

Position Paper - Règlement sur les Emballages et les Déchets d'emballages

Bruxelles, le 31 mars 2023

Valipac salue la proposition de Règlement de la Commission européenne sur les emballages et les déchets d'emballages (Packaging and Packaging Waste Regulation - PPWR), qui vise à fixer des objectifs quantitatifs clairs en matière de réduction des déchets d'emballages, à tendre vers une harmonisation à travers l'Europe et à promouvoir davantage la circularité en tant que modèle économique pour les emballages. Depuis 1998, Valipac est l'écosystème belge à but non lucratif qui fournit une réponse collective à la responsabilité élargie du producteur (REP) pour les emballages industriels, pour la grande majorité de l'industrie belge (85 % de couverture du marché). Aujourd'hui, Valipac atteint déjà en Belgique, pour les emballages industriels, des taux de recyclage supérieurs à ceux proposés par le PPWR pour 2030 en Europe. L'ambition de Valipac est d'aller encore plus loin dans le recyclage et la circularité, mais le PPWR fait peser de graves menaces sur son modèle. Si le texte n'est pas amendé, le PPWR provoquera des effets négatifs involontaires sur les taux de recyclage et la circularité des emballages industriels en Belgique, avec des répercussions négatives sur la position de la Belgique en tant que leader européen en matière de circularité. Valipac vise à maintenir l'écosystème actuel en Belgique afin de pouvoir conserver des taux de recyclage et de circularité plus élevés que ceux visés par le PPWR.

Remarques générales

- La proposition de règlement a été **rédigée dans le contexte des emballages ménagers** (principalement les emballages de vente), avec pour la première fois des références occasionnelles aux emballages industriels (principalement des emballages de groupage et des emballages de transport). Or, les emballages industriels sont fondamentalement différents des emballages ménagers, notamment en ce qui concerne les systèmes de collecte, de tri et de recyclage en place. Sur la base de l'expérience de Valipac, nous **recommandons vivement de faire la distinction entre « emballages de vente » et « emballages de groupage et emballages de transport »** lors de la fixation des objectifs et de la définition des critères, et de préciser si le texte s'applique aux emballages industriels ou non.
- Dans pratiquement tous les Etats Membres, l'entreprise qui utilise l'emballage (le « filler ») et l'importateur d'une marchandise emballée sont soumis à la REP et sont les premières entités responsables dans la chaîne de valeur du recyclage, tandis que l'ensemble de la chaîne de valeur qui se partage la responsabilité. Le PPWR prévoit de **transférer cette responsabilité au « producteur d'emballage »**, ce qui déresponsabilise l'ensemble de la chaîne de valeur (article 40). **Il en résultera une modification complète, complexe et inutile du système de REP** dans la plupart des États membres de l'UE, ce qui rendra plus difficile la réalisation des objectifs de recyclage au niveau des États membres. En outre, cela entravera des initiatives telles que Valipac, qui ont fait leurs preuves en matière de recyclage et de circularité avec un écosystème REP composé d'emballleurs/fillers, de leurs clients (entreprises qui déballetent les

marchandises), de collecteurs, de recycleurs, de traders et de producteurs de nouveaux emballages.

- Les initiatives mutualistes, multi matériaux et multisectorielles sont entravées par le PPWR, bien qu'elles aient fait leurs preuves dans la réalisation d'objectifs de recyclage concrets dans les États membres. Cette obstruction est due au fait que le PPWR fixe des objectifs au niveau individuel et non au niveau collectif. **Le PPWR néglige donc l'efficacité économique et écologique d'une approche mutualiste** dans la mise en place d'organisations dédiées à la réalisation des ambitions du PPWR.

Amendements essentiels de Valipac au PPWR :

1. Considérant 20 : ajouter la définition : « L'évaluation de la recyclabilité des emballages tiendra compte de la spécificité des emballages de vente des ménagers, d'une part, et des emballages industriels de groupage et de transport d'autre part. »
2. Considérant 70 : supprimer. Fixer des objectifs de réutilisation par acteur économique n'est pas une approche très efficace d'un point de vue économique et écologique pour atteindre les objectifs de durabilité. Les objectifs de réutilisation devraient être calculés au niveau collectif (par exemple au niveau des États membres) et non au niveau individuel. Dans ce cas, aucune exception ne doit être faite pour les petits opérateurs économiques.
3. Article 3 (2). Il convient de faire une distinction entre les emballages pour consommateurs et les emballages industriels, car ils sont complètement différents. Ajouter une définition : « Emballage de vente ménager » : emballage conçu de manière à constituer une unité de vente composée de produits et d'emballages à l'utilisateur final ou au consommateur au point de vente ; Définition supplémentaire : « Emballage de vente industriel » : emballage conçu de manière à constituer une unité de vente composée de produits et d'emballages à l'utilisateur final (autre que le consommateur) au point de vente.
4. Art 3 (32). Les emballages seront considérés comme recyclables s'ils sont « **recyclés à l'échelle** », c'est-à-dire collectés, triés et recyclés par au moins 75 % de la population de l'Union européenne. Cette définition ne peut pas être appliquée aux déchets d'emballages industriels puisque les déchets sont collectés auprès d'entreprises individuelles. En d'autres termes, la population en tant que telle ne fournit pas de critère pertinent.
Nous recommandons de modifier la définition de "recyclé à l'échelle" comme suit : "recycle à l'échelle" signifie que l'emballage répond aux exigences de l'article 6 (2), et est accepté pour le recyclage dans la majorité des États membres où l'emballage est mis sur le marché.
5. Art 6 (3). Des directives distinctes de **Design for recycling** (D4R) doivent être établies pour les emballages ménagers et les emballages industriels. Les directives D4R pour les emballages industriels ont déjà été développées et approuvées par différents systèmes de REP en Europe. (<https://valipac.academy/les-modules/le-choix-demballages-durables/design4recycling-guidelines/design4recycling-guidelines/>).

