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WK 8683/2024 ADD 5

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CONTRIBUTION

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

N° prev. doc.: WK 7814/2024; WK 7391/2024
N° Cion doc.: ST 14248/23 + ADD 1

Subject: Plastic Pellets Regulation: Follow-up to the WPE on 30 May 2024 - comments
from a delegation

Following the call for comments on the above set out with WK 7814/2024, delegations will find attached comments received from the PL delegation.

WK 8683/2024 ADD 5

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POLAND

Proposal for a Regulation of the European Parliament and the Council on preventing plastic pellet losses to reduce microplastic pollution – call for comments Poland

Steering note

Point 2 inclusion of „plastic pellet dust”

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.

Commented [redacted] We propose to change text of the article into „plastic processing dust” refers to industrial residue from handling, grinding or processing of pellet plastics materials, that is not used as feedstock in plastic product manufacturing operations. Insert new article 3.1.a.: Economic operators, EU carriers nad non-EU carriers shall ensure that losses of plastics dusts are minimized.

Point 10 art. 4 – option 1

Point 11 art. 4 – option 1

Point 15 art. 10 We disagree with changes proposed by Presidency, we prefer go back to the Commission text.

Point 21 art. 17 and 18 – option 1

Point 22 art. maritime aspects – option 2

Point 24 annex I – option 1

Other comments:

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, having relatively uniform dimensions in a given lot, that is used as feedstock in plastic product manufacturing operations;

Commented [redacted] We kindly ask you to clarify the term of „a small mass of”.

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.

Commented [redacted] We propose to delete this part.

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.

Commented [redacted] It should be ensured that collective proceedings can only be initiated by qualified entities that are prepared to bring such claims. The proposal does not contain adequate safeguards in this regard.

~~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.~~

Commented [REDACTED] We propose to delete this paragraph. We note that in the recently revised Industrial Emissions Directive, the legislator chose not to adopt a provision reversing the burden of proof.

ANNEX I

RISK ASSESSMENT PLAN FOR INSTALLATIONS

(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~~ 1375 kg 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;

Commented [REDACTED] The standard in the plastics market is to pack 11 layers of 5 bags on a pallet, giving 1375 kg per pallet. Limiting to 1 tonne, therefore, requires an increase in the number of shipments, which results in an increase in emissions from this sector of the economy.