



Council of the European Union  
General Secretariat

Brussels, 23 May 2024

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

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## MEETING DOCUMENT

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

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N° Cion doc.: ST 14248/23 + ADD 1

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Subject: Reducing Microplastic Pollution Regulation: WPE on 30 May 2024 – Presidency steering note

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

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WK 7391/2024 INIT

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## **Working Party on the Environment (WPE)**

**30 May 2024**

### **Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution**

#### **Presidency Steering Note**

The proposal for a Regulation on preventing plastic pellet losses to reduce microplastic pollution was published by the Commission on 16 October 2023 (ST 14248/23 (2023/0373(COD))).

During the previous Working Party meetings of 14 February and 16 April 2024, the Commission introduced the proposal and its impact assessment (see ST 14248/23 and ADD 1 and 3 – 5 and WK 2553/2024 for the Commission's Presentation) and provided useful clarifications while Member States shared their comments, questions and positions regarding the entire proposal. In addition, during the Environment Council of 25 March, a policy debate was held (ST 7753/24).

The Presidency would like to thank the Member States for their active participation in the meetings and for the written comments provided (see WK 3846/2024 + ADD 1-4, WK 5907/2024 + ADD 1-3).

Based on these inputs, the Presidency has been working on revising different provisions as well as, for issues regarding which the position of Member States is not sufficiently clear yet, the identification of alternative options. On 30 May 2024, the Working Party will start discussing the options and amended text proposed by the Presidency and as put forward in this Steering note.

Delegations are invited to send their comments in writing regarding the options and amended text proposals, specifically including concrete text suggestions, by 14 June COB to:

the Presidency ([REDACTED] and [REDACTED]),  
copying the Commission ([REDACTED] and [REDACTED])  
and the Council Secretariat ([REDACTED]);  
[REDACTED] and  
environment@consilium.europa.eu).

We are looking forward to seeing delegations on 30 May 2024.

The Plastic Pellets Loss Prevention BE Presidency Team

## Article 1 – Subject matter and scope

### Point 1 – Whole supply chain approach

Several Member States stressed it is important for the scope of the Regulation to encompass the entire life cycle of plastic pellets and indicated this should be clarified in the phrasing of Article 1, especially with regards to end-of-life phases such as recycling and waste management. Hence the following amendment is proposed:

*Article 1 (1): This Regulation lays down obligations for the handling of plastic pellets **to prevent losses at all stages of the plastic pellet supply chain** ~~to prevent losses~~. **This supply chain includes, among others, production, master batching and compounding, conversion, storage, distribution, packaging and repacking, transport, waste management, including recycling, and the cleaning of plastic pellet containers and tanks.***

By adding a non-exhaustive list of supply chain stages the Presidency intends to make it more clear that indeed all stages of the supply chain are to be addressed and also to respond to concerns from Member States about the clarity of the term “handling”.

### Point 2 – Cleaning stations

Including the cleaning of plastic pellet containers and tanks explicitly as one of the supply chain stages, as in point 1 above as well as recital 13 of the Commission’s proposal, implies that also dedicated cleaning stations are in scope of the Regulation. As the scale of the operations of such cleaning stations is measured rather in number of containers and tanks cleaned than in volume of pellets handled, the Presidency proposes the following change:

*Article 1 (2) This Regulation applies to the following subjects:*

- (a) economic operators handling plastic pellets in the Union in quantities above 5 tonnes in the previous calendar year;*
- (b) economic operators operating installations in the Union for the cleaning of plastic pellet containers and tanks;***
- (c) EU carriers and non-EU carriers transporting plastic pellets in the Union.*

## Article 2 – Definitions

### Point 3 – Clarification of definition for “plastic pellet”

Several Member States pointed out that the proposed definition for “plastic pellet” is not sufficiently clear and comprehensive, and that this might undermine the effectiveness of the Regulation. The Presidency proposes the following change:

*Article 2 (a): ‘plastic pellet’ means a small mass of preformed polymer-containing ~~moulding~~ **feedstock** material, having relatively uniform dimensions in a given lot, **regardless of its shape or form,** ~~that is used as feedstock in plastic product manufacturing operations;~~*

Speaking of a “feedstock material” instead of a “moulding material” addresses the concern of certain Member States that the definition was too restrictive as plastic pellets are not only used for moulding but can also, among others, be mixed into other materials such as concrete and glues, used as standalone product such as for isolation, etc. For the same reason, the Presidency proposes to delete the reference to “feedstock in plastic product manufacturing operations”.