Nous recommandons de baser les critères de D4R pour les emballages industriels sur ce qui est déjà communément appliqué par les organismes de REP en charge des emballages industriels ou approuvé par des organisations internationales telles que EPRO.

6. Art 26 (12 & 13). Étant donné que certains types d'emballages appartenant à la catégorie plus large des **emballages industriels** ne peuvent pas être totalement nettoyés, que d'autres ont contenu des produits toxiques, que les emballages réutilisés doivent être conformes aux normes alimentaires et de sécurité ou que, pour certains produits, des emballages sur mesure sont nécessaires, un taux de réutilisation de 100 % ne peut techniquement pas être atteint. Un délai suffisant doit de plus être prévu pour adapter les machines d'emballage. Ces adaptations sont une condition préalable au respect des nouveaux objectifs en matière de réutilisation des emballages. Pour les produits fabriqués non pas sur commande mais sur stock et dont la destination finale n'est pas connue au moment de l'emballage, cette obligation pourrait créer une complexité logistique supplémentaire.
Nous recommandons de fixer un objectif de 95% à partir de 2030 sur la base d'analyses LCA.
7. Art 26 (7, 12 & 13). Les seaux, intermediate bulk containers, fûts et bidons sont des emballages de vente industriels et non des emballages de transport.
Nous recommandons de les supprimer de l'Art 26 paragraphes 7, 12 et 13.
8. Art 27. Les entreprises qui utilisent des **emballages industriels réutilisables** sont intégrées dans un réseau européen ou mondial de fournisseurs et de clients. Par conséquent, les systèmes de pools sont actifs à l'échelle européenne ou mondiale et les pools sont gérés à l'échelle mondiale. L'obligation mentionnée à l'annexe XII de déclarer le tonnage d'emballages mis sur le marché pour la première fois ne peut être totalement exécutée que sur la base des informations des systèmes de pools internationaux.
Nous recommandons de calculer les objectifs de manière globale pour tous les emballages réutilisables mis sur le marché sur le territoire d'un état membre.
9. Art 38. **Les objectifs de prévention des déchets** ont été défini par habitant. Cette définition ne peut pas être appliquée aux déchets d'emballages industriels étant donné que les déchets sont collectés auprès d'entreprises individuelles. En d'autres termes, la population en tant que telle ne fournit pas de critère pertinent.
Nous recommandons donc d'établir un lien entre les objectifs de prévention des déchets d'emballages industriels avec l'évolution du produit intérieur brut de l'industrie.
10. Art 40. Les **producteurs d'emballages** bénéficient d'une responsabilité élargie des producteurs pour les emballages qu'ils mettent à disposition sur le marché pour la première fois sur le territoire d'un État membre. Dans pratiquement tous les États Membres, l'entreprise qui utilise l'emballage pour emballer ses marchandises et l'importateur d'une marchandise emballée sont entités responsables. Transférer cette responsabilité au producteur d'emballage résulterait en une modification complète du système de REP dans la plupart des États membres de l'UE et provoquerait un manque d'efficacité dans la réalisation des objectifs de recyclage au niveau des États membres.
Nous recommandons de supprimer « d'emballages » de la première phrase de l'Art 40.

Cet position paper a été traduit par une série de 40 amendements (voir annexe).

Valipac propose aux entreprises depuis 1998 une réponse collective à la Responsabilité Élargie du Producteur pour les emballages industriels en Belgique. Nous sommes une organisation multimatériaux et multisectorielle, couvrant la grande majorité de l'industrie belge. Notre modèle basé sur le marché libre nous permet d'atteindre des taux de recyclage très élevés (91,2%). Notre mission est de faciliter la transition des emballages industriels vers l'économie circulaire, de renforcer la conception circulaire des emballages, de stimuler le tri dans les entreprises, d'augmenter la traçabilité et les preuves de recyclage et de stimuler le recyclage local.

