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2022/0396 (COD)**

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Brussels, 05 May 2023

WK 6004/2023 INIT

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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 4 May 2023: call for comments

Following the above WPE meeting, delegations are kindly invited to send comments and drafting suggestions on Cluster 2 (Articles 11 and 12) and Cluster 3 (Articles 10, 23-28, 45), Annex VI, as well as recitals and definitions related to these clusters in the attached table to the Presidency

[REDACTED], the Commission ([REDACTED])

[REDACTED], with copy to the Council Secretariat [REDACTED]

[REDACTED], by Tuesday 9 May, cob.

Following the above WPE meeting, delegations can find the link provided by the Commission to the survey on the harmonization of waste labels across the EU: https://policy-lab.ec.europa.eu/news/harmonising-waste-sorting-labels-across-eu-2023-05-02_en

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Dear Delegates,

Kindly find attached the articles discussed at the meeting on 4 May 2023 – parts of the Commission proposal (PPWR) in a table form with the proposed amendment which were presented at the meeting. We kindly ask for your comments by **9 May 2023**.

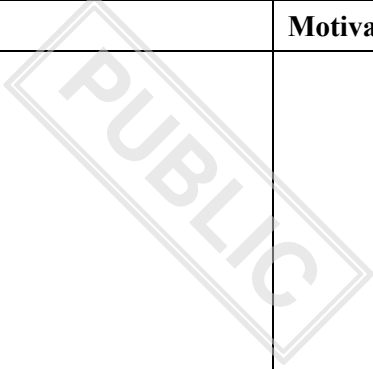
Kindly note the following important instructions when completing the table:

- Do not delete any lines or squares from the table;
- Do not insert any new lines or squares;
- Insert your drafting suggestions into the 2nd column and your motivation in the 3rd column of the table, 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	Motivation to the proposed amendment
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		
<i>Recitals corresponding to cluster 2 (43-50, 117-117a)</i>		
(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised. For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to provide for 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 define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements. The existing standard, EN 13429:2004 will no longer be applicable and need to be revised or replaced by an updated version.</p>		
<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</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>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 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. 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>		
<p>(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the 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</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
should be harmonised.		
(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 should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.		
(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 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.		
(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-		

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<p>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>(49a) [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 Union rules on 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 displaying a voluntary sustainability label, which does not meet certain requirements, constitutes an unfair commercial practice.]</p>		

¹ <https://www.pro-e.org/the-green-dot-trademark>

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
(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 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 take into account scientific or other available technical information, including relevant international standards. The labelling of packaging subject to harmonised deposit and return system should be designed with consideration to the different countries' currency deposit system. In view of the new system, Commission Decision 97/129/EC ² 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.		
(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		

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).

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>instructions on the discarding of packaging waste. 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>(117a) The Communication from the Commission on an EU policy framework on bio-based, biodegradable and compostable plastics³ (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 made from biomass. The biomass currently 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>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<i>Recitals corresponding to Cluster 3 (62-71a, 88, 90-92, 108, 116)</i>		
<p>(62) In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing a system for re-use should also be a part of the technical documentation of such packaging. Reuse systems can vary in size and geographic coverage and range from smaller local systems to larger systems that span over a Member State's territory.</p>		
<p>(63) Reusable packaging has to be safe for its users. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.</p>		
<p>(64) Reusable packaging becomes waste, in the sense of the Article 3(1) of Directive 2008/98/EC,</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
when its holder discards it, intends to discard it or is obligated to discard it. Reusable packaging in a reconditioning process is normally not considered to be waste.		
(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting of the re-use and refill targets. However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of this Regulation.		
(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.		
(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use and refill targets on packaging in sectors, which have been assessed as having the greatest potential for		

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<p>packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.</p>		
<p>(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses number of times used. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>(69) Certain uses In some cases, the use of single use transport packaging formats is are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State.</p>		
<p>(70) Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-enterprisecompany under Commission Recommendation 2003/361/EC⁴, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish re-use and refill targets for other products, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the</p>		

