. Directive 94/62/EC should therefore be repealed.</p>		
<p>(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this Directive Regulation should be deferred.</p>		


(140) Directive 94/62/EC should be repealed with effect from the date of application of this Regulation. However, in order to ensure a smooth transition and continuity until new rules are adopted by the Commission under this Regulation, and to provide for continuity in the application of the system of own resources of the Union with regard to the own resource bases d on non-recycled plastic packaging waste, certain obligations under that Directive related to labelling, recycling targets and the transmission of data to the Commission should remain in force for a certain period of time.		
(141) Since the objectives of this Regulation, namely to improve the environmental sustainability of packaging and to ensure the free movement of packaging in the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in		

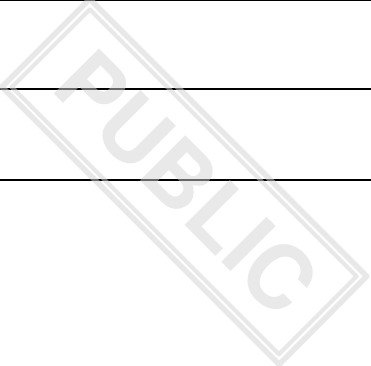
<p>Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p>		
<p><i>Article 58 Exercise of the delegation</i></p>		
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>		
<p>2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of ten five years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end</p>		

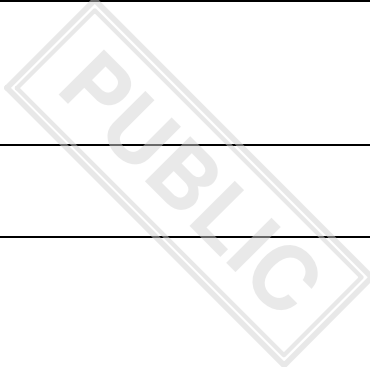
<p>of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.</p>		
<p>3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force</p>		
<p>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in</p>		


<p>accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</p>		
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>		
<p>6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That</p>		


period shall be extended by two months at the initiative of the European Parliament or of the Council.		
<i>Article 59 Committee procedure</i>		
1. The Commission shall be assisted by the committee referred to in Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.		
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the		

<p>committee delivers no opinion, the Commission shall not adopt the draft implementing act in respect of the implementing powers referred to in Article 72, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply. <u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act in respect of the implementing powers referred to in Article 55, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.</u></p>		
<p>4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 of that Regulation, shall apply.</p>		

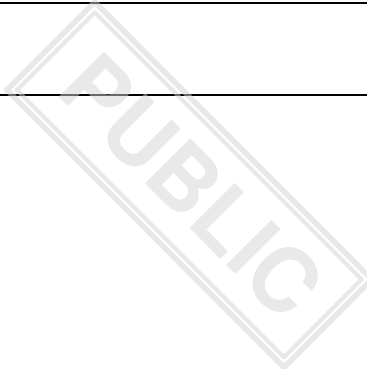
<p><i>Article 60 Amendments to Regulation (EU) 2019/1020</i></p>		
<p>Regulation (EU) 2019/1020 is amended as follows:</p> <p>(a) Annex I is amended as follows:</p> <p>(i) point 9 is deleted;</p> <p>(ii) the following points are added:</p> <p>'X [<i>OP Please insert the next consecutive number</i>] Directive (EU) 2019/904 of the European Parliament Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p.1);</p> <p>'X [<i>OP Please insert the next consecutive number</i>] Regulation (EU)..../.... on packaging and packaging waste, amending Regulation (EU) 2019/1020, and repealing Directive 94/62/EC [for the Publications Office to fill in the OJ publication details].</p> <p>(b) in Annex II, point 8 is deleted.</p>		

<p style="text-align: center;"><i>Article 61</i></p> <p style="text-align: center;"><i>Amendments to Directive (EU) 2019/904</i></p>		
<p>Directive (EU) 2019/904 is amended as follows:</p> <p><u>(aa) in Article 2(2), the following text is added to the end of the sentence: ‘unless the PPWR expressly provides otherwise.’</u></p> <p><u>Article 22(4a) shall prevail when in contrast with Article 4 of Directive (EU) 2019/904 as regards single use plastic packaging listed in Annex V point 3.</u></p> <p><u>[Article 26(2) and (3) shall prevail when in contrast with Article 4 of Directive (EU) 2019/904 as regards the use of single use plastic packaging]</u></p> <p><u>[Article 45(4) shall prevail when in contrast with Article 4 of Directive (EU) 2019/904 as regards the use of single use plastic packaging]</u></p>		


<p>(a) in Article 6(5), points (a) and point (b), is are deleted as of 1 January 2030;</p> <p>(b) in Article 13(1), point (e), is deleted as of 1 January 2030;</p> <p>(c) Article 13(3) is be replaced by ‘3. The Commission shall review the data and information reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the collection of the data and information, the sources of data and information and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data and information. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data and information by the Member States and every four years thereafter.’</p>		
<p><i>Article 62 Penalties</i></p>		
<p>1. By [<i>OP: Please insert the date = 24 months after the date of entry into force of this Regulation</i>], Member States shall lay</p>		


<p>down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator.</p>		
<p>2. Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator. Where the legal system of the Member State does not provide for administrative fines, the first paragraph may be applied in such a manner that the fining procedure is initiated by the relevant authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have equivalent effect to the administrative fines referred to in that paragraph. In any event, the fines imposed shall also be effective, proportionate and dissuasive.</p>		


