



Council of the European Union
General Secretariat

Brussels, 13 January 2025

**Interinstitutional files:
2023/0373 (COD)**

WK 359/2025 INIT

LIMITE

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REQUEST FOR CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14248/23 + ADD 1
Subject:	Plastic Pellets Regulation: Follow-up to the WPE on 13 January 2025 – call for comments and Commission presentation

Following the above WPE meeting, delegations are kindly reminded to send their comments (by filling in only the yellow cells of the attached table, **using the Excel original format**) to the Presidency ([redacted] ; [redacted] ; [redacted]) and [redacted]), copying the Commission ([redacted]) and the Council Secretariat ([redacted]) and [redacted] ; [redacted] and environment@consilium.europa.eu) by **Friday, 17 January 2025 cob**.

Delegations will also find attached the presentation given by the Commission.

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File		Regulation on preventing plastic pellet losses to reduce microplastic pollution	
Member State		Select a delegation	
EP AM	Reference in the text	MS position	MS comment
1	Rec. 1		
2	Rec. 4		
3	Rec. 7		
4	Rec. 7 a (new)		
5	Rec. 7 b (new)		
6	Rec. 9		
7	Rec. 9 a (new)		
8	Rec. 12		
9	Rec. 15		
10	Rec. 16		
11	Rec. 18		
12	Rec. 20		
13	Rec. 23		
14	Rec. 24		
15	Rec. 25		
16	Rec. 32		
17	Rec. 33		
18	Rec. 38		
19	Rec. 39		

20	Art. 1(1)		
21	Art. 2(a)		
22	Art. 2(aa) (new)		
23	Art. 2(b)		
24	Art. 2(c)		
25	Art. 2(d)		
26	Art. 2(f)		
27	Art. 2(g)		
28	Art. 3(1)		
29	Art. 3(3)		
30	Art. 3(3a) (new)		
31	Art. 3(4)		
32	Art. 4(2)		
33	Art. 4(2a) (new)		
34	Art. 4(3)(a)		
35	Art. 4(4)		
36	Art. 4(7), introductory part		
37	Art. 4(7)(a)		
38	Art. 4(7)(c)		
39	Art. 4(8)		
40	Art. 4(9), introductory part		

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41	Art. 4(9)(b)		
42	Art. 4(9)(c)		
43	Art. 4(9), second subparagraph (new)		
44	Art. 5(2)		
45	Art. 5(2a) (new)		
46	Art. 5(3)		
47	Art. 7, introductory part		
48	Art. 8(1)		
49	Art. 8(2), introductory part		
50	Art. 8(2)(a)		
51	Art. 8(3a) (new)		
52	Art. 9(1), introductory part		
53	Art. 9(1)(a)		
54	Art. 9(1)(aa) (new)		
55	Art. 9(1)(b)		
56	Art. 9(2)		
57	Art. 9(3)		
58	Art. 10(2)		
59	Art. 11(1)		
60	Art. 12(1)		
61	Art. 12(2), first subparagraph		

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62	Art. 12(2), (new) subparagraph 1a		
63	Art. 12(2), second subparagraph, introductory part		
64	Art. 12(2), second subparagraph, point (b)		
65	Art. 12(2), second subparagraph, point (c)		
66	Art. 12(2), second subparagraph, point (d)		
67	Art. 13(1)		
68	Art. 14(2)		
69	Art. 15(2)		
70	Art. 15(3a) (new)		
71	Art. 17, first paragraph		
72	Art. 17, second paragraph, point (a)		
73	Art. 17a (new)		
74	Art. 17b (new)		
75	Annex I, point (1a) (new)		
76	Annex I, point (3a) (new)		
77	Annex I, point (7)		
78	Annex I, point (7)(a)		
79	Annex I, point (7)(b)		
80	Annex I, point (7)(c)		
81	Annex I, point (7), second subparagraph (new)		
82	Annex I, point (8)		

83	Annex I, point (8)(a)		
84	Annex I, point (8)(b)		
85	Annex I, point (8)(c)		
86	Annex I, point (8), second and third subparagraphs (new)		
87	Annex I, point (9)		
88	Annex III, point (1)		
89	Annex III, point (1a) (new)		
90	Annex III, point (2)		
91	Annex III, point (3)		
92	Annex III, point (3a) (new)		
93	Annex IVa (new)		
94	Annex IVb		