4 Commission Recommendation **2003/361/EC** of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.		
(71) To enable the verification of compliance with the re-use and refill targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.		
(71a) As economic operators may have several different packaging formats, the attainment of the re-use or refill targets should be calculated on the basis of the aggregated number of sales packaging for each target.		
(88) As 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. Measures on waste prevention and re-use should be given particular attention.		
(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		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
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.		
(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 % 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.		
(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		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>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>(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 such requirements will not result in fragmentation of single market and creation of trade barriers.</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</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
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.		
Chapter I General provisions		
<i>Article 3 Definitions (22) – (30) (41-41a) (49) (56)</i>		
(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;		
(23) ‘single-use packaging’ means packaging which is not reusable packaging;		
(24) ‘rotation’ means the cycle that reusable packaging accomplishes from the moment it is placed on the market together with the products it is intended to contain, protect, handle, deliver or present, to the moment it is ready for being reused in a system for re-use with a view to it being supplied again to the end users together with the products;		
(25) ‘trip’ means transfer of packaging, from filling or loading to emptying or unloading, as part of a		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
rotation or on its own;		
(26) 'systems for re-use' means organisational, technical, and/or financial arrangements, which enable the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a system for re-use;		
(27) 'reconditioning' means an operation necessary to restore a reusable packaging to a functional state for the purpose of its re-use;		
(28) 'refill' means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products offered by the final distributor in the context of a commercial transaction;		
(29) 'refill station' means a place, where a final distributor offers to end users products that can be purchased through refill;		
(30) 'HORECA sector' means Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities ⁵ ;		

5 [NACE Rev. 2 - Statistical classification of economic activities - Products Manuals and Guidelines - Eurostat \(europa.eu\)](#); [Accommodation and food service statistics - NACE Rev. 2 - Statistics Explained \(europa.eu\)](#)