Contact

Valipac

Francis Huysman – Managing Director

Ingrid Bouchez – Manager Public and Regulatory affairs

Avenue Reine Astrid 59 A /11 – 1780 Wemmel (Belgium)

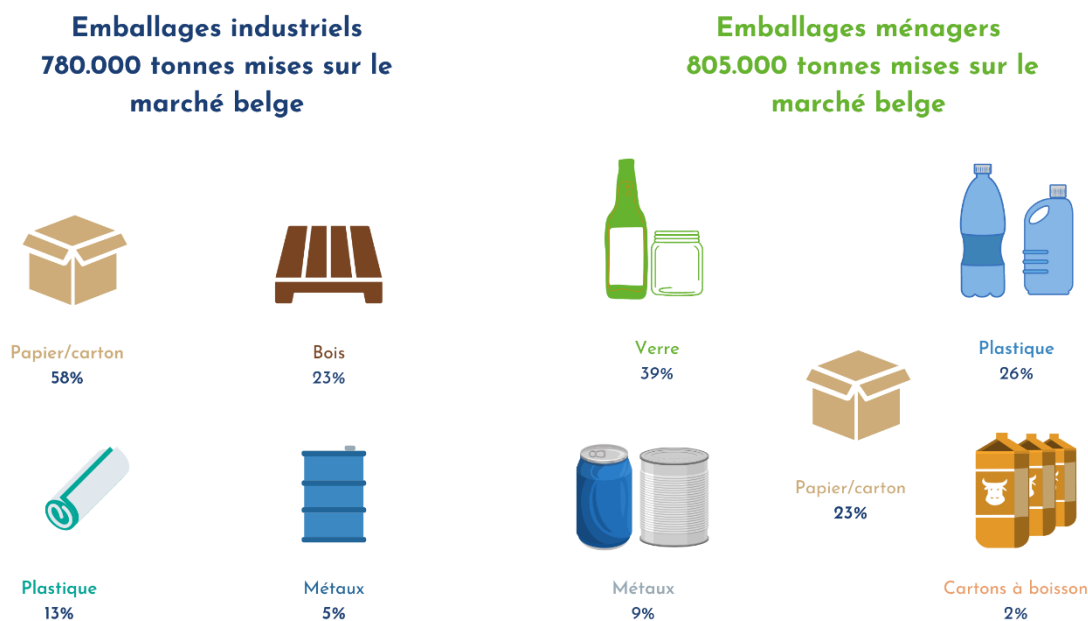
🌐 www.valipac.be

Addendum

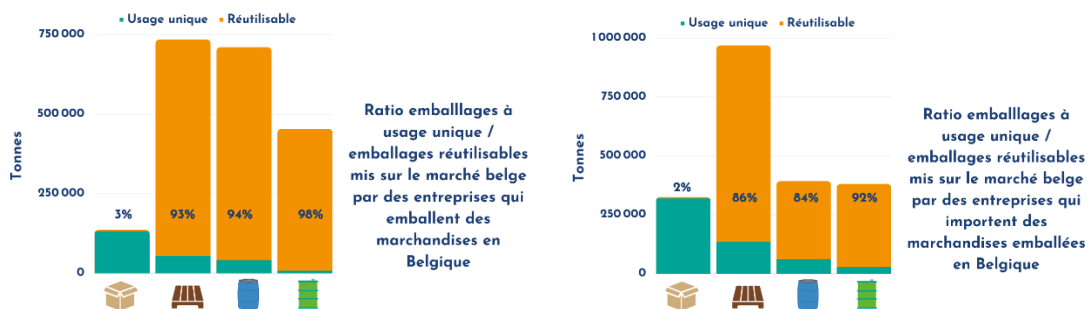
En quoi les emballages industriels sont-ils différents des emballages ménagers ?

Les emballages industriels sont utilisés pour plusieurs applications. Il s'agit d'emballages de vente, de groupage et de transport, ce qui signifie qu'ils ont des fonctionnalités différentes de celles des emballages ménagers. Les déchets d'emballages générés varient considérablement d'une entreprise à l'autre en termes de volume, de composition, de fréquence de collecte et de spécifications techniques (par exemple pour contenir des produits chimiques). Cela implique que les entreprises doivent pouvoir disposer d'un service de collecte sur mesure qui est actuellement presque exclusivement proposé par des entreprises privées de gestion des déchets.

Bien que la quantité d'emballages industriels à usage unique soit presque équivalente à celle des emballages ménagers, leur composition est fondamentalement différente, avec des matériaux beaucoup moins complexes et le carton et le bois comme matériaux dominants. Les emballages industriels en plastique sont principalement constitués d'un monomatériau en PEBD PEHD ou PP, alors que les emballages ménagers sont essentiellement en PET, PEHD et multicouches. Les emballages industriels sont de ce fait moins complexes que les emballages ménagers et sont pratiquement tous recyclables. Les emballages réutilisables sont également plus courants dans le contexte des emballages industriels (notamment les emballages en bois ou les emballages de grand volume tels que les IBC et les fûts).