Including a non-exhaustive list of different types of pellets in the definition might prove legally challenging. Instead, the Presidency proposes to add “regardless of its shape or form” in the definition and to include the following non-exhaustive list in the recitals:

*Recital (2a): The term ‘plastic pellet’ is used as overarching term for all small preformed polymer-containing feedstock material, regardless of its shape or form, including, among others, plastic nurdles, granules, flakes, resins, cylinders, beads, powder, micro-powder, microspheres and agglomerates.*

#### Point 4 – Inclusion of “plastic pellet dust”

Some Member States introduced the idea of explicitly including plastic dust in the scope of the Regulation as it is one of the sources of microplastic pollution resulting from the handling of plastic pellets. To that end, the Presidency proposes to include the following definition:

*Article 2 (aa – new): “plastic pellet dust” means fine particulate matter with irregular form and size, released when plastics pellets are manufactured, conveyed, transported, machined, processed, recycled or otherwise handled.*

Furthermore, through the definition of “loss” the obligation would be introduced to take measures regarding losses of plastic pellet dust:

*Article 2(c): ‘loss’ means a one-off or prolonged escape of plastic pellets or plastic pellet dust from installation’s boundary to the environment or from road vehicles, rail wagons or inland waterway vessels transporting plastic pellets;*

#### Point 5 – Definition of spill

Some Member States suggested that the definition of “spill” should not only include one-off but also a prolonged release of pellets:

*Article 2 (b): ‘spill’ means a one-off or prolonged escape of plastic pellets from primary containment*

#### Point 6 – Definition of installation

The issue was raised that the term “environment” in the definition of “installation” could create confusion as the proposed Regulation in other places refers to the “loss of plastic pellets to the environment”. Hence the Presidency proposes the following change:

*Article 2 (d): (d) ‘installation’ means any premises, structure, location, site ~~environment~~ or place within which one or more economic activities involving the handling of plastic pellets are carried out;*

### Article 3 – General obligations

#### Point 7 – Refinement of principle obligations

Several Member States indicated that the general obligations need to be phrased in such a way they effectively ensure achievement of the proposed Regulation’s prime objective of preventing microplastic pollution through plastic pellet losses. Thereto the Presidency proposes the following amendment:

*Article 3 (1): Economic operators, EU carriers and non-EU carriers shall ensure that losses are avoided. Where losses occur, economic operators, EU carriers and non-EU carriers shall take immediate action to **contain and clean-up** those losses.*

### Point 8 – Refinement of notification obligations

Some Member States stated that it is not clear which competent authorities are to be notified, neither what role competent authorities are to play in defining the notification requirements. Hence, the Presidency proposes the following changes (see also point 10 below):

*Article 3 (2): Economic operators, and EU carriers shall notify the competent ~~authority~~ **authorities of respectively the Member State in which the installation is located or the Member State in which they are established**, in the manner determined by the **competent authorities** ~~latter~~, of each installation they operate and of ~~when engaging their involvement~~ **in the transport of plastic pellets in the Union**, as applicable.*

*Article 3 (3): Economic operators and EU carriers shall notify the competent authorities ~~of the Member State in which they are established~~ of any significant change ~~in~~ **from what was notified in accordance with paragraph 2 regarding their installations and activities related to handling and transporting** ~~of~~ plastic pellets, including of any closure of an existing installation, **cessation of transport activities or of no longer being subject to this Regulation in accordance with Article 1, paragraph 2**, as applicable.*

At the same time, several Member States expressed the view that also non-EU carriers should notify competent authorities about their activities within the EU and, more generally, have the same obligations as EU carriers. The Commission has stated that imposing a notification obligation on non-EU carriers without an international agreement is not possible (no legal ground). Some Member States have suggested to make the economic operator purchasing the transport services from non-EU carriers responsible for preventing plastic pellet losses and for managing the consequences of the losses, for example through procurement requirements contractually imposing plastic pellet loss prevention measures on non-EU carriers. The Presidency invites Member States to exchange views on this matter.