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
(41) ‘compostable packaging’ means packaging that biodegrades in industrially controlled conditions , capable of undergoing physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion such that most of the finished compost ultimately decomposes into carbon dioxide or methane, in the absence of oxygen , mineral salts, biomass and water, according to Article 47(48), and does not hinder the separate collection and the composting or anaerobic digestion process or activity into which it is introduced in industrially controlled conditions in bio-waste treatment facilities ;		
(41a) “Biobased plastics” means plastics that are made from biological resources regardless of if they are biodegradable or not.		
(49) ‘waste receptacles’ means containers, bins and bags used to store and collect waste;		
(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 .		
The definitions of ‘waste management’, ‘collection’, ‘separate collection’, ‘extended producer responsibility scheme’, ‘preparing for re-use’, and		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
'recycling' laid down in Article 3 points (9), (10), (11), (21), (16) and (17) of Directive 2008/98/EC apply;		
Chapter III Labelling, marking and information requirements		
<i>Articles corresponding to Cluster 2 (11-12)</i>		
<i>Article 11 – Labelling of packaging</i>		
<p>1. Packaging placed on the market from [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition and for the packaging referred to in Article 8(1) and (2), that the material is compostable in industrially controlled conditions in bio-waste treatment facilities with industrial composting or anaerobic digestion.</p> <p>This obligation does not apply to transport packaging.</p> <p>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 subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>2. Reusable packaging placed on the market from <i>[OP: Please insert the date = 48 months after the date of entry into force of this Regulation]</i>, packaging shall bear a label informing that it is reusable on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a national or EU-wide system for re-use and of 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 covered by Article 7 placed on the market from <i>[OP: Please insert the date = xx months after the entry into force of this Regulation]</i>, 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</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>visibly, clearly legibly and indelibly on the packaging. and the information shall be available to end users before the purchase of the product when the product is sold online. 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 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. When developing the harmonised label for packaging subject to deposit and return systems referred to in Article 44(1) the Commission shall consider the Member States' different currencies and deposits system. The Commission shall take into account the specificities of composite packaging when developing the implementing act. Those</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3)		
6. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], 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 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).		
7. Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, 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.		
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		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
or users as to the recyclability or reusability of the packaging.		
<i>Article 12 Labelling of waste receptacles for the collection of packaging waste</i>		
<p>1a By 1 January 2028, [OP: Please insert the date = 42 months after the entry into force of this Regulation], 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. This obligation does not apply to receptacles covered by a deposit and return system.</p>		
<p>1b By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish harmonised labels and specifications for the labelling requirements and formats for the labelling of the receptacles referred to in paragraph 1a. The Commission shall take into account the specificities of composite packaging when developing the implementing act. The labelling for receptacles shall correspond to the labelling for packaging as referred to in article 11(5). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<i>Articles corresponding to Cluster 3 (10, 23-28, 45)</i>		
<i>Chapter II Sustainability requirements</i>		
<i>Article 10 – Reusable packaging</i>		
<p>1. Packaging placed on the market from [insert day of entry into force of the Regulation] shall be considered reusable where it fulfils the following conditions:</p> <p>(a) it has been conceived, designed and placed on the market with the objective to be re-used or refilled;</p> <p>(b) it has been conceived and designed to accomplish as many trips or rotations as possible in normally predictable conditions of use;</p> <p>(c) it can be emptied or unloaded without damage to the packaging, which prevents its re-use;</p> <p>(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;</p> <p>(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;</p> <p>(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use,</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>traceability and shelf-life of the product;</p> <p>(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so; and</p> <p>(h) it fulfils the requirements specific to recyclable packaging set out in Article 6 when it becomes waste; set out in Article 6.</p>		
<p>2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.</p>		
<p>2a. By XX months after the entry into force of this Regulation the Commission shall request the European standardisation organisations, as appropriate, to prepare harmonised standards which define reusable packaging formats, including their minimum number of trips or rotations as well as hygiene requirements.</p>		
<p>Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII</p>		
<p><i>Article 23 Obligations in relation to reusable packaging</i></p>		
<p>1. The Economic operator who place makes a reusable packaging available within the territory</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
of a Member State for the first time on the market shall ensure that a system for re-use of such packaging is in place in that Member State , which meets the requirements laid down in Article 24 and Annex VI.		
2. The description of the system's compliance with those requirements shall be drawn up as part of the technical documentation on reusable packaging to be provided pursuant to Article 10(2). For that purpose, the manufacturer shall request the relevant written confirmations from system participants set out in Annex VI.		
<i>Article 24 Obligation related to systems for re-use</i>		
