Council of the European Union
General Secretariat

Brussels, 01 March 2023

Interinstitutional files:
2022/0396 (COD)

WK 2941/2023 INIT

LIMITE

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (18.07.2023)

ENV
MI
ENT
IND
CONSOM
COMPET
CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

CONSULTATION

From:	General Secretariat of the Council
To:	Working Party on the Environment
Subject:	Packaging and packaging waste: Follow-up to the WPE meeting on 28 February 2023: calls for comments

Following the above WPE meeting, delegations are kindly invited to send comments and drafting suggestions on cluster 8 (Articles 13-20), cluster 9 (Articles 30-34, Annexes VII-VIII), cluster 10 (Articles 54-56), cluster 11 (Articles 58-65, Annex XIII) and cluster 5 (Articles 1, 2 and 4) in the attached table to the Presidency (, the Commission ( ), with copy to the Council Secretariat , **by Tuesday 14 March, cob.**

Deadline: 14.03.23

Dear Delegates,

Kindly find attached the articles discussed at the meeting on 28th of February 2023 – parts of the Commission proposal for the PPWR in a table form. We kindly ask for your comments by **14th March 2023.**

Kindly note the following important instructions when completing the table:

- Do not delete any lines or squares from the table;
- 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.

Commission proposal	**Drafting Suggestions**	**Comments**
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 5- General provisions including the legal basis		

Chapter I – General provisions		
Relevant definitions (please comment on definitions linked to this cluster)		
Relevant recitals (please comment on recitals linked to this cluster)		
Article 1- Subject matter		
1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market,as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste		
2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental protection.		
3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.		

Article 2 Scope		
1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households		
2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.		
Article 4 - Free movement		
1. Packaging shall only be placed on the market if it complies with this Regulation.		
2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.		
3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.		

4. In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.		
5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).		
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.		
Cluster 8 - Remaining obligations of economic operators (Articles 13-20)		

Relevant definitions (please comment on definitions linked to this cluster)		
Relevant recitals (please comment on recitals linked to this cluster)		
Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII		
Article 13 Obligations of manufacturers		
1. When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following: (a) it has been designed and manufactured in accordance with the applicable requirements set out in Articles 5 to 10; (b) it is labelled in accordance with the applicable requirements set out in Article 11.		
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. 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.		

3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market.		
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.		
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.		
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 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.		
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.		
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.		
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. 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.		
Article 14 Information obligations of suppliers of packaging or packaging materials		
1. 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 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.		
2. 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.		

Article 15 Obligations of authorised representative		
1. A manufacturer may, by a written mandate, appoint an authorised representative. The obligations laid down in Article 13(1) and the obligation to draw up technical documentation referred to in Annex VII and required under Articles 5 to 10 shall not form part of the authorised representative's mandate.		
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: (a) keep the EU declaration of conformity and the technical documentation at the disposal of the national market surveillance authorities for 10 years after the packaging has been placed on the market; (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; (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;		

(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request; (e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.		
Article 16 Obligations of importers		
1. Importers shall only place on the market packaging which is compliant with the requirements of Articles 5 to 11.		
2. Before placing packaging on the market, importers shall ensure the following: (a) the appropriate conformity assessment procedure, referred to in Article 33 has been carried out and the technical documentation, referred to in Annex VII and required under Articles 5 to 10, has been drawn up by the manufacturer; (b) the packaging is labelled in accordance with Article 11, (c) the packaging is accompanied by the required documents; (d) the manufacturer has complied with the requirements set out in Article 13(5) and (6). 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.		
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.		
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.		
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. 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.		

7. Importers 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.		
8. Importers shall, for 10 years after the 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.		
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 electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority.		
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.		

Article 17 Obligations of distributors		
1. When making packaging available on the market, distributors shall act with due care in relation to the requirements of this Regulation.		
2. Before making packaging available on the market, distributors shall verify the following: (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 40; (b) the packaging is labelled in accordance with Article 11; (c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.		
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 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. 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.		

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. 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.		
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. 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.		
Article 18 Obligations of fulfilment service providers		

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		
Article 19 Case in which obligations of manufacturers apply to importers and distributors		
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 14, where they place packaging 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.		
Article 20 Identification of economic operators		
1. Economic operators shall, upon request, provide information to the market surveillance authorities on the following: (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.		

2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the packaging and for 10 years after they have supplied the packaging.		
Cluster 9 - Conformity of packaging (Chapter VI: Article 30-34, Annexes VII-VIII)		
Relevant definitions (please comment on definitions linked to this cluster)		
Relevant recitals (please comment on recitals linked to this cluster)		
Chapter VI Conformity of packaging		
Article 30 Test, measurement and calculation methods		
For the purposes of compliance and verification of compliance of packaging with the requirements set out in Articles 5 to 11 and 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.		
Article 31 Presumption of conformity		

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 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 that Article.		
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, or parts thereof, covered by those standards set out in Articles 5 to 11 and 24.		
Article 32 Common technical specifications		
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.		
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: (a) there is no harmonised standard covering the relevant requirements the reference of which is published in the Official Journal of the European Union or the standard does not satisfy the requirements it aims to cover; (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: (i) the request has not been accepted by any of the European standardisation organisations to which the request was addressed; (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: – are not adopted within the deadline set in the request; – do not comply with the request; – are not fully in line with the requirements they aim to cover. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).		

3. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall assess whether implementing acts referred to in paragraph 2, or parts thereof which cover the same requirements set out in Articles 5 to 11 and Article 24 need to be repealed or amended.		
Article 33 Conformity assessment procedure		
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.		
Article 34 EU declaration of conformity		
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.		