Emballages ménagers et industriels en Belgique en 2021 (emballages à usage unique sans système de consigne).



Ratio emballages industriels à usage unique / réutilisables mis sur le marché belge.

Appendix to the Valipac Position Paper on the Packaging and Packaging Waste Regulation – Amendments Valipac

Amendment 1

Recital 20

Text proposed by the Commission	Amendment
<p>Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.</p>	<p>Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. The assessment of packaging recyclability will take into account both the specificity of household sales packaging on the one hand and commercial and industrial, grouped and transport packaging on the other hand. In order to meet the objective set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.</p>
<p>Justification</p> <p>Commercial and industrial packaging are used for several applications. They are sales, grouped and transport packaging, which means they have different functionalities than household packaging. The packaging waste generated varies greatly between individual companies in terms of volume, composition, collection frequency and technical specification (for instance in order to contain chemical products). This implies that companies need a tailor made collection service which is currently almost exclusively offered by private waste management companies.</p> <p>Although the amount of one-way C&I packaging is almost equal to the amount of household packaging, its composition is fundamentally different, with much less complex materials and with cardboard and wood as dominant materials. The C&I plastic packaging is mainly made of</p>	

monomaterial LDPE, HDPE or PP compared to PET, HDPE and multi-layers in household context. This implies that C&I packaging is less complex than household packaging and almost all of it are recyclable.

Amendment 2

Recital 47

Text proposed by the Commission	Amendment
In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.	In order to inform end-users consumers about reusability, availability of systems for re-use and location of collection points as regards reusable household sales packaging, such packaging should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.
Justification Labelling only makes sense for consumer packaging. QR codes cannot be applied on most grouped and transport packaging (cardboard boxes, stretch film, ...). Information on collection point, number of trips and rotations is either irrelevant for industrial and commercial packaging or can be obtained from the packer / filler of the packaging.	

Amendment 3

Recital 55

Text proposed by the Commission	Amendment
When placing packaging on the market, every importer should indicate on the packaging their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications	When placing packaging on the market, every importer should indicate on the household sales packaging their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications
Justification Commercial & industrial sales packaging, grouped packaging and transport packaging are not conceived to be labeled.	

Amendment 4

Recital 69

Text proposed by the Commission	Amendment
Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are	Certain uses of single use transport packaging formats are not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are

<p>effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State</p>	<p>effectively used, it is appropriate to require economic operators, when transporting products between different sites of the same economic operator or between the economic operator and the linked or partner enterprises, to use only as much as possible reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, intermediate bulk containers, both rigid and flexible, or drums. The same obligation should, for the same reasons, apply to economic operators transporting products within one Member State</p>
<p>Justification Given that some kinds of packaging within the broader category of commercial and industrial packaging cannot be totally cleaned; that others have contained toxic products; that reused packaging have to comply with food and safety standards or that for some products tailor-made packaging is needed, a rate of 100 % reuse is not technically feasible. For products that are produced not on order but to stock and where the final destination is not known at the time of packaging, this obligation might create an additional logistic complexity. Intermediate bulk container and drums are sales packaging and not transport packaging. They should not be mentioned under a consideration for transport packaging.</p>	

Amendment 5

Recital 70

Text proposed by the Commission	Amendment
<p>Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/36133, or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish re-use and refill targets for other products, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.</p>	<p>Deleted</p>
<p>Justification Setting reuse targets per economic actor would not be a very economic and ecologic effective approach to achieving sustainability goals. Reuse targets should be calculated at collective level (e.g. member state level) and not at individual level. In that case, no exception has to be made for smaller economic operators.</p>	

Amendment 6

Recital 91

Text proposed by the Commission	Amendment
<p>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.</p>	<p>To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of household packaging waste per capita to be achieved by 2030. For grouped and transport packaging waste, the targets will be related to the evolution of the gross domestic product of the industry. 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.</p>
<p>Justification This target cannot be applied to commercial and industrial packaging waste since the collection occurs at individual companies. In other words, the population as such (at a general or individual level) does not provide for a relevant criterion.</p>	

Amendment 7

Recital 92

Text proposed by the Commission	Amendment
<p>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 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</p>	<p>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 consumers 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 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</p>

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.	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.
Justification Refill targets can only be applied to consumers and not to professional end users.	

Amendment 8

Recital 94

Text proposed by the Commission	Amendment
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	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 place 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
Justification In accordance with the Market Surveillance Regulation and the concept of 'placing on the market' which means the first making available of a product on the European or national market.	

Amendment 9

Recital 95

Text proposed by the Commission	Amendment
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.	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 place packaging on the market 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.
Justification In accordance with the Market Surveillance Regulation and the concept of 'placing on the market' which means the first making available of a product on the European or national market.	

