



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2022/0396 (COD)**

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**DOCUMENT PARTIALLY  
ACCESSIBLE TO THE  
PUBLIC (18.07.2023)**

**Brussels, 25 May 2023**

**WK 6944/2023 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 25 May 2023: call for comments

Following the above WPE meeting, delegations are kindly invited to send comments and drafting suggestions on Cluster 4 (Articles 9, 21, 22, 29, 38, annex IV and V), Cluster 6 (Articles 35-37, 39-44, 46-51, Annex IX, X, XI and XII) and Cluster 7 (Article 57), as well as recitals and definitions related to these clusters in the attached table to the Presidency

[REDACTED], the Commission ([REDACTED]), with copy to the Council Secretariat [REDACTED]

[REDACTED], by Monday 29 May, cob.

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WK 6944/2023 INIT

**LIMITE**

**EN**

Dear Delegates,

Kindly find attached the articles discussed at the meeting on 25 May 2023 – parts of the Commission proposal for the PPWR in a table form. We kindly ask for your comments by **29 May 2023 cob**.

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	Motivation
2022/0396 (COD)		
<b>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</b>		
<b>Cluster 4 - WASTE PREVENTION</b>		
<i>Relevant recitals</i>		

(40) (40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000<sup>1</sup>, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.

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Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.

(41) (41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space <del>in</del> , grouped and transport packaging, including e-commerce packaging.		
(42) (42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide 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 specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.		
(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to reduce the empty space ratio should be set on economic operators <b>who fill the packaging and in terms of reducing the empty space when for the using of such packaging.</b> In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ratio should not exceed 40 %. In line with the waste hierarchy <b>and to promote packaging innovation with the aim of packaging waste reduction</b> , it		

should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation		
(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and <b>food</b> hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission <del>to amend the list</del> .		
(72) In view of the continued high consumption levels of plastic carrier bags, inefficient use of resources and their littering potential, it is appropriate to maintain provisions aimed at reaching a sustained consumption reduction of plastic carrier bags, as had already been established by Directive 94/62/EC as amended by the Directive (EU) 2015/720 of the European Parliament and of the Council <sup>2</sup> . In view of the current divergent approaches and limited reporting requirements on the plastic carrier bags, it is difficult to assess whether the consumption reduction measures taken by the Member States have achieved the objective of a ‘sustained’ reduction in the consumption of such bags and also, if they have not increased the consumption of other types of plastic carrier bags. It is therefore necessary to harmonise a definition of sustained		

<sup>2</sup> Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).

reduction consumption and set a common target as well as introduce new reporting requirements.		
(73) In view of the results of the evaluation study on plastic carrier bags <sup>3</sup> , further measures need to be taken to reduce the consumption of lightweight plastic carrier bags and assess possible substitution effects with very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns.		
(74) The measures by Member States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory may include <b>banning these types of plastic carrier bags, the use of implementation of</b> national reduction targets, maintaining or introducing economic instruments as well as <b>other</b> marketing restrictions, provided that these <del>restrictions</del> <b>measures</b> are proportionate and non-discriminatory. Such measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use.		
(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 eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so		

<sup>3</sup> Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.

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 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		

<p>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><b>134a) <u>This Regulation establishes general rules applying to all packaging. However, <del>Certain</del> single-use plastic products covered by Directive (EU) 2019/904 are considered to be packaging (e.g. i.e. plastic carrier bags, beverages cups, food and beverage containers, including bottles) with the main purpose of that Directive being to prevent littering and its environmental impact.</u></b> Directive (EU) 2019/904 is a <i>lex specialis</i> in relation to this Regulation. In the event of a conflict between Directive (EU) 2019/904 and this Regulation, Directive (EU) 2019/904 should prevail within the scope of its application, <del>unless specifically provided otherwise in this Regulation.</del> <b><u>In the light of the above, Member States cannot exempt microenterprises from the ban on the placing on the market of packaging format in Annex V, point 3 of this Regulation when such packaging is made of expanded polystyrene.</u></b></p> <p><b><u>In addition, Directive (EU) 2019/904 requires Member States to take measures to reduce the consumption of certain single-use plastic products, including marketing restrictions. Consequently, such marketing restrictions adopted by the Member States pursuant to Directive (EU) 2019/904 should apply and</u></b></p>		



<b><u>prevail over any contrasting provisions in this Regulation.</u></b>		
<i>Relevant definitions</i>		
(21) ‘packaging waste prevention’ means measures that are taken before any packaging or packaging material has become packaging waste and that reduce the quantity of packaging waste, so that less or no packaging is required to contain, protect, handle, deliver or present products		
<i>Article 9 - Packaging minimisation</i>		
1. <del>Packaging shall be</del> <b>The manufacturer or importer shall ensure that the packaging placed on the market is</b> designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.		
2. <b>The manufacturer or importer shall ensure that p</b> ackaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, <del>shall is not be</del> placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.		

<p><b>3. The economic operator who fills the packaging shall ensure that the empty space shall be is reduced to the minimum necessary for ensuring the packaging functionality, including product protection, as follows:</b></p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p>		
<p><b>4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</b></p> <p>(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;</p>		

<p>(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;</p> <p>(c) any test results, studies or other relevant sources <b>such as modelling and simulation studies</b> used to assess the minimum necessary volume or weight of the packaging.</p> <p>For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10, <b>and in the first place the requirements set out thereof.</b></p>		
<p><b>4a. XX months after entry into force of this Regulation, the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation and specifying maximum adequate weight and volume limits and, if appropriate, maximum empty space for certain most common packaging types and formats.</b></p>		
<p><i>Article 21 - Obligation related to excessive packaging</i></p>		

1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40%.		
<p>2. For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p> <p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.</p> <p>Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.</p>		
3. Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements <b>set out</b> in Article 9.		
<i>Article 22 Restrictions on use of certain packaging formats</i>		

1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.		
2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.		
3. Member States may exempt <b>micro-enterprises defined in accordance with the Commission Recommendation 2003/361/EC, economic operators</b> from point 3 of Annex V <del>if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361</del> , as <b>publicly available applicable</b> on [OP: Please insert the date = the date of entry into force of this Regulation], <del>and where</del> <b>if</b> it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.		
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet		