1. Economic operators making use of reusable packaging shall participate in one or more systems for re-use and shall ensure that the systems for re-use, in which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.		
2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.		
<i>Article 25 Obligations related to refill</i>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>1. Where economic operators offer the possibility to purchase products through refill, they shall inform end users of the following:</p> <p>(a) the types of containers that may be used to purchase the products on offer through refill;</p> <p>(b) the hygiene standards for refill,</p> <p>(c) the responsibility of the end user in relation to the health and safety regarding the use of the containers referred to in point (a).</p> <p>This information shall be regularly updated and either clearly displayed on the premises or otherwise provided to end users.</p>		
<p>2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.</p>		
<p>3. Economic operators enabling refill shall ensure that packaging offered to the end users at the refill stations is not provided free of charge or is provided as a part of a deposit and return system.</p>		
<p>4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1.</p>		
<i>Article 26 Re-use and refill targets</i>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
1. From 1 January 2030, economic operators making large household appliances listed in point 21 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that at least 90 % of those products are made available in reusable transport packaging within a system for re-use.		
2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that: (a) from 1 January 2030, at least 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill; (b) from 1 January 2040, at least 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.		
3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the packaging receptacle , shall ensure that: (a) from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill; (b) from 1 January 2040, at least 40 % of those		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
products are made available in reusable packaging within a system for re-use or by enabling refill.		
<p>4. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic and non-alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with other beverages, soda, cider or juice, shall ensure that:</p> <p>(a) from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p>		
<p>5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging, alcoholic beverages and non-alcoholic in the form of wine, with the exception of sparkling wine, shall ensure that:</p> <p>(a) from 1 January 2030, at least 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, at least 15 % of those products are made available in reusable packaging</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
within a system for re-use or by enabling refill.		
<p>6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat, shall ensure that:</p> <p>(a) from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p>		
<p>7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:</p> <p>(a) from 1 January 2030, at least 30 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, at least 90 % of such packaging used is reusable packaging within a</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
system for re-use.		
<p>8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:</p> <p>(a) from 1 January 2030, at least 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, at least 50 % of such packaging used is reusable packaging within a system for re-use;</p>		
<p>9. Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> <p>(a) from 1 January 2030, at least 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, at least 30 % of such packaging used for transport is reusable packaging within a system for re-use;</p>		
<p>10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:</p> <p>(a) from 1 January 2030, at least 10 % of such packaging used is reusable packaging within a system for re-use;</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
(b) from 1 January 2040, at least 25 % of such packaging they used is reusable packaging within a system for re-use.		
11. Targets laid down in paragraphs 1 to 10 shall be calculated for the period of a calendar year.		
<p>12. Transport packaging used by an economic operator shall be reusable where it is used for transporting products:</p> <p>(a) between different sites, on which the operator performs its activity; or</p> <p>(b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable in the version publicly available on [OP: Please insert the date = the date of entry into force of this Regulation].</p> <p>This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats, and boxes, excluding cardboard.</p>		
<p>13. Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products.</p> <p>This obligation applies to pallets, boxes, excluding</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
cardboard , plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats, and boxes, excluding cardboard.		
<p>14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 10 if, during a calendar year, they:</p> <p>(a) placed not more than 1000 kg of packaging on the market; or</p> <p>(b) complied with the definition of micro-enterprise company in accordance with rules set out in the Commission Recommendation 2003/361, in the version publicly available as applicable on [OP: <i>Please insert the date = the date of entry into force of this Regulation</i>].</p>		
<p>15. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 6 if, during a calendar year, they have a sales area of not more than 100 m², including also all storage and dispatch areas.</p>		
<p>16. In order to take account of the latest scientific and economic data and developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:</p> <p>(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10,</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>based on the positive experiences with measures taken by Member States under Article 45(2),</p> <p>(b) exemptions for economic operators additional to those listed in points (a) to (e) and (b) of paragraph 14 of this Article, due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in this Article,</p> <p>(c) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or environmental issues preventing the achievement of those targets.</p>		
<p>17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and the need for setting new targets for the reuse and refill of packaging, and where necessary present a legislative proposal.</p>		
<p><i>Article 27 Rules on the calculation of the attainment of the re-use and refill targets</i></p>		
<p>1. For the purpose of demonstrating the attainment of the targets laid down in Article 26(1), the economic operator making large household appliances listed in point 21 of Annex II to Directive</p>		