### Point 9 – Public availability of information

Member States asked questions regarding the requirement to capture certain information in a register, including with regards to the number of registers that would need to be established, if existing registers could be used and if the information mentioned in Articles 3, 4 and 5 could be captured in the same register. In addition, some Member States warned for the risk of revealing sensitive corporate information. To this end, the Presidency proposes to introduce the following new Article instead of Article 3 (4).

~~*Article 3 (4): Competent authorities shall establish and maintain a public register containing the information they have received in accordance with paragraphs 3 and 4.*~~

*Article 7a:*

- 1. Competent authorities shall make available to the public, including systematically via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, the following:**
  - (a) the information they have received in accordance with Article 3 (2) and (3);**
  - (b) the risk assessment plans and self-declarations of conformity they have received in accordance with Article 4 (1) and (2);**
  - (c) the certificates and related notifications they have received in accordance with Article 5 (5);**
  - (d) certificates issues in accordance with Article 6.**

2. *Competent authorities may omit parts of the risk assessment plans referred to in paragraph 1, point (b), when making them available on the internet, if the disclosure of the information would adversely affect any of the interests listed in Article 4(2), points (a) to (h), of Directive 2003/4/EC.*

In line with suggestions from Member States, the Presidency proposes to include a single requirement to make information publicly available, hence Articles 4 and 5 are to be updated accordingly:

*Article 4 (4): ~~Competent authorities shall establish, maintain, and update a register containing the risk assessment plans and self-declarations of conformity notified in accordance with paragraphs 1 and 2 of this Article. The register shall be publicly available on a website.~~*

And

*Article 5 (5): 1. Without undue delay, certifiers shall notify the competent authority of the following:*

- (a) certificates issued;*
- (b) certificates suspended or withdrawn;*
- (c) changes in certificates.*

*~~Competent authorities shall establish and maintain and keep up to date a register of certificates. The register shall be publicly available on a website.~~*

## Article 4 – Obligations regarding the handling of plastic pellets

### Point 10 – Obligations based only on volume handled

Several Member States stressed that significant losses may also occur among micro- and small-sized enterprises and therefore proposed to only consider the volume of pellets handled as differentiator to determine which obligations apply to economic operators. Other Member States indicated they need to further consider which obligations should apply to which economic operators. Hence, the Presidency has identified the following options and invites Member States to present their position regarding these options:

[Option 1 – Maintain Commission proposal]

*Or*

[Option 2 – Introduce lighter obligations for micro-sized enterprises only and define the same obligations for small-, medium- and large-sized enterprises.]

*Or*

[Option 3 – Define the same obligations for all economic operators regardless of their size and only distinguish on the basis of the volume of pellets handled per year.]

The Presidency proposes that the approach chosen under this point applies to the entire Regulation, hence requiring adjustment of the text under several Articles.

The Presidency kindly requests Member States to bear in mind, while considering their position regarding this point, that all economic operators regardless of their size are largely subject to the same obligations and requirements, and that competent authorities are responsible for verifying compliance among all economic operators. The distinction between economic operators based on their size only applies to the frequency of updating the risk assessment plan, the renewal of the self-declaration of conformity, the need to conduct an internal assessment on the state of compliance, the need to obtain and frequency of renewing a certificate issued by a certifier, and the requirement to consider the measures in Annex I para 9.

#### Point 11 – Level of threshold for pellets handled per year

Several Member States asked questions about the adequacy of the level of the threshold used to define which obligations apply to which economic operators, thereby suggesting that a threshold of 1000 tonnes per year might be too high. As multiple Member States indicated they had not yet concluded their assessment of the adequacy of the level of the threshold proposed by the Commission, the Presidency requests Member States to consider the following options and formulate concrete proposals regarding the level of the threshold:

[Option 1 – Maintain Commission proposal of 1000 tonnes per year]

*Or*

[Option 2 – Lower the threshold to a to-be-defined volume]

*Or*

[Option 3 – Increase the threshold to a to-be-defined volume]

The Presidency proposes that the approach chosen under this point applies to the entire Regulation, hence requiring adjustment of the text under several Articles.