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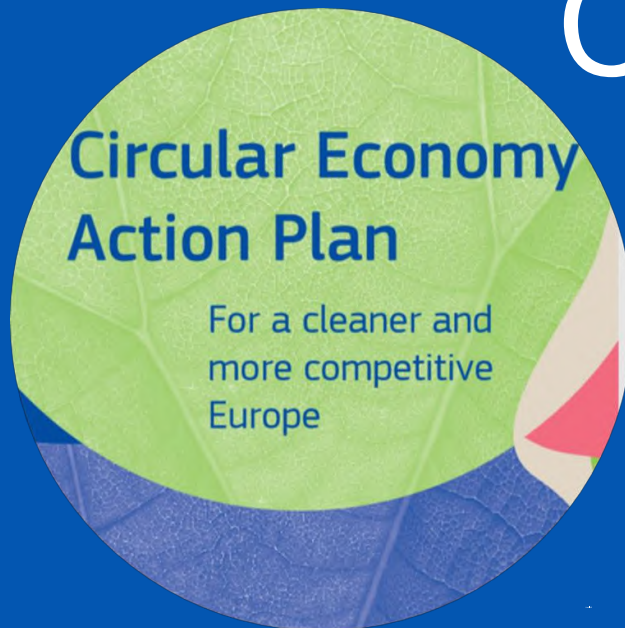
MS	Position
Austria	-
Belgium	In favor
Bulgaria	Object
Croatia	Neutral
Republic of Cyprus	Scrutiny
Czech Republic	
Denmark	
Estonia	
Finland	
France	
Germany	
Greece	
Hungary	
Ireland	
Italy	
Latvia	
Lithuania	
Luxembourg	
Malta	
Netherlands	
Poland	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
Select a delegation	





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Plastic Pellet Regulation: EP 1st reading and Council General Approach



DG ENV
European Commission
13 January 2025

Overview



1. Scope & Definitions
2. Responsibilities for SMEs: in Articles & in Annex I
3. Responsibilities for non-EU carriers
4. Maritime
5. Penalties & Compensation
6. Reporting
7. Labelling & Traceability

1. Scope & Definitions

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Scope

- Art. 1.1 Added **Objective of achieving zero losses** (AM 10, 11, 13, 20)
- Art.3.1 Added Spills to Losses: **where spills and losses occur** (..) take immediate action to **contain and clean-up** those **spills and losses** (AM 28)

- Art. 1.1 Added **Components of supply chain**
- Art. 1.2 Added (among subjects):
 - **Installations for the cleaning of containers and tanks**
 - **Shippers, operators, agents and masters of sea-going vessels (..) leaving or calling at an EU port**
- Art. 3.1 Added **Take immediate action to contain and clean-up**

Definitions

- Art.2 Modified definitions:
 - **Plastic pellet: regardless of its shape and form including powders, cylinders, beads and flakes, to which additives might have been added (..) and plastic recycling operations** (AM 21)
- New: **Plastic pellet dust** (AM 22)

- Art. 2 Modified definitions :
 - **Plastic pellet** (addition of **regardless of its shape, form or size**; deletion of 'small', 'preformed', 'feedstock' and 'plastic' [product])
- New: **Authorised representative; Permit**

[maritime in slide 6]

[maritime in slide 6]

2. Responsibilities for SMEs (in Articles)

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Art.4

[AM 32-33-45 to be read in conjunction]

- Art. 4.2 Modified Update of RMP and renewal of self-declarations every **3** years also for (ALL) **small firms** (AM 32)
- +
- Art.4.2a (new) Added **Small firms operating installations handling above 1000t/y** can be exempted if **they hold a valid certificate** (AM 33)
- Art.4.9 Added **Small firms operating installations handling above 1000 t/y to carry out an internal assessment [+ mandatory content + records]** (AM 40)

- Art. 4.2 Modified Update of RMP and renewal of self-declarations every 5 years also for **small firms operating installations handling below 1000 t/y**

- Art.4.9 Added **Small firms operating installations handling above 1000 t/y to carry out an internal assessment**

Art.5

- +
- Art.5.2a (new) Added **By 60 months from e.i.f. small firms operating installations handling above 1000 t/y to obtain a certificate valid for 5 years [but no obligation to renew it]** (AM 45)

- Art.5.2a (new) Added **By 48 months from e.i.f. small firms operating installations handling above 1000 t/y to obtain a certificate valid for 5 years**

2. Responsibilities for SMEs (in Annex I)

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- 1.7 & 1.8 From obligation of conduct to obligation of result:
*ALL Economic operators shall **put in place** ALL listed equipment (AM 77) and ALL listed **measures** (AM 82)*
- 1.7.2a & 1.8.2a (new) Added **Exemptions are possible upon justification + Micro firms shall** (ONLY) **consider** listed equipment (AM 81) and listed **measures** (AM 86)
- 1.9 Added **Small to medium and large firms operating installations handling above 1000 t/y for additional actions eg review at management meetings** (AM 87)

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- Art. 1.7 Added minimum mandatory equipment:
This equipment shall be adequate and proportionate (..) and shall include [obligation of result in addition to obligation of conduct]
- Art. 1.8 Added minimum mandatory procedures:
These procedures shall be adequate and proportionate (..) and shall include [obligation of result in addition to obligation of conduct]

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3. Responsibilities for non-EU carriers