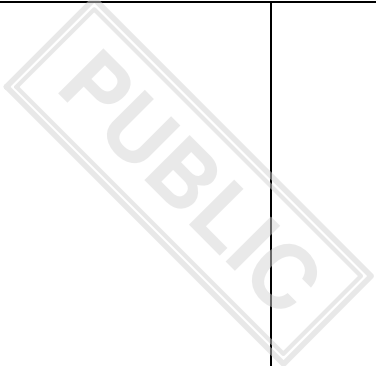
requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product		
<b>4a. X months after the entry into force of this Regulation, the Commission shall publish guidelines, in consultation with Member States, explaining in more detail Annex V, including examples of the packaging and guidance as regards the exemptions.</b>		
<b>Chapter V Plastic carrier bags</b>		
<i>Article 29 Plastic carrier bags</i>		
1. Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory. A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.		
2. Measures to be taken by Member States to meet the target set out in paragraph 1 may vary depending on the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include <b>the banning of</b>		

lightweight plastic carrier bags or other marketing restrictions, provided that they are proportionate and non-discriminatory.		
3. In addition to the measures under paragraphs 1 and 2 above, Member States may take measures, such as economic instruments, and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.		
4. Member States may exclude very lightweight plastic carrier bags <del>which</del> that are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.		
<i>Article 38 Prevention of packaging waste</i>		
1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by <b>at least</b> (a) 5 % by 2030; (b) 10 % by 2035; (c) 15 % by 2040.		

2. Member States shall implement measures aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging.		
3. For the purpose of paragraph 2, Member States may <b>introduce packaging waste prevention measures going beyond the minimum measures set out in this Article, while complying with the provisions set out in this Regulation.</b>  <b>Such measures may include the use of</b> economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. <del>Such measures</del> <b>They</b> shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.		
4. By <i>[OP: Please insert the date = 8 years after the date of entry into force of this Regulation]</i> , the Commission shall review the targets laid down in paragraph 1. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.		



<p>5. 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 requirements set out in this Article.</p>		
<p><b>ANNEX IV</b></p> <p><b><u>METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT</u></b></p> <p><b>Part I</b></p> <p><b>Performance criteria</b></p> <p>1. <b>Product protection:</b> packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p> <p>2. <b>Packaging manufacturing processes:</b> The packaging design shall be compatible with the packaging manufacturing and filling processes. <b>The packaging manufacturing processes may determine packaging design elements such as the shape of a container, thickness tolerances, size, feasibility of tooling, specifications minimising waste in manufacturing. The processes operated by manufacturer of products may also require certain design elements of packaging, such as impact and stress resistance, mechanical</b></p>		

<p><b>strength, packing line speed and efficiency, stability in conveying, heat resistance, effective closing, minimum headspace, hygiene.</b></p> <p>3. <b>Logistics:</b> The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product. <b>Requirements may consist of dimensional co-ordination for optimum space utilisation, compatibility with palletizing and de-palletizing systems, handling and warehousing system, packaging system integrity during transport and handling.</b></p> <p>4. <b>Information requirements:</b> The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers. <b>Requirements may consist of providing product information, instructions for storage, application and use, bar codes, best before date, etc.</b></p> <p>5. <b>Hygiene and safety:</b> the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal. <b>Requirements may consist of: safe handling design, child resistance, tamper evidence, hazard warnings, clear identification of content, safe opening device, pressure release closure, etc.</b></p> <p>6. <b>Legal requirements:</b> the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.</p> <p>7. <b>Recycled content, recyclability and re-use:</b> The packaging design shall ensure <b>reusability, recyclability and inclusion of recycled content as</b></p>		
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<p>required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation. <b>This means that the packaging weight or volume may have to be increased, beyond what would otherwise be possible under the other performance factors in order to enable for e.g. a higher number of trips / rotations, to facilitate inclusion of recycled content or to enhance recyclability (e.g., when moving to a mono-material).</b></p>		
<p><b>PART II</b></p> <p><b>Assessment methodology and determination of the minimum packaging volume and weight</b></p> <p>The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:</p> <p><del>(b)</del> <b>(aa)</b> the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented;</p> <p><del>(a)</del> <b>(ab)</b> for each performance criterion as listed in Part I, <del>a list of design requirements</del> <b>a description shall be made which explains the design requirement that</b> which prevents further reduction of the packaging weight or volume without endangering the packaging functionality, including</p>		

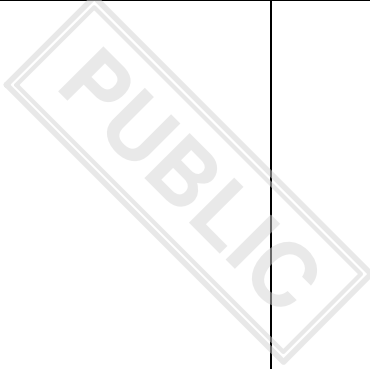
<p>safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. It shall not be sufficient to substitute one packaging material with another;</p> <p>(c) any test results, market research or studies that have been used for the assessment conducted under points (aa) and (ab).</p>		
<p><b>ANNEX V</b></p> <p><b>RESTRICTIONS ON USE OF PACKAGING FORMATS</b></p>		
<i>Please insert proposed changes in this annex</i>		
<p><b>CLUSTER 6</b></p> <p><b>Chapter VII Management of packaging and of packaging waste</b></p>		
<i>Corresponding recitals</i>		
<p>(84) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment,</p>		