Amendment 10

Recital 108

Text proposed by the Commission	Amendment
<p>As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.</p>	<p>As a specific household sales packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-use and refill and monitor their functioning and compliance with the hygiene standards. Member States are encouraged to take also other measures, such as setting up deposit and return systems covering reusable packaging formats, using economic incentives or establishing requirements for final distributors to make available a certain percentage of other products than those covered by re-use and refill targets in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.</p>
<p>Justification Refill targets concern household packaging only.</p>	

Amendment 11

Recital 110

Text proposed by the Commission	Amendment
<p>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 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 recyclable packaging, coupled with greater granularity of data on the packaging 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</p>	<p>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 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 recyclable packaging, coupled with greater granularity of data on the packaging 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</p>

targets on a more granular basis than the current targets.	targets on a more granular basis than the current targets.
<p>Justification</p> <p>Better recyclable packaging does not fully give the guarantee that the packaging will be collected for recycling. Instead of that, Member States should invest in better collection schemes and stimulating the end users to sort their packaging waste.</p> <p>For commercial and industrial plastic film packaging, the major factor influencing the recyclability is the degree of printing. This is not decided by the manufacturer but by the packer / filler. They will determine the recyclability of the packaging.</p>	

Amendment 12

Recital 116

Text proposed by the Commission	Amendment
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.	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 or reconditioned 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.
<p>Justification</p> <p>Limiting to sales packaging and wooden packaging is discriminatory. Reconditioning of drums and IBC's should also be taken into account.</p>	

Amendment 13

Article 3 – paragraph 2

Text proposed by the Commission	Amendment
'sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the final user or consumer at the point of sale;	' household sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the final user or consumer at the point of sale; Extra definition ' commercial and industrial sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the final user or consumer (other than consumer) at the point of sale;
<p>Justification</p> <p>A distinction has to be made between consumer packaging and C&I packaging since they differ completely.</p>	

Amendment 14

Article 3 – paragraph 3

Text proposed by the Commission	Amendment
<p>'grouped packaging' means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale whether the latter is sold as such to the end user or it serves only as a means to replenish the shelves at the point of sale or create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics;</p>	<p>'grouped packaging' means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale whether the latter is sold as such to the end user or it serves only as a means to replenish the shelves at the point of sale or create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics;</p> <p>Extra definition</p> <p>'household grouped packaging' means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale whether the latter is sold as such to the end user consumer or it serves only as a means to replenish the shelves at the point of sale or create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics;</p>
<p>Justification</p> <p>A distinction has to be made between consumer grouped packaging and C&I grouped packaging since the packaging waste is generated in different locations (household vs companies).</p>	

Amendment 15

Article 3 – paragraph 8

Text proposed by the Commission	Amendment
<p>'economic operator' means manufacturers, suppliers of packaging, importers, distributors, final distributors, and fulfilment service providers;</p>	<p>'economic operator' means manufacturers, suppliers of packaging, importers, distributors, final distributors, and fulfilment service providers and their authorized representatives;</p>
<p>Justification</p> <p>Authorized representatives have to be added to the definition in case of import of packaging / packaged product.</p>	

Amendment 16

Article 3 – paragraph 9

Text proposed by the Commission	Amendment
<p>'manufacturer' means any natural or legal person who manufactures packaging under its own name or trademark, or has packaging designed or manufactured, and uses that packaging for the containment, protection, handling, delivery or presentation of products under its own name or trademark, without it having been placed on the market previously;</p>	<p>'manufacturer' means any natural or legal person who manufactures places packaging or a packaged product under its own name or trademark, or has packaging designed or manufactured, and uses that packaging on the market for the containment, protection, handling, delivery or presentation of products</p>

	under its own name or trademark, without it having been placed on the market previously;
<p>Justification</p> <p>In order to reliably calculate the recycling rates achieved per member state, it is important that the companies having EPR remain (1) the companies that package (or have packaged) their goods in order to place them within the member state, and (2) the companies that import packaged goods into the member state. An EPR system based on packaging producers is inefficient in the sense that producers who sell packaging to a company located in a member state have no idea where (in which member state) the packaging will become waste. Calculating recycling rates by member state will not give a credible reflection of reality.</p>	

Amendment 17

Article 3 – paragraph 10

Text proposed by the Commission	Amendment
<p>'producer' means 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, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark;</p>	<p>'producer' means 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, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark;</p> <p>'producer' means any natural or legal person established in a Member State that professionally manufactures, fills, sells or imports, and, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, places packaging or a packaged product on the market of that Member State.</p>
<p>Justification</p> <p>In order to reliably calculate the recycling rates achieved per member state, it is important that the companies having EPR remain (1) the companies that package (or have packaged) their goods in order to place them within the member state, and (2) the companies that import packaged goods into the member state. An EPR system based on packaging producers is inefficient in the sense that producers who sell packaging to a company located in a member state have no idea where (in which member state) the packaging will become waste. Calculating recycling rates by member state will not give a credible reflection of reality.</p>	

Amendment 18

Article 3 – paragraph 12

Text proposed by the Commission	Amendment
<p>'importer' means any natural or legal person established within the Union who places packaging, or a packaged product, from a third country on the Union market;</p>	<p>'importer' means any natural or legal person established within the Union a Member State who places packaging, or a packaged product for the first time on the market within the territory of a Member State, from a third country on the Union market, whether for distribution or for own consumption;</p>

Justification
 In order to reliably calculate the recycling rates achieved per member state, it is important that the companies having EPR remain (1) the companies that package (or have packaged) their goods in order to place them within the member state, and (2) the companies that import packaged goods into the member state. An EPR system based on packaging producers is inefficient in the sense that producers who sell packaging to a company located in a member state have no idea where (in which member state) the packaging will become waste. Calculating recycling rates by member state will not give a credible reflection of reality.