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 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.		
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.		
Annex VII - CONFORMITY ASSESSMENT PROCEDURE		
Annex VIII - EU DECLARATION OF CONFORMITY NO* …		
Cluster 10. Safeguard procedures (Chapter VIII: Article 52-56)		
Relevant definitions (please comment on definitions linked to this cluster)		
Relevant recitals (please comment on recitals linked to this cluster)		

Chapter VIII Safeguard procedures		
Article 52 Procedure for dealing with packaging presenting a risk at national level		
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 relvant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities. Where, in the course of that evaluation, the market surveillance authorities find that the packaging does not comply with the 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.		
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.		
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.		
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.		
5. Where the relevant economic operator does not take adequate corrective measures within the period referred to in paragraph1, 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.		

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.		
6. The information to the Commission and the other Member States referred to in paragraph 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 noncompliant 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 54(1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following: (a) failure of the packaging to meet the sustainability requirements set out in Articles 5 to 10 of this Regulation; (b) shortcomings in the harmonised standards or common specifications referred to in Articles 31 and 32 of this Regulation.		
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.		
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. 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		
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.		
Article 53 Union safeguard procedure		
1. Where, on completion of the procedure set out in Article 52(3) and (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).		
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. 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. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.		
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.		
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.		
Article 54 Compliant packaging which presents a risk		

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.		
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.		
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.		
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 packaging, the nature of the risk involved and the nature and duration of the national measures taken.		
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. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3). 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 58(4). The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.		

Article 55 Controls on packaging entering the Union market		
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(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.		
2. The communication of information referred to in paragraph 1 shall take place through entering the information in the relevant customs risk management environment.		
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(5) to the environment referred to in paragraph 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 5.		

4. The Commission is empowered to adopt implementing acts specifying the procedural rules and the details of the implementation arrangements for paragraph 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 4. Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 59(3).		
Article 56 Formal non-compliance		
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: (a) the EU declaration of conformity has not been drawn up (b) the EU declaration of conformity has not been drawn up correctly; (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; (d) the technical documentation referred to in Annex VII is not available, is not complete or contains errors;		

(e) the information referred to in Article 13(6) or Article 16(3) is absent, false or incomplete; (f) any other administrative requirement set out in Article 13 or Article 16 is not fulfilled; (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; (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; (i) in relation to refill, the information requirements set out in Article 25(1) and (2) are not fulfilled; (j) the requirements on the refill stations set out in Article 25(3) are not fulfilled; (k) the re-use and refill targets in Article 26 are not achieved		
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.		
3. Where the non-compliance referred to in paragraph 1, points (g) to (k), persists, Member		

States shall apply the rules on penalties applicable to infringements of this Regulation which are laid down by the Member States in accordance with Article 62.		
Cluster 11. Final Chapters (Chapters X-XII: Articles 58-65, Annex XIII)		
Relevant definitions (please comment on definitions linked to this cluster)		
Relevant recitals (please comment on recitals linked to this cluster)		
Chapter X Delegated powers and committee procedure		
Article 58 Exercise of the delegation		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
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 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 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.		
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 Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		
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 period shall be extended by two months at the initiative of the European Parliament or of the Council.		
Article 59 Committee procedure		
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 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.		

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.		
Chapter XI Amendments		
Article 60 Amendments to Regulation (EU) 2019/1020		
Regulation (EU) 2019/1020 is amended as follows: (a) Annex I is amended as follows: (i) point 9 is deleted; (ii) the following points are added: ’X *[OP Please insert the next consecutive number]* Directive (EU) 2019/904 of the European Parelimant 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); ‘X *[OP Please insert the next consecutive number]* Regulation (EU)…/… on packaging and packaging waste, amending Regulation (EU) 2019/1020 and repealing Direcitve 94/62/EC [*for the Publications Office to fill in the OJ publication details]*. (b) in Annex II, point 8 is deleted.		

Article 61 Amendments to Directive (EU) 2019/904		
Directive (EU) 2019/904 is amended as follows: (a) in Article 6(5), point (b), is deleted; (b) in Article 13(1), point (e), is deleted; (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.'		
Chapter XII Final provisions		
Article 62 Penalties		
1. By *[OP: Please insert the date = 24 months after the date of entry into force of this Regulation],* Member States shall lay 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.		
2. 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.		
3. Member States shall, by *[OP: please insert the date = 1 year after the date of entry into force of this Regulation],* notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.		
Article 63 Evaluation		
By *[OP: Please insert the date = 8 years after the date of application of this Regulation],* 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 Commission with the information necessary for the preparation of that report.		
Article 64 Repeal and transitional provisions		
Directive 94/62/EC is repealed with effect from *[OP: Please insert the date = 12 months after the date of entry into force of this Regulation]*. However, the following transitional provisions shall apply: (a) Article 8(2) of Directive 94/62/EC shall continue to apply until [*OP: Please insert the date = 42 months after the date of entry into force of this Regulation*]; (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 [*OP: Please insert the date = the last day of the calendar year following 36 months after the data entry into force of this Regulation*]; (c) Articles 12(3a), (3b), (3c) and (4) of Directive 94/62/EC shall continue to apply until [*OP: Please insert the date = the last day of the calendar year following 36 months after the date entry into force 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]. 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.		
Article 65 Entry into force and application		
This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.* It shall apply from [*OP: Please insert the date = 12 months after the date of entry into force of this Regulation]*. This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels,		
Annex XIII - CORRELATION TABLE		