<p>3. Member States shall, by [<i>OP: please insert the date = 1 year after the date of entry into force of this Regulation</i>], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.</p>		
<i>Article 63 Evaluation</i>		
<p>By [<i>OP: Please insert the date = 8 years after the date of application of this Regulation</i>], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the</p>		





Commission with the information necessary for the preparation of that report.		
<i>Article 64 Repeal and transitional provisions</i>		
<p>Directive 94/62/EC is repealed with effect from [<i>OP: Please insert the date = 12 months after the date of entry into force of this Regulation</i>].</p> <p>However, the following transitional provisions shall apply:</p> <p>(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [<i>OP: Please insert the date = 42 months after the date of entry into force of this Regulation</i>];</p> <p>(b) Article 5(2) and (3), Article 6(1), points (d) and (e), and Article 6a of Directive 94/62/EC shall continue to apply until [<i>OP: Please insert the date = the last day of the calendar year following 36 months after the data entry into force of this Regulation</i>];</p> <p>(c) Articles 12(3a), (3b), (3c) and (4) of Directive 94/62/EC shall continue to apply until [<i>OP: Please insert the date = the last</i></p>		


<p>day of the same calendar year following in which the period of 36 months after the date of entry into force ends of this Regulation], except as regards the transmission of data to the Commission which shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 54 months after the date entry into force of this Regulation].</p> <p><u>(ca) Commission Decision 2001/171/EC and Commission Decision 2009/292/EC shall remain into force and continue to apply until repealed by delegated acts adopted by the Commission adopted pursuant to Article 5(5a) of this Regulation.</u></p> <p>References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.</p>		
<p><i>Article 65 Entry into force and application</i></p>		


<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall apply from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>																								
<p><u>ANNEX XIII</u> <u>CORRELATION TABLE</u></p>																								
<table border="1"> <thead> <tr> <th><i>Directive 94/62/EC</i></th> <th><i>This Regulation</i></th> </tr> </thead> <tbody> <tr> <td>Article 1(1)</td> <td>Article 1(1-2)</td> </tr> <tr> <td>Article 1(2)</td> <td>Article 1(3)</td> </tr> <tr> <td>Article 2(1)</td> <td>Article 2(1)</td> </tr> <tr> <td>Article 2(2)</td> <td>Article 2(2)</td> </tr> <tr> <td>Article 3(1), first subparagraph</td> <td>Article 3(1)</td> </tr> <tr> <td>Article 3(1), second subparagraph, point (a)</td> <td>Article 3(2)</td> </tr> <tr> <td>Article 3(1), second subparagraph, (b)</td> <td>Article 3(3)</td> </tr> <tr> <td>Article 3(1), second subparagraph, point (c)</td> <td>Article 3(4)</td> </tr> <tr> <td>Article 3(1), third subparagraph, point (i)</td> <td>Article 3(1)(a)</td> </tr> <tr> <td>Article 3(1), third subparagraph, point (ii)</td> <td>Article 3(1)(d-e)</td> </tr> </tbody> </table>	<i>Directive 94/62/EC</i>	<i>This Regulation</i>	Article 1(1)	Article 1(1-2)	Article 1(2)	Article 1(3)	Article 2(1)	Article 2(1)	Article 2(2)	Article 2(2)	Article 3(1), first subparagraph	Article 3(1)	Article 3(1), second subparagraph, point (a)	Article 3(2)	Article 3(1), second subparagraph, (b)	Article 3(3)	Article 3(1), second subparagraph, point (c)	Article 3(4)	Article 3(1), third subparagraph, point (i)	Article 3(1)(a)	Article 3(1), third subparagraph, point (ii)	Article 3(1)(d-e)		
<i>Directive 94/62/EC</i>	<i>This Regulation</i>																							
Article 1(1)	Article 1(1-2)																							
Article 1(2)	Article 1(3)																							
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Article 3(1), first subparagraph	Article 3(1)																							
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Article 3(1), second subparagraph, (b)	Article 3(3)																							
Article 3(1), second subparagraph, point (c)	Article 3(4)																							
Article 3(1), third subparagraph, point (i)	Article 3(1)(a)																							
Article 3(1), third subparagraph, point (ii)	Article 3(1)(d-e)																							


Article 3(1), third subparagraph, point (iii)	Article 3(1)(b-c)		
Article 3(1a)	Article 3(43)		
Article 3(1b)	Article 3(44)		
Article 3(1c)	Article 3(45)		
Article 3(1d)	Article 3(46)		
Article 3(1e)	---		
Article 3(2)	Article 3(20)		
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Article 3(2b)	Article 3(19)		
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Article 4(1), second subparagraph	---		
Article 4(1), third subparagraph	Article 38(3)		
Article 4(1a), first subparagraph	Article 29(1), first subparagraph		
Article 4(a1a), second subparagraph	Article 29(2), second sentence		
Article 4(a1a), third subparagraph	Article 29(2), first sentence		
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Article 4(1a), fifth subparagraph	Article 50(1), point (b)		

Article 4(1a), sixth subparagraph	Article 50(7), point (b)		
Article 4(1b)	Article 29(3)		
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Article 5(2), second subparagraph, point (a)	Article 48(1), second subparagraph, point (a)		
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Article 6(1)(e)(v)	---		
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Article 6(1)(g)(i)	Article 46(1)(b)(i)		
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Article 6(1)(g)(iii)	Article 46(1)(b)(iii)		
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Article 6(1)(g)(v)	Article 46(1)(b)(v)		
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