Amendment 19

Article 3 – paragraph 32

Text proposed by the Commission	Amendment
'recycled at scale' means collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5);	'recycled at scale' means means that the packaging meets the requirements of Article 6 (2) and is accepted for recycling in the majority of the Member States, where the packaging is placed on the market collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population, including packaging waste exported from the Union that meets the requirements of Article 47(5);
<p>Justification The definition of 'recycled at scale' cannot be applied to commercial and industrial packaging waste since the collection occurs at individual companies. In other words, the population ass such (at a general or individual level) does not provide for a relevant criterion.</p>	

Amendment 20

Article 6 – paragraph 3

Text proposed by the Commission	Amendment
Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).	Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e). Separate design for recycling criteria will be developed for commercial and industrial packaging and will be based on what is commonly applied by EPR organizations dealing with commercial and industrial packaging
<p>Justification The composition of C&I packaging fundamentally different from household packaging, with much less complex materials and with carboard and wood as dominant materials. The C&I plastic packaging is mainly made of monomaterial LDPE, HDPE or PP compared to PET, HDPE and multi-layers in household context. This implies that C&I packaging is less complex than household</p>	

packaging and almost all of it are recyclable. Design for recycling criteria have to take into account the specific context of C&I packaging.

Amendment 21

Article 7 – paragraph 1

Text proposed by the Commission	Amendment
<p>From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p>	<p>From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging calculated as an average for all such packaging material placed on the market on the territory of the Member State:</p> <p>30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p>
<p>Justification</p> <p>Setting targets for recycled content per unit of packaging would not be a very economic and ecologic effective approach to achieving sustainability goals, as it would not take into account the actual amount of waste generated by each unit of packaging. This is because recycled packaging does not always have the same amount of materials as the original packaging, so recycling a unit of packaging could generate more or less waste than producing the original packaging. Furthermore, recycled content targets do not take into account the overall sustainability of the packaging, such as its life span, overall environmental impact and recyclability. Focusing solely on recycled content may overlook other important aspects of packaging sustainability, which may lead to practices that are actually less sustainable. The target should be calculated per material, to benefit from the collective approach and thus reaching the targets in the most efficient and ecological way.</p>	

Amendment 22

Article 7 – paragraph 2

Text proposed by the Commission	Amendment
<p>From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p>	<p>From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging calculated as an average for all packaging material placed on the market on the territory of the Member State:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p>
<p>Justification</p>	

Setting targets for recycled content per unit of packaging would not be a very economic and ecologic effective approach to achieving sustainability goals, as it would not take into account the actual amount of waste generated by each unit of packaging. This is because recycled packaging does not always have the same amount of materials as the original packaging, so recycling a unit of packaging could generate more or less waste than producing the original packaging. Furthermore, recycled content targets do not take into account the overall sustainability of the packaging, such as its life span, overall environmental impact and recyclability. Focusing solely on recycled content may overlook other important aspects of packaging sustainability, which may lead to practices that are actually less sustainable. The target should be calculated per material, to benefit from the collective approach and thus reaching the targets in the most efficient and ecological way.

Amendment 23

Article 11 – paragraph 1

Text proposed by the Commission	Amendment
From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.	From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to commercial and industrial sales packaging, grouped packaging and transport packaging. However, it applies to e-commerce packaging.
Justification Labelling only makes sense for consumer packaging. QR codes cannot be applied on most grouped and transport packaging (cardboard boxes, stretch film, ...)	

Amendment 24

Article 12

Text proposed by the Commission	Amendment
By 1 January 2028, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste	By 1 January 2028, labels that enable the separate collection of each material specific fraction of packaging waste that is intended to be discarded in separate receptacles shall be affixed, printed or engraved visibly, legibly and indelibly on all waste receptacles for collection of packaging waste. This obligation does not apply to grouped and transport packaging.
Justification Labelling only makes sense for consumer packaging. Private waste management companies already identify all waste receptacles for collection of (packaging) waste.	