<p>protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.</p>		
<p>(85) Despite packaging minimisation requirements and objectives as laid down in Directive 94/62/EC, packaging waste generation has been increasing in absolute terms and on a per capita basis and trends indicate a further steep decline in re-use and refill of packaging amplified by increased on-the-go consumption and e-commerce. As products, materials and consumption patterns have evolved, there has been a significant rise in the use of single use packaging, especially single use plastic. This is linked to the retail landscape, with larger distribution networks, manufacturing and packing products on high-speed packaging lines, which exert a combined downward pressure on the market for re-use and refill.</p>		
<p>(86) In order to monitor and verify compliance of producers and producer responsibility organisations with obligations under Extended Producer Responsibility relating to the collection and treatment of waste from their products it is</p>		

necessary that Member States designate one or more competent authorities.		
(87) In order to ensure better, timelier and more uniform implementation of the obligations by Member States and anticipate any implementation weaknesses, a system of early warning reports should be maintained to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets. Extension of this system, which has under Directive 94/62/EC covered the attainment of recycling targets, should include also packaging waste reduction targets to be attained by Member State by 2030 and 2035.		
(88) As <b>collection and</b> 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. <b>As regard to the measures on waste prevention and re-use, these should be included in the waste prevention programmes required pursuant to Directive 2008/98/EC be given particular attention.</b>		
(89) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC.		
(93) To implement the polluter pays principle, it is appropriate to lay the obligations for the management of packaging waste on producers, which includes any manufacturer, importer or distributor, who, irrespective of the selling		

technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council <sup>4</sup> , makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark.		
(94) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of the waste from the packaging they make available for the first time on the market of a Member State, it is necessary that a register is established and managed by the competent authority in each Member State and that producers should be obliged to register.		
(95) The registration requirements should be harmonised across the Union to the greatest extent possible so to facilitate registration in particular where producers make packaging available in different Member States. In order to ensure uniform conditions for the implementation of the registration requirements, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to lay down a common format for registration in and reporting to the register, detailing the data to be reported.		
(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is		

<sup>4</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<p>essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.</p>		
<p><b>(96a) As regards extended producer responsibility (EPR) obligations, this Regulation is a <i>lex specialis</i> in relation to Directive 2008/98/EC which means that where this Regulation has EPR provisions these should prevail over any conflicting provisions in that Directive. This concerns for example requirements on registration, fee modulation and reporting. However, all other measures related to EPR or additional rules on non-harmonised topics in relation to EPR, should be regulated in accordance with the provisions of Directive 2008/98/EC and national rules transposing that Directive, without creating barriers to the internal market. Furthermore, this Regulation does not regulate arrangements of the systems of collection of packaging waste,</b></p>		



<b>as this is an example of a matter that is set by national law transposing Directive 2008/98/EC.</b>		
<p>(97) Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation by the Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility. Member States, when laying down administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance, could differentiate processes for individual producers and producer responsibility organisation to limit the administrative burden on individual producers. It should be recalled that Member States may authorise multiple producer responsibility organisations, as competition among them may lead to greater consumer benefits. Moreover, when establishing measures ensuring that arrangements are to be concluded with distributors, public authorities or third parties carrying out waste management, Member States should allow for preliminary, or similar, agreements, and require that binding agreements are concluded only within a reasonable timeframe after the authorisation.</p>		
<p><b>(98) This Regulation should specify how the traceability of traders' obligations laid down in Regulation (EU) 2022/2065 of the European</b></p>		

<p>Parliament and of the Council<sup>5</sup> <del>lays down rules on the traceability of traders, which more specifically contain obligations for</del> <b>are to be applied to</b> providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union <b>in relation to the registers of producers established pursuant to this Regulation. For the purposes of this Regulation, any producer offering packaging, by means of distance contracts directly to consumers located in a Member State, whether established in a Member State or a third country, should be considered to be a trader as defined in Regulation (EU) 2022/2065.</b> In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter <b>III</b> 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain, <b>in line with Regulation (EU) 2022/2065</b>, from those producers, information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.</p>		
(99) Member States should provide for the measures for the extended producer responsibility		

<sup>5</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

under this Regulation, in accordance with the provisions of Directive 2008/98/EC and of this Regulation.		
(100) Member States should set up return and collection systems for packaging waste, so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy. The systems should be open for participation for all interested parties, in particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems should also be applicable for packaging of imported products under non-discriminatory provisions.		
(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled content in plastic packaging.		
(102) It has been shown that well-functioning deposit and return systems ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw material		

suitable for closed loop recycling and reduce beverage containers litter.		
(103) Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, 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 requirements set out in this Regulation.		
(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>6</sup> . Member States may establish deposit and return systems covering also other packaging.		

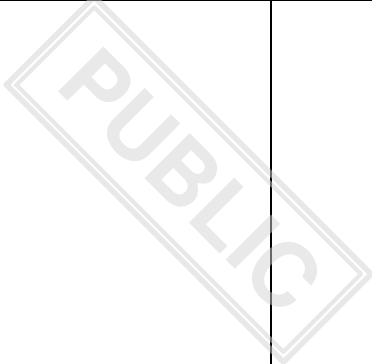
<sup>6</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

(105) All deposit and return systems should comply with the minimum general requirements laid down in this Regulation. Those requirements will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems. The requirements are designed to allow for innovation while offering a level of flexibility to adapt to local circumstances.		
(106) Member States and all the relevant stakeholders involved in the setting up of the deposit and return systems should strive for the maximum inter-operability of these systems and cooperate to ease the return of packaging by consumers, in particular in border areas where it is demonstrated that the lack of interoperability is causing lower return rates.		
(107) Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.		
(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-		

<p>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>(109) Directive 94/62/EC was amended by Directive (EU) 2018/852 of the European Parliament and of the Council<sup>7</sup> setting out recycling targets for Member States to be achieved by 2025 and 2030. These targets and the rules for their calculation should be retained. Furthermore, measures facilitating the attainment of these targets should be set up, such as sustainability requirements for packaging, in particular provisions regarding packaging's recyclability. For this reason, it should not be possible to postpone the deadlines for attaining the 2030 recycling targets.</p>		
<p>(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows</p>		

<sup>7</sup> Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p. 141).

