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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14248/23 + ADD 1
Subject:	Plastic Pellets Regulation: WPE on 25 March 2025 - Presidency steering note

With a view to the above WPE meeting, delegations will find attached a steering note, prepared by the Presidency.

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PRESIDENCY STEERING NOTE

WORKING PARTY ON THE ENVIRONMENT (WPE)

PLASTIC PELLETS REGULATION

25 MARCH 2025

At the meeting of the Working Party on the Environment on 25 March 2025, the Presidency aims to **prepare for the upcoming 2nd political trilogue** scheduled currently for 8 April 2025. In view of this political trilogue, the Plastic Pellets Regulation will be discussed in COREPER on 2 April 2025 to achieve a revised mandate.

Delegations are kindly invited to consult the updated **four-column table**, published in ST 7198/25. The document reflects the current state of technical negotiations with the European Parliament (EP).

In addition to the four-column table, this Steering Note contains:

- the **provisional outcomes of the technical negotiations** with the EP;
- the **state of play** on outstanding sensitive issues.

During the meeting, delegations will have the opportunity to inform the Presidency about their **flexibilities and sensitivities** in view of reaching the agreement in the interinstitutional negotiations. Results of the WPE discussion will guide the Presidency in identifying the **possible landing zones** for the negotiations with the EP and preparing a revised mandate to be discussed in COREPER on 2 April 2025.

STRUCTURE OF THE DISCUSSION

Member States will be invited to share their views and flexibilities, in three table rounds in the following order:

1. Clusters 1 & 2
2. Clusters 3-5
3. Clusters 6-11

CLUSTERS:

I. Outcomes of technical negotiations

Following the opening trilogue on 29 January 2025, the Presidency has engaged with the EP in constructive negotiations in 15 interinstitutional technical meetings (ITMs). The ITMs are ongoing and the final ITM will take place on 24 March 2025.

The discussions at the technical level resulted in a number of provisionally agreed provisions. In the discussions, all parties also identified issues requiring political input which will be elevated to the trilogue on 8 April 2025.

With regards to provisional outcomes and state of play, the Presidency would like to draw the delegations' attention to the following clusters:

1. Subject matter and scope (Articles 1, 2)

The majority of rows in Articles 1 and 2 have been provisionally agreed. After complex discussions, co-legislators found a solution on the definition of 'plastic pellets' close to the Council position and agreed not to include the definition of 'plastic pellet dust' in the Regulation. Additional elements to the definitions were provided in corresponding recitals.

Concerning open issues, **the Presidency would kindly ask Member States for their views** on the zero plastic pellet losses objective which is identified as a political issue for both the EP and the Council.

2. Obligations of economic operators (Articles 3, 4, 5, 5a, 6, 12, Annexes I, II)

Many rows in this cluster have been provisionally agreed and some agreed in principle. Most notably, the EP agreed to work on the basis of the Council general approach in Annex I, setting minimal standards and additional guidance with regard to the equipment and procedures for the relevant economic operators. Annex I has been restructured but no major elements were added. The discussions are still ongoing with regard to the allocation of specific elements to each category.

The main challenge in this cluster remains the treatment of smaller enterprises, in particular small enterprises handling pellets above 1000 tonnes annually, and micro enterprises. Both co-legislators agreed to discuss issue of small sized enterprises as a package of 4 pillars (Obligation of certification; Performing internal assessment; Obligation for small and micro operators under Annex I; Support). The EP backtracked on its 1st reading position in order to provide more flexibility to small enterprises above 1000 tonnes with regard to the requirement of internal assessment and agreed with the Council on excluding small enterprises from additional measures under Annex I. The EP continues to insist on retaining its position on one-time certification for small enterprises but is engaged on finding solutions with regard to the targeted support to micro and small enterprises on the basis of the Council general approach. In addition, the update periods for self-declaration and risk management plans remain open.

The EP has reserved its position with regard to the level of the threshold for additional obligations under this Regulation (1000 tonnes) until further notice.

The EP is withholding its consent on the Council proposals on permitting and EMS, pending resolution of other elements of the Regulation and the overall package.

3. Obligations for carriers (Articles 3, 3a, 4, Annex III)

The discussions on the cluster regarding the obligations for EU and non-EU carriers proved to be complex during the negotiations. As for Annex III, despite the EP raising a number of concerns related to packaging quality and training obligations, co-legislators largely agreed to retain the Council general approach. However, the EP continues to express doubts over

the concept of an authorised representative under Article 3a, despite the Presidency's explanations. The Commission also continues to express its opposition to the authorised representative and has proposed to eliminate some obligations for EU carriers to bring their respective obligations closer.

Having this in mind, the Presidency kindly asks the delegations to be ready to show flexibility on the issue of the authorised representative if this would prove needed.

4. Inclusion of Maritime Transport into the scope of Regulation (Article 4a)

The EP accepted the Council's approach with regard to the inclusion of maritime transport to the scope of Regulation, aligned with the IMO guidelines. Provisional agreement was reached on most rows along the lines of the Council's general approach. The main open issue remains the date of application of the provisions relating to the maritime transport, with the EP insisting on aligning the timeline to the date of application of the rest of this Regulation.

The Presidency kindly asks the delegations for their views on this issue.

5. Complaint-handling, access to justice, penalties and compensation (Articles 14, 15, 16)

All rows concerning this cluster were accepted in line with the Council general approach, and they are based on the Industrial Emissions Directive. The Presidency provisionally agreed to align also the recitals of this Regulation with the language from the preamble of the IED.

6. Labelling, traceability and tracking, incidents and accidents (Articles 3, 3a, 9, 13, 17b, Annex IVa, IVb)

The Presidency expressed a very sceptical position with regard to the EP amendments adding obligations related to labelling, chemical traceability and loss tracking. The EP showed flexibility on deleting labelling from certain rows and to reduce scope of loss tracking

form in Annex IVa to reporting incidents and accidents. However, the EP insists on retaining the obligation of labelling, while the issue of chemical traceability is still open.

The Presidency would kindly ask Member States to show their flexibility on these issues.

7. Reporting by the Commission on the compliance and implementation of the Regulation (Articles 7a, 8, 10, 12, 18b)

The EP accepted the Council's proposal to introduce Article 7a concerning public access to information. The wording in many rows was provisionally agreed, even if they are pending the final decision from the EP side on including such issues as authorised representative, non-EU carriers and permits.

8. Review and enter into force (Articles 17a, 18b, 19)

Following detailed explanation by the Commission, the Presidency provisionally agreed to the EP approach on the timeline of the review to be carried out by the Commission (extension by 1 year). Unfortunately despite a long and difficult discussion, the EP did not accept the proposed extension of the date of application to 24 months, and insists on retaining the original Commission proposal of 18 months.

Member States are invited to indicate the limits of their flexibility.

9. Delegated powers (Articles 17, 18, 18a)

In Article 17, the Council managed to convince the EP to maintain the structure and appropriate drafting. As a part of the compromise, the Council provisionally agreed to extend the list of experiences gained from the implementation of certain provisions and taking into account when adopting delegated acts.

Therefore, the Presidency kindly asks the delegations to show flexibility on this issue.

10. Rest of Annexes (Annex IV)

All rows concerning this cluster were accepted in line with the Council general approach.

11. Other issues (Articles 7, 11)

To clarify and on the Commission's request, co-legislators provisionally agreed on the requirement of sharing the names, addresses and contact details of the competent authorities with the Commission.