The Presidency kindly requests Member States to bear in mind, while considering their position regarding this point, that all economic operators regardless of the volume of pellets handled per year are largely subject to the same obligations and requirements, and that competent authorities are responsible for verifying compliance among all economic operators. The distinction between economic operators based on the volume of pellets handled only applies to the frequency of updating the risk assessment plan, the renewal of the self-declaration of conformity, the need to conduct an internal assessment on the state of compliance, and the need to obtain, frequency of renewing a certificate issued by a certifier, and the requirement to consider the measures in Annex I para 9.

## Article 6 – Environmental management systems

### Point 12 – Exemption for any adequate EMS

Multiple Member States suggested that an ISO 14001 certification should provide for the same exemption as EMAS. Hence, the Presidency proposes the following change:

*Article 6: ~~Economic operators which are registered to the Community eco-management and audit scheme in accordance with Regulation (EC) No 1221/2009 are exempt from compliance with the notification obligation laid down in Article 4(2) and the obligations laid down in Article 5(1) and (2) of this Regulation provided that the environmental verifier as defined in Article 2(20) of Regulation (EC) No 1221/2009 has checked that requirements laid down in Annex I have been included in the environmental management system of the economic operator and have been implemented. Economic operators can comply with the obligation laid down in Article 4 (2) and the obligations laid down in Article 5 (1) and (2) of this Regulation by preparing and implementing an environmental management system (EMS) for each installation, provided that:~~*

- (a) the EMS is compliant with the requirements set out in Annex I of this Regulation;*
- (b) a certifier has conducted a conformity assessment to verify, including through spot-checks, that the EMS and the way it is implemented are compliant with the requirements set out in Annex I of this Regulation;*
- (c) the competent authorities have been notified about the conformity assessment of the EMS and the way it is implemented at the installation with the requirements set out in Annex I of this Regulation, including information about the economic operator, the installation for which compliance is verified, the date at which spot-checks are carried out, and the period for which the conformity assessment is valid;*
- (d) a conformity assessment for the EMS is conducted at least every 3 years by a certifier who verifies the conformity of the EMS and its implementation at the installation with Annex I of this Regulation.*

## Article 7 – Accreditation of certifiers

### Point 13 – Correction of typo

*Article 7: The accreditation of certifiers referred to in Article 3 2, point (k)(i) shall include an evaluation of compliance with the following requirements:*

## Article 8 – Verification of compliance and reporting

See suggestion point 18 related to Article 14.

## Article 9 – Incidents and accidents

### Point 14 – Amendment of Directive 2004/35/EC

Certain Member States explained that it is not obvious to link a specific loss of plastic pellets directly to specific impacts on human health or the environment, and that such impacts are generally also not immediate. Therefore the Presidency proposes to replace Article 9 as proposed by the Commission with text amending Annex III of Directive 2004/35/EC such that the handling of plastic pellets is included in the scope of the Environmental Liability Directive:

## Article 9:

1. ~~Without prejudice to Directive 2004/35/EC, in the event of an incidental or accidental loss significantly affecting human health or the environment, economic operators, EU carriers and non EU carriers shall immediately:~~
- ~~(a) inform the competent authority in whose territory the incident or accident occurred and the estimated quantities of losses;~~
- ~~(b) take measures to limit the health or environmental consequences and to prevent further incidents or accidents.~~
2. ~~The competent authority in whose territory the incident or accident occurred shall require, where necessary, that economic operators, EU carriers and non EU carriers take appropriate complementary measures to limit the health or environmental consequences and to prevent further incidents or accidents.~~
3. ~~In the event of any incident or accident significantly affecting human health or the environment in another Member State, the competent authority in whose territory the accident or incident occurred shall immediately inform the competent authority of that other Member State.~~

***In Annex III to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, the following paragraph shall be added:***

***“15. The handling of plastic pellets pursuant to Regulation ... [OP: please include the number of this Regulation] of the European Parliament and of the Council of ... [OP: please insert the date of the adoption of this Regulation] on the prevention of plastic pellet losses to reduce microplastic pollution;”***