<p>that some Member States still have difficulties with meeting the existing targets. For this reason, measures encouraging manufacturers to place on the market more recyclable packaging, and thereby helping Member States to achieve the recycling targets, should be set up. In the future, more <del>recyclable packaging, coupled with greater</del> granularity of data on the packaging <b>and packaging waste recycling</b> flows, should be reported to the Commission. That will enable the Commission to review the targets with the possibility of maintaining or increasing them. In order to take account of the effect of the measures aimed at improving the packaging recyclability, the review should not take place earlier than the envisaged general evaluation of the Regulation, i.e. 8 years after its entry into force. During that review, attention should also be paid to the possibility of introducing new targets on a more granular basis than the current targets.</p>		
<p>(111) The calculation of the recycling targets should be based on the weight of packaging waste, which enters recycling. Member States should ensure the reliability and accuracy of the data gathered on recycled packaging waste. As a general rule, the actual measurement of the weight of packaging waste counted as recycled should be at the point where packaging waste enters the recycling operation. Nevertheless, in order to limit the administrative burden, Member States should, under strict conditions and by way of derogation from the general rule, be allowed to establish the weight of packaging waste recycled on the basis of measuring the output of any sorting operation, to be corrected with average loss rates occurring before</p>		

<p>the waste enters the recycling operations. Losses of materials which occur before the waste enters the recycling operation, for instance due to sorting or other preliminary operations, should not be included in the waste amounts reported as recycled. Those losses can be established on the basis of electronic registries, technical specifications, detailed rules on the calculation of average loss rates for various waste streams or other equivalent measures. Member States should report on such measures in the quality check reports accompanying the data which they report to the Commission on waste recycling. The average loss rates should preferably be established at the level of individual sorting facilities and should be linked to the different main types of waste, different sources (such as household or commercial), different collection schemes and different types of sorting processes. Average loss rates should only be used in cases where no other reliable data are available, in particular in the context of shipment and export of waste. Losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operation where packaging waste is actually reprocessed into products, materials or substances should not be deducted from the weight of the waste reported as recycled.</p>		
<p>(112) Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can be counted as recycled provided that such treatment generates output which is to be used as a recycled product, material or substance. While the output of such treatment is most commonly compost or</p>		

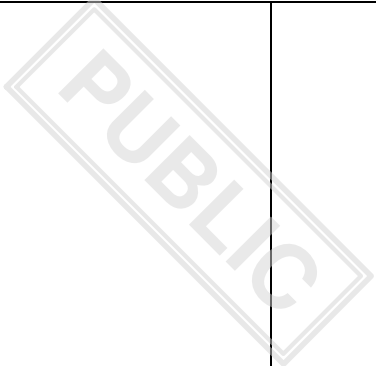


<p>digestate, other output could also be taken into account provided that it contains comparable quantities of recycled content in relation to the amount of the treated biodegradable packaging waste. In other cases, in line with the definition of recycling, the reprocessing of biodegradable packaging waste into materials which are to be used as fuels or other means to generate energy, which are disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.</p>		
<p>(113) Where packaging waste materials cease to be waste as a result of a preparatory operation before being actually reprocessed, they should be counted as recycled provided that they are destined for subsequent reprocessing into products, materials or substances, whether for their original or other purposes. End-of-waste materials which are to be used as fuels or other means to generate energy, which are backfilled or disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.</p>		
<p>(114) Member States should be enabled to take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU)</p>		

2019/1004 <sup>8</sup> laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC.		
(115) In the case of exports of packaging waste from the Union for recycling, Regulation (EC) No 1013/2006 of the European Parliament and of the Council <sup>9</sup> applies.		
(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 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.		
(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		

<sup>8</sup> Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012)2384 (OJ L 163, 20.6.2019, p. 66).

<sup>9</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

<p>availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other 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>(118) For each calendar year, Member States should provide the Commission with information on attainment of recycling targets. To evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags, data on consumption of very lightweight plastic carrier bags and thick plastic carrier bags should also be reported to allow for the assessment whether the consumption of these bags has increased in response to the reduction measures targeting lightweight plastic carrier bags. Providing of data on the annual consumption of very thick carrier bags should be voluntary for the Member States. In order to allow assessing whether the mandatory deposit and return systems to be set up by the Member States are effective, or whether exemptions by Member States from the obligation to set up those systems are justified, it is important to obtain information on the collection rate of such packaging through Member States reporting.</p>		

(119) In order to establish the methodology for assessment of the at scale recyclability, Member States should also report data on recycling rates of packaging waste per packaging material and type, amounts of separately collected packaging waste for each packaging material, amounts of packaging waste placed on the market per material and packaging type, and installed capacities of sorting and recycling. Reporting should be done annually.		
(120) Member States should report data to the Commission electronically and provide it with a quality check report. In addition, data on recycling targets should be accompanied by a report describing measures undertaken in order to establish an effective system of quality control and traceability of packaging waste.		
(121) In order to ensure uniform conditions for the implementation of the reporting obligations, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission <b>so that the latter <del>to</del> can</b> establish rules for calculation and verification of data on attainment of the recycling targets, separate collection rates of packaging covered by the deposit and return system, and data necessary for establishing the methodology for recyclability at scale assessment. This implementing act should also include rules for determination of the amount of packaging waste generated as well as lay down the format for reporting of data. It should also		

establish the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person and the format for reporting of this data, as this is necessary to support the monitoring and the full implementation of the substantive requirements related to plastic carrier bags, in particular to ensure disaggregated and mandatory reporting on different categories of plastic carrier bags. This implementing act should replace Commission Decisions (EU) 2018/896 <sup>10</sup> and 2005/270/EC <sup>11</sup> .		
(122) In order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in this Regulation, the Member States should establish packaging databases and ensure that they are well-functioning.		
<i>Corresponding definitions</i>		
<b>(15) authorised representative</b> <del>appointed representative</del> for the extended producer responsibility' means a legal or natural person established in a Member State where the producer makes packaging available on the market for the first time, other than the Member State where the		

<sup>10</sup>Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC (*OJ L 160*, 25.6.2018, p. 6).

