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General Secretariat

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REQUEST FOR CONTRIBUTION

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

N° Cion doc.: 14248/23 + ADD 1 to ADD 7

Subject: Reducing Microplastic Pollution Regulation: Follow-up to the WPE on 16 April 2024 - call for comments and Commission presentation

As announced by the Presidency during the WPE meeting on 16 April 2024 on the above, delegations are invited to send written comments or questions on the Commission proposal by **Tuesday, 23 April 2024**, **cob** to the Presidency ([redacted] and [redacted]), with copy to the European Commission ([redacted] and S [redacted]) and the Council Secretariat ([redacted] and environment@consilium.europa.eu).

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

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COM proposal to prevent plastic pellet losses: COM clarifications



*Directorate B Unit 1
DG Environment*

*Disclaimer: for information only. For accuracy, please refer to the
European Commission's official proposal COM(2023)645 final*

The proposal: general considerations

- ▶ **A system firmly rooted in OSPAR Recommendation and current industry practices (Operation Clean Sweep – OCS)**
- ▶ **To contribute to the 30% reduction target in ZPAP**
- ▶ **Existing EU legislation: no duplication**
- ▶ **Today: an opportunity to clarify provisions**

Article 1: subject matter and scope

- ▶ 1.1 Obligations for the **handling** of plastic pellets at **all stages of the supply chain** to **prevent losses**
- ▶ 1.2 **All relevant economic activities in the Union:**
 - ▶ economic operators ie installations handling pellets in quantities above 5 t/y
 - ▶ EU and non-EU carriers transporting pellets (but not maritime)

Article 1: questions



- ▶ Maritime (not for today)
- ▶ Are waste handling and recycling in scope?
- ▶ What about a lower threshold?
- ▶ Why no threshold for carriers?

Article 2: definitions



▶ Definitions include:

- ▶ plastic pellets, spills (within boundaries), losses (to the environment)
- ▶ economic operators operating installations, EU carriers, non-EU carriers
- ▶ SMEs (Commission Recommendation of 2003)
- ▶ certifiers (accredited conformity assessment bodies or an EMAS environmental verifier)

Article 2: questions



- ▶ What about plastic?
- ▶ What about other forms of pellets?
- ▶ Why no maximum size?
- ▶ What about dust?
- ▶ More precision is needed on carriers

Article 3: general obligations

From the entry into force

▶ **3.1 Economic operators and carriers** (EU and non-EU) shall avoid losses. If losses, they shall take immediate action to clean-up

Within 18 months:

▶ **3.2-3.3 Economic operators and EU carriers** shall:

▶ notify competent authorities (CAs) of their pellet handling activities (including changes)

▶ **3.4 Competent authorities** shall establish and maintain a public register

Article 3: questions



- ▶ Which activity ?
- ▶ Which change?
- ▶ Why including EU carriers?
- ▶ Why excluding non-EU carriers?
- ▶ Why an obligation of public register?

Article 4: obligations on the handling (1)

Within 18 months:

- ▶ **4.1 Economic operators** shall:
 - ▶ **a** establish, and update at any times, a risk assessment plan (RAP) as in Annex I
 - ▶ **b** install equipment and execute as in RAP
 - ▶ **c** send the RAP and a self-declaration (SD) to CAs as in Annex II

- ▶ **4.2 Smaller economic operators (micro and small-sized + medium- and large-sized below 1000 t/y)** shall notify an updated RAP + a renewal of the SD every 5 years

- ▶ **4.3 CAs** can intervene (require a change in the RAP, to implement any actions in Annex I)

- ▶ **4.4 CAs** shall establish and maintain a public register

Practical measures for installations – Annex I

Risk Assessment Plans shall contain elements on :

- ▶ **Risk mapping** e.g. identification of the locations where pellet spills & losses may originate
- ▶ **Risk minimization** i.e. list of equipment and procedures, based on OCS
 1. To prevent e.g. tear and impact-resistant packaging & regular inspection and maintenance of packaging
 2. To contain e.g. catchment devices & regular inspection and maintenance of devices
 3. To clean up e.g. industrial vacuum cleaners & collection in designated containers of spilled pellets

Article 4: obligations on the handling (2)

Within 18 months:

- ▶ **4.5 Carriers** shall take the actions as in Annex III during loading and unloading, transport, cleaning and maintenance

- ▶ **4.6 Economic operators and carriers shall follow a priority order of action** ie prevent, contain, clean-up

- ▶ **4.7 Economic operators and EU carriers shall:**
 - ▶ a train their staff
 - ▶ b keep records of implementation actions
 - ▶ c keep records of annually estimated losses

- ▶ **4.8 Economic operators and carriers shall take corrective actions if failure**

- ▶ **4.9 Larger economic operators shall** conduct an annual internal assess.

Practical measures for carriers – Annex III

Carriers must take measures:

- ▶ Prevention: e.g. verification during and after loading and unloading operations to ensure pellets are removed before leaving the side
- ▶ Containment and clean-up: e.g. repair damaged packaging and contain remaining pellets in loading compartment

Carriers are responsible for implementing On-Board Equipment

Article 4: questions

- ▶ Certification for all
- ▶ Only volume handled, not size. What if a lower threshold?
- ▶ Update of RAP and renewal of SD for all every 5 years
- ▶ Who is responsible for loading and unloading?
- ▶ What kind of actions under 4.7? Why excluding non-EU carriers from 4.7?
- ▶ Why not using electronic freight transport information system?
- ▶ Why an *annual* internal assessment, and for whom?

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Article 13: methodology

- ▶ **13.1 Methodology to estimate losses** to comply with obligation under Article 4.7(c)
- ▶ **13.2** If no draft or COM unsatisfied, **COM shall establish a methodology by means of an Implementing Act**

Questions?

- ▶ Timeline for the development?
- ▶ A longer (than 6 months) transition period is needed for the use of the methodology

Articles 5: Certification & 6: EMAS

[Smaller = SD every 5 years]

- ▶ **5.1 Large-sized if > 1000 tons/y** to be certified within 24 months; then, every 3 years
- ▶ **5.2 Medium-sized if > 1000 tons/y** to be certified within 36 months; then, every 4 years
- ▶ **5.3/4/5 (accredited) Certifiers shall:**
 - ▶ carry out spot-checks
 - ▶ notify the CA of the certificate issued
 - ▶ establish & maintain a public register of certificates of conformity (form in Annex IV)
- ▶ **Art. 6 EMAS registered companies** = no notification/SD/certification

Articles 5 & 6: questions



- ▶ Certification: alternatives?
- ▶ What about audit?
- ▶ What if a lower threshold?
- ▶ Who should notify, the economic operator or the certifier?
- ▶ What about ISO 14001, IED BAT?
- ▶ Who acts as accreditation body? Ground for this?

Thank You

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