## Article 10 – Non-compliance

### Point 15 – Direct impact of infringements and non-compliance of carriers

Certain Member States explained that it is not obvious to link a specific loss of plastic pellets directly to specific impacts on human health or the environment, and that such impacts are generally also not immediate. In addition, it was suggested competent authorities should also be able to suspend activities of carriers in case of infringement. Therefore the following changes are proposed:

*Article 10 (2) Where the infringement of the rules laid down in this Regulation **leads to a significant loss of pellets poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment**, the competent authority **shall** ~~may~~ suspend the operation of the installation, **or, in case of EU carriers and non-EU carriers, immobilise the vehicle or prevent the movement of the transport means** until compliance is restored in accordance with paragraph 1, points (b) and (c).*

## Article 12 – Assistance relating to compliance

### Point 16 – Awareness raising and training material by the Commission

Some Member States suggested to clarify the timeframe by which the Commission will develop and update awareness raising and training material as well as how this material will be disseminated. Hence, the following change is proposed:

*Article 12 (1): By ... [OP please insert the date = the first day of the month after 12 months from the entry into force of this Regulation], the Commission shall develop and make available to the public, including via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, awareness raising and training material on the sound implementation of the obligations laid down in this Regulation in consultation with representatives of economic operators, carriers, and certifiers, including micro, small and medium-sized enterprises and in collaboration with competent authorities.*

## Article 13 – Standardised methodology

### Point 17 – Timeliness of development of standardised methodology

Some Member States raised concerns regarding the timeliness of the development of the standardised methodology in view of the date on which this Regulation will enter into force. Hence, the Presidency proposes the following change:

*Article 13:*

1. *For the purposes of compliance with the obligation referred to in Article 4(7), first subparagraph, point (c), a methodology to estimate quantities of losses shall be developed in harmonised standards in accordance with the procedures established by Regulation (EU) No 1025/2012.*
2. *The Commission shall submit the draft request for the development of harmonised standards to the committee referred to in Article 22 of Regulation 1025/2012 within 12 months after the entry into force of this Regulation.*
3. *Where no European standardisation organisation accepts the request to draft a harmonised standard or delivers the harmonised standard within the deadline set in the request or where the Commission considers that the proposed standard does not satisfy the requirements which it aims to cover, the Commission shall establish the methodology referred to in paragraph 1 by means of an Implementing act adopted in accordance with Article 5 of Regulation (EU) No 182/2011.*

## Article 14 – Complaint-handling and access to justice

### Point 18 – Simplification of references to access to justice and complaint handling

A few Member States have questioned the level of detail in this Article. The Presidency therefore invites Member States to specify which elements they would like to see deleted or rephrased.

## Article 15 – Penalties

### Point 19 – Alignment of penalties with IED approach

Member States have indicated that they want to align this Article with the approach taken in the Industrial Emissions Directive. The Presidency has compared the two approaches and found them to be quite similar, except for

- the level of the minimum maximum fines (3% in IED final text, 4% in this proposal),
- the reference to the intentional or negligent character of the infringement (deleted in IED final text),
- the reference to taking into account the financial situation of the economic operator, EU carrier and non-EU carrier held responsible in establishing the penalties (absent in IED),

- in this proposal reference to the level of the fines that shall be gradually increased for repeated infringements, in IED the repetitive or singular character of the infringement is one of the criteria to give due regard to in establishing the penalties.

The Presidency therefore proposes no changes to the Commission proposal for the time being, but would like to hear from the Member States on which of the above differences they would prefer alignment with IED.

## Article 16 – Compensation

### Point 20 – Alignment of compensation with IED approach

Based on the input from Member States, the Presidency proposes to align this Article with the approach taken in the Industrial Emissions Directive.

#### *Article 16 – Compensation:*

1. *Member States shall ensure that, where damage to human health has occurred as a result of a infringement of this Regulation, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the infringement.*
2. ~~*Member States shall ensure that, as part of the public concerned, non governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for an infringement leading to a damage cannot be pursued twice, by the individuals affected and by the non governmental organisations referred to in this paragraph*~~
3. ~~*Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by an infringement pursuant to paragraph 1.*~~
4. ~~*Where the claim for compensation referred to in paragraph 1 is supported by evidence from which a causal link may be presumed between the damage and the infringement, Member States shall ensure that the onus is on the person responsible for the infringement to prove that the infringement did not cause or contribute to the damage.*~~
5. ~~*Member States shall ensure that the **may establish** limitation periods for bringing claims for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the infringement has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a infringement pursuant to paragraph 1.*~~