Amendment 25

Article 13 – paragraph 5

Text proposed by the Commission	Amendment
Manufacturers shall ensure that the packaging bears a type, batch or serial number or other element allowing its identification or, where the	Manufacturers shall ensure that the household sales packaging bears a type, batch or serial number or other element allowing its

size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product	identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product
<p>Justification</p> <p>This only makes sense for consumer packaging and cannot be applied on most commercial and industrial packaging (cardboard, wood, stretch film, ...)</p>	

Amendment 26

Article 13 – paragraph 6

Text proposed by the Commission	Amendment
Manufacturers shall indicate on the packaging or on a QR code or another data carrier their name, registered trade name or registered trade mark as well as the postal address, and where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided as part of the information through the QR code referred to in Article 11(2) or the data carrier referred to in Article 11(4) or in a document accompanying the packaged product. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be clear, understandable and legible.	Manufacturers shall indicate on the household sales packaging or on a QR code or another data carrier their name, registered trade name or registered trade mark as well as the postal address, and where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided as part of the information through the QR code referred to in Article 11(2) or the data carrier referred to in Article 11(4) or in a document accompanying the packaged product. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be clear, understandable and legible.
<p>Justification</p> <p>This only makes sense for consumer packaging and cannot be applied on most commercial and industrial packaging (cardboard, wood, stretch film, ...)</p>	

Amendment 27

Article 16 – paragraph 3

Text proposed by the Commission	Amendment
Importers shall indicate on the packaging their name and their registered trade name or registered trade mark as well as the postal address, and, where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided via the data carrier or in a document accompanying the packaged product. The contact details shall be clear, understandable and legible.	Importers shall indicate on the household sales packaging packaging their name and their registered trade name or registered trade mark as well as the postal address, and, where available, the electronic means of communication, where they can be contacted. Where that is not possible, the required information shall be provided via the data carrier or in a document accompanying the packaged product. The contact details shall be clear, understandable and legible.
<p>Justification</p> <p>This only makes sense for consumer packaging and cannot be applied on most commercial and industrial packaging (cardboard, wood, stretch film, ...)</p>	

Amendment 28

Article 26 – paragraph 7

Text proposed by the Commission	Amendment
Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that: (a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use; (b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.	Economic operators using transport packaging in the form of pallets, plastic crates and foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that: (a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use; (b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.
Justification The benefits of return logistics with actors outside the EU is not proven. Pails and drums are industrial sales packaging and not transport packaging.	

Amendment 29

Article 26 – paragraph 9

Text proposed by the Commission	Amendment
Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that: (a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use; (b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;	Deleted
Justification Reusable pallet wrappings and straps are not technically feasible nor justified from an economical and ecological point of view. Being the scope of the proposed Regulation to reduce the volume of waste and improve the circularity of packaging, having ambitious targets in terms of recycled content will fit into the scope, keeping the technical possibility of producing pallet wrapping and straps with recycled content, potentially in closed loop schemes pallet wrapping to pallet wrapping and straps to straps.	

Amendment 30

Article 26 – paragraph 12

Text proposed by the Commission	Amendment
Transport packaging used by an economic operator shall be reusable where it is used for transporting products: (a) between different sites, on which the operator performs its activity; or (b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise,	Transport packaging used by an economic operator shall be for 95% reusable where it is used for transporting products: (a) between different sites, on which the operator performs its activity; or (b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise,

<p>as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation]. This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats.</p>	<p>as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation] as of 2030. This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats.</p>
<p>Justification Given that some kinds of packaging within the broader category of commercial and industrial packaging cannot be totally cleaned; that others have contained toxic products; that reused packaging have to comply with food and safety standards or that for some products tailor-made packaging is needed, a rate of 100 % reuse is not technically feasible. The benefits of return logistics with actors outside the EU are moreover not proven. Intermediate bulk containers, drums and canisters are industrial sales packaging and not transport packaging. The entry into force should be delayed according to the targets set out under Art 26 (7) to (10).</p>	

Amendment 31

Article 26 – paragraph 13

Text proposed by the Commission	Amendment
<p>Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. This obligation applies to pallets, boxes, excluding cardboard, plastic crates, intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.</p>	<p>Economic operators delivering products to another economic operator within the same Member State shall use only 95% of reusable transport packaging for the purpose of the transportation of such products as of 2030. This obligation applies to pallets, boxes, excluding cardboard, plastic crates, intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.</p>
<p>Justification Given that some kinds of packaging within the broader category of commercial and industrial packaging cannot be totally cleaned; that others have contained toxic products; that reused packaging have to comply with food and safety standards or that for some products tailor-made packaging is needed, a rate of 100 % reuse is not technically feasible. Intermediate bulk containers and drums are industrial sales packaging and not transport packaging. The entry into force should be delayed according to the targets set out under Art 26 (7) to (10).</p>	

Amendment 32

Article 26 – paragraph 14

Text proposed by the Commission	Amendment
<p>Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 10 if, during a calendar year, they: (a) placed not more than 1000 kg of packaging on the market; or (b) complied with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as</p>	<p>Deleted</p>

applicable on [OP: Please insert the date = the date of entry into force of this Regulation].	
<p>Justification</p> <p>Setting reuse targets per economic actor would not be a very economic and ecologic effective approach to achieving sustainability goals. Reuse targets should be calculated at member state level and not at individual level. In that case, no exception has to be made for small companies.</p>	