<sup>11</sup> Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (*OJ L 86*, 5.4.2005, p. 6).

producer is established, and who is appointed by the producer in accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EC for fulfilling the obligations of that producer under Chapter VII of this Regulation		
(50) 'deposit' means a fixed sum of money, not being part of the price of a packaged or filled product that is collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;		
(51) 'deposit and return system' means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;		
(52) 'technical specification' means a document that prescribes technical requirements to be fulfilled by a product, process or service;		
(53) 'harmonised standard' means a standard as defined in Article 2(1), point (c) of Regulation (EU) No 1025/2012;		
(55) 'producer responsibility organisation' means a legal entity that financially or financially		

and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;		
(56) ‘life-cycle’ means the consecutive and interlinked stages that packaging goes through, from raw material acquisition or generation from natural resources to final disposal.		
(59) ‘online platform’ means online platform as defined in Article 3 point (i) of Regulation (EU) 2022/2065;		
(60) ‘waste’ means waste as defined in Article 3 point (1) of Directive 2008/98/EC, with the exception of reusable packaging conveyed to reconditioning;		
<b>Chapter VII</b> <b>Management of packaging and of packaging waste</b>		
<i>Article 35 Competent authority</i>		
1. Member States shall designate one or more competent authorities responsible for implementation and enforcement of the obligations set out in this Chapter and in Article 26(1) to (10), Article 27, Article 28 and Article 29.		

<p>2. Member States shall lay down the details of the organisation and operation of the competent authority or competent authorities, including administrative and procedural rules governing:</p> <p>(a) the registration of producers in accordance with Article 39;</p> <p>(b) the organisation and monitoring of reporting requirements under Article 39(7);</p> <p>(c) the oversight of the implementation of the extended producer responsibility obligations in accordance with Article 40;</p> <p>(d) the making available of information in accordance with Article 50.</p>		
<p>3. By <i>[OP: Please insert the date = 3 months after the date of entry into force of this Regulation]</i>, Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities</p>		
<p><i>Article 36 Early warning report</i></p>		
<p>1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Articles 38 and 46 at the latest three</p>		



years before each of the deadlines laid down in those Articles.		
2. The reports referred to in paragraph 1 shall include the following: (a) an estimation of the attainment of the targets by each Member State; (b) a list of Member States at risk of not attaining the targets within the respective deadlines, accompanied by appropriate recommendations for the Member States concerned; (c) examples of best practices that are used throughout the Union which could provide guidance for progressing towards attaining the targets.		
<i>Article 37 Waste management plans <b>and waste prevention programmes</b></i>		
1. Member States shall include in the waste management plans required pursuant to Article 28 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles <b>43, 44 and 38</b> and, <del>45</del> <b>46</b> of this Regulation.		
<b>1a. Member States shall include in the waste prevention programmes required pursuant to Article 29 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 38 and 45 of this Regulation.</b>		

<i>Article 39 Register of producers</i>		
1. Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter. The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or <del>appointed</del> <b>authorised</b> representatives for the extended producer responsibility.		
2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless otherwise specified by the Member State in which the register is established.		
3. The obligations set out in this Article may, on <del>the producer's behalf</del> , <b>behalf of producers by written mandate</b> , be met by an <del>appointed</del> <b>authorised</b> representative for the extended producer responsibility.		
4. Producers shall not make available packaging on the market, if they or, where applicable, their		

<del>appointed</del> <b>authorised</b> representatives for the extended producer responsibility, are not registered in such Member State		
5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if it is necessary for an efficient use of the register.		
6. Where an <del>appointed</del> <b>authorised</b> representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide the name and the contact details of each one of the represented producers separately.		
7. The producer or, where applicable, the producer's <del>appointed</del> <b>authorised</b> representative for the extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, by <b>30 April</b> <del>1 March</del> for each full preceding calendar year, the information set out in Part B of Annex IX.		
<b>7a. Producers are exempted from the obligation in paragraph 7 if they fall under the definition of micro-enterprise in accordance with the Commission Recommendation 2003/361/EC as publicly available applicable on [OP: Please</b>		

<i>insert the date = the date of entry into force of this Regulation</i> ].		
<p>8. The competent authority responsible for the register:</p> <p>(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;</p> <p>(b) shall grant registrations and provide a registration number within a maximum period of <b>1 month</b> <del>twelve weeks</del> from the moment that all the information laid down in paragraphs 5 and 6 is provided;</p> <p>(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6;</p> <p>(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;</p> <p>(e) shall receive and monitor the reporting referred to in paragraph 7.</p>		
9. The producer, or, where applicable, the producer's <del>appointed</del> <b>authorised</b> representative for		

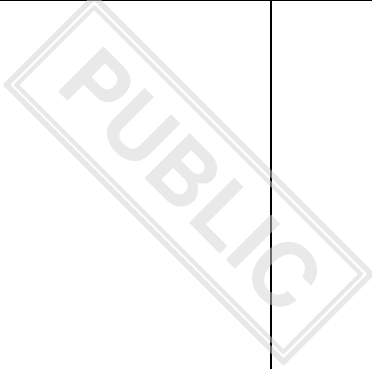
the extended producer responsibility or the producer responsibility organisation shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register if the producer has ceased to exist <b>as a producer</b> .		
10. Member States shall ensure that the list of registered producers shall be publicly available. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. <del>Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.</del>		
11. The Commission shall, by <i>[OP: please insert the date X after the date of entry into force of this Regulation]</i> , adopt implementing acts establishing the format for registration in, and reporting to, the register and specifying the granularity of data to be reported and the packaging types and material categories to be covered by the reporting.  Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).		

<i>Article 40 Extended Producer Responsibility</i>		
1. Producers of packaging shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that they make available on the market for the first time within the territory of a Member State.		
2. A producer shall appoint, by written mandate, an <del>appointed</del> <b>authorised</b> representative for the extended producer responsibility in each Member State other than the Member State where it is established where it makes packaging available for the first time		
<p><b>3. For the purpose of compliance with Article 30, paragraph 1, points (d) and (e), of Regulation (EU) 2022/2065, providers of online platforms, falling within the scope of Section 4 of Chapter 3 III of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers shall obtain the following information from producers offering packaging to consumers located in the Union:</b></p> <p>(a) information on the registration of the producers referred to in Article 39 in the Member State where the consumer is located and the registration</p>		

number(s) of the producer in that register;		
(b) a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article are complied with in the Member State where the consumer is located.		
<i>Article 41 Producer Responsibility Organisation</i>		
1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.		
2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations, when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.		