## Article 17 and 18 – Amendments to Annexes and Exercise of the delegation

### Point 21 – Delegation to amend annexes

Several Member States argued that the Annexes are an essential part of the proposed Regulation and should therefore not be amended through delegated acts but rather through an ordinary legislative procedure. On the other hand, it was recognised that delegated acts would allow to swiftly adapt measures in view of new scientific developments and international evolutions. The Presidency therefore requests Member States to consider the following options:

[Option 1 – Maintain Commission proposal]

*Or*

[Option 2 – Empower the Commission to adopt delegated acts, but exclude certain to be identified essential components in the Annexes from the mandate]

*Or*

[Option 3 – No empowerment to the Commission to adopt delegated acts]

## Maritime aspects

### Point 22 – Introduction of maritime aspects

Some Member States argued in favour of including seagoing vessels and specific related measures in the scope of the proposed Regulation while other Member States argued that maritime aspects should be exclusively dealt with under the IMO. Hence, the Presidency requests Member States to clarify their position regarding the following options:

[Option 1 – Maintain Commission proposal]

*Or*

[Option 2 – Include a review clause in the Regulation to adapt to evolutions at IMO level, possibly taking further measures at EU-level if no or insufficient (binding) measures are taken by the IMO]

*Or*

[Option 3 – Remove the list of carriers in Article 2 (c), (f), and (g) to implicitly include seagoing vessels and include measures in Annex III regarding seagoing vessels in line with the IMO circular – *note: this is the option that is closest to the amendment proposed by the European Parliament*]

*Or*

[Option 4 – Explicitly include seagoing vessels where relevant throughout the proposal and accordingly introduce adequate to-be-defined measures in Annex III such as those suggested by some Member States:

- Require that packages containing plastic pellets are labelled;
- Require ships carrying plastic pellets to indicate their presence and location on board in a stowage plan;
- Require that plastic pellets are packaged adequately;
- Require that plastic pellet containers are stowed and secured below deck or inboard in sheltered areas.]

With respect to maritime aspects, the Presidency wants to clarify that the loading and unloading of seagoing vessels, including the transfer and storage of plastic pellets before or after the loading and unloading, at installations located in the EU is already in scope of the Regulation in accordance with Article 1 and the definitions of “economic operator” and “installation” in Article 2 of the proposed Regulation.

## Review Clause

### Point 23 – Inclusion of review clause

Several Member States suggested to include a review clause to both evaluate the effectiveness of the Regulation and tweak the proposed measures if needed as well as to follow-up on evolutions at IMO-level and adapt EU Regulation accordingly if required. Thereto the Presidency proposes to incorporate the following:

#### *Article 20 - Evaluation and Review*

1. *At least every five years from the date of its application, the Commission shall conduct an evaluation of the implementation of this Regulation and its Annexes in light of the objectives that it pursues and present a report on the main findings to the European Parliament and to the Council.*
2. *The report referred to in paragraph 1 shall assess whether this Regulation and its Annexes have achieved its objective and if it could be improved, including with regard to:*
  - a. *the reduction of microplastic pollution resulting from the handling of plastic pellets;*
  - b. *the alignment of this Regulation and its Annexes with scientific and technical advancements;*
  - c. *Member States' good practices and advancements in this regard;*
  - d. *consideration for international initiatives addressing plastic pellet losses, in particular with regards to maritime transport;*
  - e. *the level playing field for EU and non-EU carriers;*
  - f. *the administrative burden resulting from this Regulation and its Annexes for competent authorities, economic operators, and carriers.*
3. *Where the Commission finds it appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of this Regulation.*

Depending on the preference of Member States regarding point 21 about the introduction of Maritime aspects, an additional paragraph could be included in the Article on Evaluation and Review to mandate a review dedicated to maritime aspects in the event of a decision by the International Maritime Organisation.