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- Art. 4.7 Added **Non-EU carriers** to obligations concerning (AM 36):
 - *training of staff and*
 - *keeping records of actions taken and of estimated losses and total quantities of pellets handled*

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- Added **Authorised representative of non-EU carriers** for the following:
 - *notification of activities and changes under Art.3.2 and 3.3*
 - *providing evidence of compliance with obligations under Art.4.7 (see below)*
 - *identifying information not to be disclosed by CA under Art.7a.2 new on access to information and*
 - *taking actions under Art.10.1 on non-compliance*
- Art. 4.7 Added **Non-EU carriers** to obligations concerning:
 - *training of staff and*
 - *keeping records of actions taken and of estimated losses*

4. Maritime

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- Art. 2 Deletion of road, rail and inland waterway vessels in definition of **EU and non-EU carrier** making ALL provisions applicable to ALL means of transport e.g. maritime (AM 26)
- Annex III.1.1a (new) Added **Additional measures to be taken and equipment specifically applicable to maritime and inland waterway transport** (AM 89):
 - a) **provide a clear indication of the containers containing plastic pellets**
 - b) **store plastic pellets in containers in good condition and avoid protrusions that could tear bags and boxes and store containers in the hold and not on deck**
 - c) **contain, clean up and avoid losses of plastic pellets into water when cleaning the boarding area, deck, hold or in a shipping container**

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- Art. 2 Added definitions of **Shipper/operator/agent**
- Art. 4a (new) Added **Obligations regarding the transport of plastic pellets by sea in freight containers:**
 1. **Obligations for shippers as to good quality packaging, transport information and special stowage request;**
 2. & 3. **Obligations for operators, agents and masters of sea-going vessels as to possession of cargo information as received from the shipper and stowage under deck wherever reasonably practicable or inboard in sheltered areas of exposed decks**

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5. Penalties & Compensation

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Art. 15

- Art.15 (2) Modified Maximum amount of fines to be **3%** of the firm's annual turnover in the **Union** (AM 69)
- Art. 15 (3a new) Added **MS to endeavor that fines' revenue is allocated to pollution cleanup projects + COM to report on the use of penalties' revenues** (AM 70)

Alignment with revised IED:

- For the most serious infringements, *maximum amount of fines to be **3%** of the annual **Union turnover** of the operator*
- Possibility for MS to use **criminal penalties**
- Deletion of the need to take into account the **intentional or negligent character of the infringement** and the **financial situation of the offender**. **NEW: take into account the repetitive or one-off character of the infringement**

Art. 16

No amendments

Alignment with revised IED:

- *Right to compensation limited to cases of damages caused by **natural or legal persons**, excluding competent authorities*
- *No entitlement for **NGOs to represent individuals or bring collective actions** for compensation*
- *No reverse **burden of proof***
- *Limitation periods for bringing compensation claims left to the discretion of MS.*

6. Reporting

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- By Economic operators:
 - Art. 4.4 Added **Loss notifications in accordance with format in Annex IVa to public register by CA** (AM 35-93) + N° of tonnes handled per year & chemical nature in RMP (AM 75-76)
- By MS:
 - Art.8.2 Modified **MS report to COM every 3 years + quantities handled by installations and EU-carriers to report** (AM 49-50)
- By COM:
 - Art.8.3 (new) Added **Synthesis report on compliance and reporting every 3 years** (AM 51)
 - Art. 12.1 Modified **By 12 months from e.i.f. COM to develop and fund awareness raising and training material** (AM 60)
 - Art. 17a (new) Added **By 8 years from e.i.f. comprehensive report on application and where appropriate legislative proposal** (AM 73)

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- By Non-EU carriers:
 - Art. 3a (new) Added **Non-EU carriers to inform CA and COM on designation of authorised representative**
- By MS:
 - Art. 5a.2 (new) Added **MS to notify exemptions of economic operators and national rules on permits to COM**
 - Art.8.2 Modified **MS report to COM every 3 years + N° of non-EU carriers, certificates, EMAS/EMS and permits**
- By COM:
 - Art. 7a (new) Added **COM to publish list of national websites and of authorised representatives**
 - Art. 12.1 Modified **By 12 months from e.i.f. COM to develop and publish awareness raising and training material**
 - Art. 18b (new) Added **COM to report within 5 years from application date [minimum mandatory content] and where appropriate a legislative proposal; COM to assess possible IMO measures and need to ensure alignment**

7. Labelling & Traceability

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Labelling

- Art. 3a (new) Added ***Economic operators to label all storage and transport containers containing plastic pellets in accordance with the pictogram in Annex IVb*** (AM 30 - 94)

No amendments

No amendments

No amendments

Traceability

- Art. 17b (new) Added ***By 24 months from e.i.f. COM to publish report on possible chemical traceability of plastic pellets [minimum mandatory content]. Where appropriate, COM to present a legislative proposal*** (AM 74)