3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their <del>appointed</del> <b>authorised</b> representatives.		
4. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year <del>and subject to commercial and industrial confidentiality,</del> information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility obligations.		
<i>Article 42 Authorisation on fulfilment of extended producer responsibility</i>		
1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, or the appointed producer responsibility organisations in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.		
2. The Member State shall in its measures laying down administrative and procedural rules referred to in Article 35, establish the requirements and details of the authorisation procedure, which can be		



<p>different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraph 3, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification <del>shall</del><b>may</b> be done by <b>a competent authority or</b> an independent expert who shall issue a verification report on its result. The independent expert shall be independent of the competent authority and of the producer responsibility organisations or the producers authorised for individual fulfilment.</p>		
<p>3. The measures to be established by Member States in accordance with paragraph 2 shall include measures ensuring that:</p> <p>(a) the requirements laid down in of Article 8a(3), points (a) to (d), of Directive 2008/98/EC are complied with;</p> <p>(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return or collection in accordance with Article 43(1) and (2) and Article 44, free of charge <b>for end users</b>, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market</p>		

<p>for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;</p> <p>(c) the necessary arrangements, including preliminary arrangements, to that end are in place with distributors, public authorities or third parties carrying out waste management on their behalf;</p> <p>(d) the necessary sorting and recycling capacity is available to ensure that packaging waste collected is subsequently subject to preliminary treatment and recycling;</p> <p>(e) the requirement laid down in paragraph 6 is complied with.;</p>		
<p>4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations.</p>		
<p>5. The competent authority may decide to revoke the relevant authorisation in particular if the producer or producer responsibility organisation no longer fulfils the requirements with regard to the organisation of the treatment of packaging waste or fails in relation to reporting to the competent authority or in relation to the notification of any</p>		

changes that concern the terms of the authorisation, or has ceased operations.		
6. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide an adequate guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non-compliance with the extended producer responsibility obligations, including in case of permanent cessation of its operations or insolvency. That guarantee may take the form of a recycling insurance or a blocked bank account or participation by the <del>producer</del> <b>producer</b> in the producer responsibility organisation. Member States may specify additional requirements on this guarantee.		
<i>Article 43 Return and collection systems</i>		
1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high-quality recycling.		

<p>2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.</p>		
<p>3. The systems referred to in paragraph 1 shall:</p> <p>(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;</p> <p>(b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business premises and residential areas;</p> <p>(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.</p>		

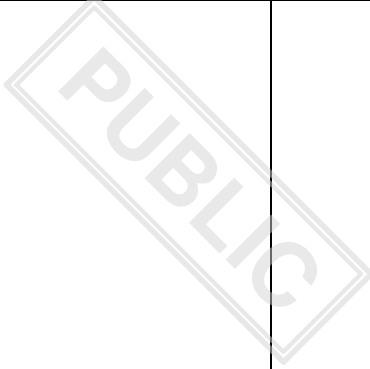
4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the use of recycled materials in the relevant sectors.		
5. <del>By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.</del>		
<i>Article 44 Deposit and return systems</i>		
1. By 1 January 2029, Member States shall take the necessary measures to ensure <del>that deposit and return systems are set up for the collection of at least 90% per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year:</del>  (a) single use plastic beverage bottles with the capacity of up to three litres; and  (b) single use metal beverage containers with a capacity of up to three litres		
2. <b>In order to achieve the targets referred to in paragraph 1, Member States shall establish</b>		

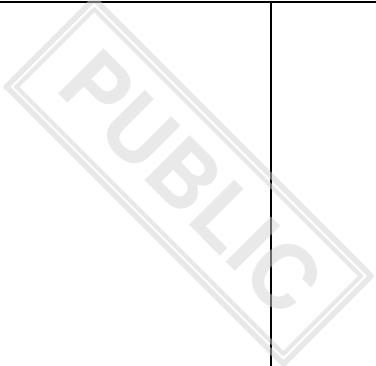
<p><b>deposit-return systems for the relevant packaging formats referred to in paragraph 1. Such obligation</b> <del>The obligation laid down in paragraph 1</del> does not apply to packaging for:</p> <p>(a) wine, aromatised wine products, and spirit drinks;</p> <p>(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.</p>		
<p><del>3. Without prejudice to paragraph 1 of this Article, a Member States will</del><b>may</b> be exempted from the obligation under paragraph <del>1</del><b>2</b> under the following conditions:</p> <p>(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90 % by weight of such packaging <del>placed</del><b>made available</b> on the market <del>for the first time</del> on the territory of that Member State in the calendar years 2026 and 2027. Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;</p> <p>(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 %</p>		

separate collection rate by weight of the packaging referred to in paragraph 1.		
4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the requirements set out in point (be) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.		
5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies		
6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally		

available for reusable packaging where technically and economically feasible.		
7. 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 requirements set out in this Article.		
8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system		
9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.		
<i>Article 46 Recycling targets and promotion of recycling</i>		
1. Member States shall take the necessary measures to attain the following recycling targets covering the whole of their territory: (a) by 31 December 2025, a minimum of 65 % by weight of all packaging waste generated;		



<p>(b) by 31 December 2025, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:</p> <ul style="list-style-type: none"> <li>(i) 50 % of plastic;</li> <li>(ii) 25 % of wood;</li> <li>(iii) 70 % of ferrous metals;</li> <li>(iv) 50 % of aluminium;</li> <li>(v) 70 % of glass</li> <li>(vi) 75 % of paper and cardboard;</li> </ul> <p>(c) by 31 December 2030, a minimum of 70 % by weight of all packaging waste generated;</p> <p>(d) by 31 December 2030, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:</p> <ul style="list-style-type: none"> <li>(i) 55 % of plastic;</li> <li>(ii) 30 % of wood;</li> <li>(iii) 80 % of ferrous metals;</li> <li>(iv) 60 % of aluminium;</li> <li>(v) 75 % of glass;</li> <li>(vi) 85 % of paper and cardboard.</li> </ul>		
<p>2. Without prejudice to paragraph 1, point (a), a Member State may postpone the deadlines set out in paragraph 1, points (b)(i) to (vi), by up to 5 years, under the following conditions:</p> <p>(a) the derogation from the targets in the period of postponement is limited to a maximum of 15 percentage points from a single target or divided</p>		