## Annex I

### Point 24 – Minimum common denominator of mandatory measures

Some Member States suggested that a set of generally applicable, low effort and high impact measures should be mandatory to implement for all economic operators, regardless of the results of the risk assessment. Some other Member States indicated preference for the voluntary approach proposed by the Commission. Hence, the Presidency requests Member States to further clarify their position regarding the following options:

[Option 1 – Maintain Commission proposal]

*Or*

[Option 2 – Define a list of mandatory measures which economic operators shall implement in addition to the list of measures to be considered as part of the risk assessment approach]

In view of the options above, the Presidency has identified the following measures as possible candidates for the minimum common denominator mandatory measures and requests Member States to present their views regarding this set of measures, including concrete suggestions to refine the list. When adopting option 2, Annex I could be restructured such that it contains a part with a set of measures which should be implemented by all economic operators and a second part with measures for consideration as part of a risk assessment.

Prevention measures:

1. *Inform third parties who access the installation to load, unload or otherwise handle pellets about the relevant procedures to prevent, contain and clean up spills and losses;*
2. *Contain spills and clean them up as soon as possible, and at the latest at the end of the operation;*
3. *Foresee sufficient cleaning tools at spill risks zones;*
4. *Foresee sufficient disposal bins for collected pellets and empty bags at spill risk zones;*

Measures specific to loading or unloading activities:

5. *For installations at which loading and unloading operations take place, ensure the outside of the road vehicle, rail wagon, or inland ship is free from plastic pellets when leaving the installation;*
6. *For installations at which loading and unloading operations take place, ensure the loading area of the vehicle's container or trailer or the loading compartment of the inland ship is sweep-clean after unloading;*
7. *For installations at which loading and unloading operations take place, ensure loading and unloading ramps of road vehicles and rail wagons are closed when leaving the loading/unloading place;*
8. *Use protective covers on forklifts, hydraulic equipment, or other loading and unloading equipment to prevent the piercing of packaging;*

Containment measures:

9. *Ensure spills on the floor of loading and unloading places can easily be cleaned, including with regards to its structure and surface;*
10. *Foresee an appropriate sewage treatment system to avoid spills enter the public sewer system, any surface water, or otherwise become a loss.*

## Point 25 – Completion of list of Annex I measures

Certain Member States made suggestions to complete and refine the list of measures in Annex I. In addition, based on these suggestions the Presidency looked into further possible measures to strengthen Annex I. The Presidency asks Member States' opinion on the possible addition of the following possible measures to Annex I:

- For paragraph (7.a):
  - *Use of protective covers on forklifts, hydraulic equipment, or other loading and unloading equipment to prevent the piercing of packaging;*
  - *Closed circuit for unloading bulk;*
  - *Overflow protection to prevent overflowing of storage silos;*
  - *Dust extraction equipment with appropriate dust filters;*

- *For the cleaning of plastic pellet containers and tanks, use of filter and catchment devices for rinse water and air cleaning.*
- For paragraph (7.b):
  - *Physical barriers around risk zones;*
  - *Appropriate containers for spilled pellets and empty packaging;*
  - *A floor or underground at loading and unloading areas which does not hinder the cleaning of spills.*
- For paragraph (8.a):
  - *Visual communication for staff and third parties;*
  - *Reception and departure procedure for carriers;*
  - *Procedures to repair or deal with damaged packaging;*
  - *Dust prevention procedures and measures.*
- For paragraph (8.b):
  - *Foresee zones to repair or deal with damaged packaging.*

### Point 26 – Packaging requirements

Some Member States explained that the introduction of limits to packaging volume of plastic pellets for transport could result in additional repackaging operations and transport trips, thereby increasing the risk of spills and losses. Therefore, the Presidency proposes the following change:

*Annex I, paragraph 8: description of procedures in place to prevent, contain and clean up spills and losses.*

*Economic operators shall consider at least the following, taking into account the nature and size of the installation as well as the scale of its operations:*

- (a) *for prevention: limits on the volumes of pellets transported in certain packaging (~~e.g., pellets must be packaged and sealed in 25kg sacks, and loaded no more than 1 tonne per pallet~~); regular inspection and maintenance of packaging, containers and storage facilities; use of spill trays under transfer points and during loading and unloading; clear protocols for opening, loading, closing and sealing containers at the start and end of loading; physical testing and monitoring of the effectiveness of prevention procedures;*