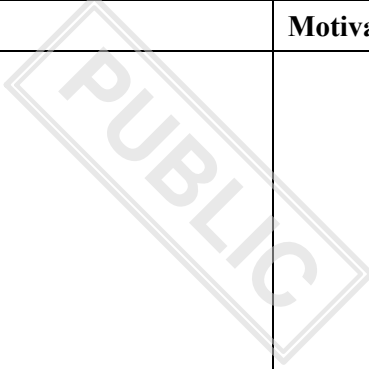
Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>2012/19/EU available on the market for the first time within the territory of a Member State shall calculate the following:</p> <p>(a) the number of units of sales of those appliances in reusable packaging within a system for re-use made available on the market for the first time within the territory of a Member State in a calendar year;</p> <p>(b) the number of units of sales of those appliances in packaging other than reusable packaging as referred to in point (a) made available on the market for the first time within the territory of a Member State in a calendar year.</p>		
<p>2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(2) to (6), the final distributor, or and manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:</p> <p>(a) the aggregate number of units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;</p> <p>(b) the aggregate number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through refill;</p> <p>(c) the aggregate number of units of sales of beverages and food made available on the market within the territory of a Member State by other</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
means than those referred to in points (a) and (b) in a calendar year.		
3. For the purpose of demonstrating the attainment of the targets laid down in Article 26(7) to (10), the economic operator using such packaging shall calculate, for each target separately, the following: (a) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) constituting reusable packaging within a system for re-use they used in a calendar year; (b) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10), other than those indicated in point (a), that they used in a calendar year.		
4. By 31 December 2028, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).		
<i>Article 28 Reporting to the competent authorities on re-use and refill targets</i>		
1. The economic operators referred to in Article 26(1) to (10) shall report to the competent authority, referred to in Article 35 of this Regulation, data concerning the attainment of the targets laid down in		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
Article 26 for each calendar year.		
2. The report referred to in paragraph 1 shall be submitted within six months after the end of the reporting year for which the data are collected.		
3. The first reporting period shall concern the calendar year starting on 1 January 2030.		
4. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used.		
5. Competent authorities may request any additional information necessary to ensure the reliability of the data reported.		
6. Member States shall make public the results of the reports referred to in paragraph 1.		
Chapter VII Management of packaging and of packaging waste		
SECTION 5 Re-use and refill		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<i>Article 45 Re-use and refill</i>		
1. Without prejudice to Articles 23 to 27 of this Regulation, Member States shall take measures to encourage the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers.		
2. The measures referred to in paragraph 1 may include: (a) the use of deposit and return systems compliant with minimum requirements in Annex X for reusable packaging and for other packaging formats that those referred to in Article 44(1), (b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale, (c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States., (d) targets for economic operators going beyond the minimum targets set out in Article 26.		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<u>ANNEX VI</u> <u>REQUIREMENTS SPECIFIC TO THE</u> <u>SYSTEMS FOR RE-USE AND REFILL</u> <u>STATIONS</u>		
<p>For the purposes of this Annex, the following definitions shall apply:</p> <p>‘closed loop system’ shall mean a system for re-use in which reusable packaging is circulated by a system operator or a co-operating group of system participants without the change of the ownership of packaging;</p> <p>‘open loop system’ shall mean a system for re-use in which reusable packaging circulates amongst unspecified number of system participants, and the ownership of the packaging changes at one or more points in the re-use process;</p> <p>‘system operator’ shall mean any natural or legal person being a system participant, who manages a system for re-use;</p> <p>‘system participants’ shall mean any natural or legal person, who participates in the system for re-use and performs at least one of the following actions: collects the packaging either from end users or from other system participants, reconditions it, distributes it among system participants, transports it, fills it with products, packs it, or offers it to end users. System for re-use can comprise one or more participants performing these actions.</p>		
Part A Requirements for systems for re-use		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>1. General requirements for systems for re-use</p> <p>The following requirements apply for all systems for re-use and shall be simultaneously satisfied:</p> <p>(a) (e) The system has a clearly defined governance structure;</p> <p>(b) (f) the governance structure ensures that the re-use targets and any other objectives of the system can be met;</p> <p>(c) (g) the governance structure allows for equal access and fair conditions of all economic operators wishing to become a part of the system;</p> <p>(d) (h) the governance structure allows for equal access and fair conditions for all end-users;</p> <p>(e) (i) the system has rules defining its functioning, including requirements for packaging use, accepted by all system participants, and which should specify:</p> <p>(i) types and design of packaging allowed to circulate in the system;</p> <p>(ii) description of products intended to be used, filled or transported through the system;</p> <p>(iii) terms and conditions for proper handling and packaging use;</p> <p>(iv) detailed requirements for packaging reconditioning;</p> <p>(v) requirements for packaging collection;</p> <p>(vi) requirements for packaging storage;</p> <p>(vii) requirements for packaging filling or</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>uploading;</p> <p>(viii) rules to ensure the effective and efficient collection of reusable packaging, including incentives on end users to return the packaging to the collection points or grouped collection system, e.g. by using a deposit refund system;</p> <p>(ix) rules to ensure equal and fair access to the reuse system including vulnerable end-users;</p> <p>(f) (j) the system operator of the system controls the proper functioning of the system and verifies whether the re-use is properly enabled;</p> <p>(g) (k) the system has reporting rules, allowing to access data on number of fillings or re-uses, and rejects, collection rate, units of sales or equivalent units;</p> <p>(h) (l) design of the packaging is laid down in accordance with mutually agreed specifications or standards;</p> <p>(i) (m) the system ensures a fair distribution of costs and benefits for all system participants.</p>		
<p>2. Requirements for closed loop systems</p> <p>In addition to the general requirements under point 1, the following requirements shall be simultaneously satisfied:</p> <p>(a) The system has reverse logistics facilitating transfer of the packaging from the users or the end users back to the system participants;</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
(b) the system ensures the collection, reconditioning and redistribution of packaging; (c) system participants are obliged to take the packaging back from the collection point if it has been used, collected and stored in accordance with the system rules;		
3. Requirements for open loop systems In addition to the general requirements under point 1, the following requirements must be simultaneously satisfied: <ul style="list-style-type: none"> (a) After packaging is used, the system participant decides whether to re-use the packaging or to pass it to another system participant for re-use; (b) the system ensures that the collection, reconditioning and redistribution of packaging are in place and are generally available; (c) reconditioning meeting the requirements under Part B of this Annex is part of the system. 		
Part B Reconditioning		
1. The reconditioning process shall not create risks to the health and safety of those responsible for doing so and strive to reduce its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials.		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>2. Reconditioning shall cover the following operations adapted to the reusable packaging format and its intended use:</p> <p>(a) assessment of condition of packaging;</p> <p>(b) removal of damaged or non-reusable components;</p> <p>(c) conveyance of removed components to an appropriate recovery process;</p> <p>(d) cleaning and washing according to required hygiene conditions;</p> <p>(e) reparation of packaging;</p> <p>(f) inspection and assessment of fitness-for-purpose.</p> <p>Where necessary, cleaning and washing processes should be applied at different stages of the reconditioning and repeated.</p> <p>The reconditioned product shall meet health and safety requirements applicable to it.</p>		
Part C Requirements for refill		
<p>As regard Refill stations shall fulfil the following requirement:</p> <p>(a) contain a clear and precise information on:</p> <p>(i) hygiene standards that the end user's</p>		

Commission proposal	Drafting Suggestions	Motivation to the proposed amendment
<p>container has to meet in order to be allowed to use the refill station;</p> <p>(ii) information about the end user's responsibility to maintain the hygiene standards;</p> <p>(iii) types and features of containers that can be used to purchase products through refill;</p> <p>(iv) contact details of the final distributor to ensure compliance with applicable hygiene standards</p> <p>(b) contain a weighing device allowing the end user's container to be weighed or provide similar means of ensuring the end user a specified amount for purchase;</p> <p>(c) the price paid by end users shall should not include the weight of the refill container;</p> <p>(d) the final distributor to ensure compliance with applicable hygiene standards.</p>		