<p>between two targets,</p> <p>(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,</p> <p>(c) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target referred to in paragraph 1, points (b)(v) or (vi) of paragraph 1 is not reduced below 60 %, and</p> <p>(d) at the latest 24 months before the respective deadline laid down in paragraph 1, point (b), of this Article, the Member State notifies the Commission of its intention to postpone the deadline and submits to the Commission an implementation plan in accordance with Annex XI to this Regulation, which may be combined with an implementation plan submitted pursuant to Article 11(3), point (b), of Directive 2008/98/EC, <b>to comply with the targets in paragraph 1(c) and (d)(i) to (vi).</b></p>		
<p>3. Within three months of receipt of the implementation plan submitted pursuant to paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.</p>		

4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in paragraph 1, points (c) and (d), of with a view to increasing them or setting further targets. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.		
5. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by: (a) improving market conditions for such materials (b) reviewing existing rules preventing the use of such materials.		
6. 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 requirements set out in this Article.		
<i>Article 47 Rules on the calculation of the attainment of the recycling targets</i>		
1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article		

2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive.		
3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.		
4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.		
5. <del>Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the</del>		

recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.		
<p>6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.</p> <p>By way of derogation from the first sub-paragraph of this <del>Article</del><b>paragraph</b>, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:</p> <p>(a) such output waste is subsequently recycled;</p> <p>(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.</p>		
<p>7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 <del>and</del> to 7 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average</p>		

loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.		
8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.		
9. The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes. However, end of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.		
10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in		

Commission Implementing Decision (EU) 2019/1004.		
11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted as recycled by the Member State in which that packaging waste was collected		
12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are broadly equivalent to the requirements of the relevant Union environmental law.		
<i>Article 48 Rules on the calculation of the attainment of the recycling targets by including re-use</i>		
1. A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging. The adjusted level shall be calculated by subtracting:		

<p>(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and</p> <p>(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.</p> <p>No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.</p>		
<p>2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).</p>		
<p><i>Article 49 Information on prevention and management of packaging waste</i></p>		
<p>1. In addition to the information referred to in Article 8a (2) of Directive 2008/98/EC and in Article 11 of this Regulation, producers or, where appointed in accordance with Article 41(1), producer responsibility organisations shall make available to end users, in particular consumers, the</p>		



<p>following information regarding the prevention and management of packaging waste with respect to the packaging that the producers supply within the territory of a Member State:</p> <p>(a) the role of end-users in contributing to waste prevention, including any best practices;</p> <p>(b) re-use arrangements available for packaging;</p> <p>(c) the role of end-users in contributing to the separate collection of packaging waste materials, including handling of packaging containing hazardous products or waste;</p> <p>(d) the meaning of the labels and symbols affixed, marked or printed on packaging in accordance with Article 11 or present in the documents accompanying the packaged product;</p> <p>(e) the impact on the environment and on human health or safety of persons of inappropriate discarding of packaging waste, such as littering or discarding in mixed municipal waste, and the adverse environmental impact of single-use packaging, in particular plastic carrier bags;</p> <p>(f) the composting properties and appropriate waste management options for compostable packaging.</p> <p><b>Obligations under paragraph 1(d) shall be applicable as of <i>[OP: Please insert the date = 42 months after the entry into force of this</i></b></p>		
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<b><i>Regulation/ or the date of application of Article 11, whichever is the latest.</i></b>		
<p>2. The information referred to in paragraph 1 shall be up to date and provided by means of:</p> <p>(a) a website or other means of electronic communication;</p> <p>(b) public information;</p> <p>(c) education programmes and campaigns;</p> <p>(d) signposting in a language, or languages, which can be easily understood by users and consumers.</p>		
<p>3. Where information is provided publicly, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.</p>		
<i>Article 50 Reporting to the Commission</i>		
<p>1. Member States shall report to the Commission for each calendar year the following data:</p> <p>(a) data on the implementation of Article 46(1), points (a) to (d), and on reusable packaging,</p> <p>(b) the annual consumption of very lightweight plastic carrier bags, lightweight plastic carrier bags and thick plastic carrier bags per person, separately for each category;</p>		

<p>(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),</p> <p>Member States may provide data on the annual consumption of very thick plastic carrier bags per person.</p>		
<p>2. Member States shall report for each packaging material and type as listed in Table 1 of Annex IX for each calendar year data on:</p> <p>(a) the amounts of packaging <b>made available</b> placed on the market <b>for the first time on the territory of that Member State</b> for each packaging type and material as listed in Table 1 of Annex <del>II</del>;</p> <p>(b) amounts of separately collected packaging waste for each packaging material as listed in Table <del>13</del> in the Annex <del>XII</del>;</p> <p>(c) the recycling rates <b>of packaging waste as listed in Table 4 of Annex XII</b>;</p> <p>(d) installed capacities for sorting and recycling for each packaging type and material as listed in Table 1 of Annex II.</p>		
<p>3. The first reporting period shall concern:</p> <p>(a) with respect to obligations laid down in paragraph 1, points a and b, and paragraph 2, the first full calendar year after the entry into force of</p>		

the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 7;		
(b) with respect to obligation laid down in paragraph 1, point c, the calendar year starting from 1 January 2028.		
4. Member States shall make the data referred to in paragraphs 1 and 2 available electronically within 19 months after the end of the reporting year for which the data are collected. They shall report the data electronically within 19 months of the end of the reporting year for which the data are collected in the format established by the Commission in accordance with paragraph 7.		
5. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That quality check report shall be presented in the format established by the Commission in accordance with paragraph 7.		
6. The data made available by Member States in accordance with this Article shall be accompanied by a report on the measures taken pursuant to Article 47(5) and (8), including detailed information about the average loss rates where applicable.		