Amendment 33

Article 26 – paragraph 15

Text proposed by the Commission	Amendment
Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 6 if, during a calendar year, they have a sales area of not more than 100 m ² , including also all storage and dispatch areas.	Deleted
<p>Justification</p> <p>Setting reuse targets per economic actor would not be a very economic and ecologic effective approach to achieving sustainability goals. Reuse targets should be calculated at member state level and not at individual level. In that case, no exception has to be made for small companies.</p>	

Amendment 34

Article 27 – paragraph 3

Text proposed by the Commission	Amendment
For the purpose of demonstrating the attainment of the targets laid down in Article 26(7) to (10), the economic operator using such packaging shall calculate, for each target separately, the following: (a) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) constituting reusable packaging within a system for re-use they used in a calendar year; (b) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10), other than those indicated in point (a), that they used in a calendar year.	For the purpose of demonstrating the attainment of the targets laid down in Article 26(7) to (10) (10) 13 , the economic operator using such packaging shall calculate, for each target separately, the following: (a) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) (10) 13 constituting reusable packaging within a system for re-use they used in a calendar year; (b) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) (10) 13 , other than those indicated in point (a), that they used in a calendar year.
<p>Justification</p> <p>Within the context of calculation reuse targets at a collective level, there is no justification why (11), (12) and (13) should not be covered.</p>	

Amendment 35

Article 27 – paragraph 4

Text proposed by the Commission	Amendment
By 31 December 2028, the Commission shall adopt implementing acts establishing detailed	By 31 December 2028, the Commission shall adopt implementing acts establishing detailed

<p>calculation rules and methodology regarding the targets set out in Article 26. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>	<p>calculation rules and methodology regarding the targets set out in Article 26. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3). The targets set out in Article 26 shall be calculated as an average for all reusable packaging placed on the market on the territory of the Member State.</p>
<p>Justification Setting reuse targets per economic actor would not be a very economic and ecologic effective approach to achieving sustainability goals. Reuse targets should be calculated at collective level (e.g. member state level) and not at individual level. In that case, no exception has to be made for small companies.</p>	

Amendment 36

Article 28 – paragraph 1

Text proposed by the Commission	Amendment
<p>The economic operators referred to in Article 26(1) to (10) shall report to the competent authority, referred to in Article 35 of this Regulation, data concerning the attainment of the targets laid down in Article 26 for each calendar year.</p>	<p>The economic operators referred to in Article 26(1) to (10) shall report to the competent authority, referred to in Article 35 of this Regulation, data concerning the attainment of the targets laid down in Article 26 for each calendar year.</p>
<p>Justification Within the context of calculation reuse targets at a collective level, there is no justification why (11), (12) and (13) should not be covered.</p>	

Amendment 37

Article 35 – paragraph 1

Text proposed by the Commission	Amendment
<p>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>	<p>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>
<p>Justification Within the context of calculation reuse targets at a collective level, there is no justification why (11), (12) and (13) should not be covered.</p>	

Amendment 38

Article 38 – paragraph 1

Text proposed by the Commission	Amendment
<p>Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018</p>	<p>Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018</p>

as reported to the Commission in accordance with Decision 2005/270/EC, by (a) 5 % by 2030; (b) 10 % by 2035; (c) 15 % by 2040.	as reported to the Commission in accordance with Decision 2005/270/EC, by (a) 5 % by 2030; (b) 10 % by 2035; (c) 15 % by 2040. Prevention targets for grouped packaging and transport packaging will be related to the evolution of the gross domestic product of the industry.
Justification This target cannot be applied to commercial and industrial packaging waste since the waste generated is related to the industrial activity and not to the growth of the population. In other words, the population as such (at a general or individual level) does not provide for a relevant criterion.	

Amendment 39

Article 40 – paragraph 1

Text proposed by the Commission	Amendment
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.	Producers of packaging as defined in Art 3 (10) 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.
Justification In order to reliably calculate the recycling rates achieved per member state, it is important that the companies having EPR remain (1) the companies that package (or have packaged) their goods in order to place them within the member state, and (2) the companies that import packaged goods into the member state. An EPR system based on packaging producers is inefficient in the sense that producers who sell packaging to a company located in a member state have no idea where (in which member state) the packaging will become waste. Calculating recycling rates by member state will not give a credible reflection of reality.	

Amendment 40

Article 45 – paragraph 1

Text proposed by the Commission	Amendment
Member States shall take measures to encourage the set-up of systems for re-use of packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers	Member States shall take measures to encourage the set-up of systems for re-use of household sales packaging and systems for refill in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 24 and 25 and Annex VI of this Regulation and shall not compromise food hygiene or the safety of consumers
Justification This obligation is only relevant for household packaging.	