<p>7. The Commission shall, by [<i>OP: Please insert the date = <del>24</del>12 months after the date of entry into force of this Regulation</i>], adopt implementing acts establishing:</p> <p>(a) rules for the calculation, verification and reporting of data in accordance with paragraphs 1, points (a) and (c), and 2, including the methodology for determining packaging waste generated, and the format for the reporting;</p> <p>(b) the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person referred to in paragraph 1, point (b), and the format for their reporting;</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>		
<p>8. Member States shall require that all economic operators making packaging available in the Member States provide competent authorities with accurate and reliable data allowing Member States to fulfil their reporting obligations under this Article, taking into account, where relevant, particular problems faced <del>by</del><b>ing</b> small and medium-sized enterprises with regard to the provision of detailed data.</p>		
<p><i>Article 51 Packaging databases</i></p>		

1. By <b>[OP: Please insert the date = xx months after the date of entry into force of this Regulation]</b> , the Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis, <b>to enable the reporting to the Commission.</b>		
2. The databases referred to in paragraph 1 shall include the following: (a) information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the level of individual Member States; (b) information on the toxicity or danger of packaging materials and components used for their manufacture; (c) the data listed in Annex XII.		
<b>ANNEX IX INFORMATION FOR REGISTRATION AND REPORTING TO THE REGISTER REFERRED TO IN ARTICLE 39</b>		
<b>A. Information to be submitted upon registration</b>		
<b>B. Information to be submitted for reporting</b>		

<b>ANNEX X</b> <b>MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS</b>		
<b>Minimum general requirements for deposit and return systems</b>		
<b>ANNEX XI</b> <b>IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO POINT (D) OF ARTICLE 46(2)</b>		
<b>ANNEX XII</b> <b>DATA TO BE INCLUDED BY MEMBER STATES IN THEIR DATABASES ON PACKAGING AND PACKAGING WASTE</b>		
<i>TABLE 1</i>		
<i>TABLE 2</i>		
<i>TABLE 3</i>		
<i>TABLE 4</i>		
<i>TABLE 5</i>		
<i>TABLE 6</i>		
<b>CLUSTER 7</b>		

<b>Chapter IX - Green public procurement</b>		
<i>Corresponding recitals</i>		
<p>(128) Public procurement amounts to 14 % of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission, which may exercise it as necessary, to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU of the European Parliament and of the Council<sup>12</sup> and Directive 2014/25/EU of the European Parliament and of the Council<sup>13</sup>, to align their procurement with specific green public procurement <b>requirements criteria</b> or targets. Compared to a voluntary approach, mandatory <b>requirements criteria</b> or targets should ensure that the leverage of public spending to boost demand for</p>		

<sup>12</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

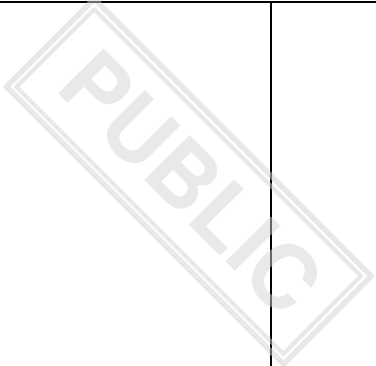
<sup>13</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).



<p>better performing packaging is maximised. The <b>requirements</b> criteria should be transparent, objective and non-discriminatory. <b>The Commission may require targets to be achieved by establishing, for instance, a percentage of all the tendering procedures concerning a particular product group to comply with established requirements. The percentage may be expressed in the aggregate number or value of contracts for the purchase of relevant sustainable products as compared to the overall number and value of relevant contracts for the sector or product at stake. Contracting authorities and entities 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 requirements set out in Article 57.</b></p>		
<p><i>Proposed a new reference to a definition under Article 3:</i></p>		

(61) 'public contracts' means public contracts as defined in Article 2(5) of Directive 2014/24/EU;		
<i>Article 57 -Green public procurement</i>		
1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, shall, when awarding <del>any</del> public contracts, for packaging or packaged products or for services using packaging or packaged products in situations covered by those Directives, apply the green public procurement <b>requirements</b> <del>criteria</del> to be developed in delegated acts adopted pursuant to paragraph 3.		
2. The obligation set out in paragraph 1 shall apply to <del>any</del> procedures <b>according to paragraph 1</b> for <del>procurement by contracting authorities or contracting entities for the awarding of public</del>		

<p><del>contracts for packaging or packaged products or for services using packaging or packaged products,</del>  <del>which is initiated</del> <b>commenced</b> 12 months or later after the entry into force of the respective delegated act to be adopted pursuant to paragraph 3.</p>		
<p>3. The Commission shall, by [OP: please insert the date = 60 months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 58 supplementing this Regulation by establishing minimum mandatory green public procurement <b>requirements</b><del>criteria</del> based on the requirements set out in Article 5 to 10 and on the following elements:</p> <p>(a) the value and volume of public contracts awarded for packaging or packaged products or for the services or works using packaging or packaged products;</p> <p>(b) the need to ensure sufficient demand for more environmentally sustainable packaging or packaged products;</p>		

<p>(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable packaging or packaged products, without entailing disproportionate costs.</p> <p><b>The green public procurement requirements shall take the form of mandatory technical specifications within the meaning of Article 42 of Directive 2014/24/EU and Article 60 of Directive 2014/25/EU. The requirements may also be in the form of targets.</b></p> <p>Those green public procurement <del>requirements</del><sup>criteria</sup> shall be developed in accordance with the principles contained in Directive 2014/24/EU and in Directive 2014/25/EU <del>to and with the principle that the packaging to be chosen on the basis of those criteria</del> facilitates the achievement of the objectives of this Regulation.</p>		
<p><b>4. Contracting authorities and contracting entities may, in duly justified cases, derogate from the mandatory requirements on the grounds of public security or public health.</b></p>		

Deadline: 29.05.23


PUBLIC

