

## Position Paper - Verordening Verpakkingen en Verpakkingsafval

Brussel, 31 maart 2023

**Valipac verwelkomt het voorstel van Verordening van de Europese Commissie inzake verpakkingen en verpakkingsafval om duidelijke kwantitatieve doelstellingen te formuleren voor het reduceren van verpakkingsafval, om te streven naar harmonisatie in heel Europa en om circulariteit als bedrijfsmodel voor verpakkingen verder te promoten.** Sinds 1998 is Valipac het Belgische ecosysteem zonder winsttoogmerk dat optreedt als collectief antwoord op de uitgebreide producentenverantwoordelijkheid (UPV) voor bedrijfsmatige verpakkingen en dat het overgrote deel van de Belgische industrie bestrijkt (85% marktdekking). Valipac bereikt vandaag al hogere recyclagepercentages voor bedrijfsmatige verpakkingen in België dan de PPWR voor 2030 in Europa voorstelt. Valipac heeft de ambitie om nog verder te gaan in recyclage en circulariteit, maar de PPWR vormt een ernstige bedreiging voor zijn model. Tenzij de tekst wordt aangepast, zal de PPWR een aantal nadelige onbedoelde gevolgen hebben voor het recyclageniveau en de circulariteit van bedrijfsverpakkingen in België, waardoor de positie van België als Europese koploper op het gebied van circulariteit in het gedrang komt. Valipac wil het huidige ecosysteem in België handhaven om hogere niveaus van recyclage en circulariteit te kunnen behouden dan de PPWR beoogt.

### Algemene opmerkingen

- De voorgestelde verordening is **opgesteld in de context van huishoudelijke verpakkingen** (meestal verkoopverpakkingen), met voor het eerst occasionele verwijzingen naar bedrijfsmatige verpakkingen (meestal verzamel- en transportverpakkingen). Bedrijfsmatige verpakkingen verschillen echter fundamenteel van huishoudelijke verpakkingen, bijvoorbeeld wat betreft de bestaande systemen voor inzameling, sortering en recyclage. Op basis van de ervaring van Valipac **bevelen wij ten zeerste aan om bij het vastleggen van doelstellingen en criteria een onderscheid te maken enerzijds "verkoopverpakkingen" en anderzijds "verzamel- en transportverpakkingen"**, en aan te geven of de tekst al dan niet van toepassing is op bedrijfsmatige verpakkingen.
- In bijna alle Lidstaten zijn het bedrijf dat de verpakking gebruikt (de "filler") en de importeur van een verpakt product onderhevig aan de UPV en zijn zij de eerst verantwoordelijke entiteiten in de recyclagewaardeketen, terwijl de gehele waardeketen medeverantwoordelijk is. De PPWR wil **deze verantwoordelijkheid verleggen naar de "verpakkingsproducent"**, waardoor de verantwoordelijkheid uit de gehele waardeketen verdwijnt (artikel 40). **Dit zal leiden tot een volledige, complexe en onnodige wijziging van het UPV-systeem** in de meeste EU-Lidstaten, waardoor het moeilijker zal worden om de recyclagedoelstellingen op lidstaatniveau te halen. Bovendien zal dit initiatieven zoals Valipac belemmeren, die een bewezen staat van dienst hebben op het gebied van recyclage en circulariteit met een UPV-ecosysteem van verpakkers/fillers, hun klanten (bedrijven die de goederen uitpakken), de inzamelaars, recycleurs, traders en de producenten van nieuwe verpakkingen.

- Mutualistische, multimaterialen en multisectoriële initiatieven worden door de PPWR belemmerd, hoewel zij een bewezen staat van dienst hebben bij de verwezenlijking van concrete recyclagedoelstellingen in de Lidstaten. Deze belemmering is te wijten aan het feit dat de PPWR doelstellingen vaststelt op individueel niveau in plaats van op collectief niveau. **De PPWR gaat daarom voorbij aan de economische en ecologische efficiëntie van een mutualistische aanpak** bij het opzetten van speciale organisaties om de PPWR-ambities te verwezenlijken.

### Essentiële Valipac PPWR-amendementen:

1. Overweging 20: definitie toevoegen: “Bij de beoordeling van de recycleerbaarheid van verpakkingen zal rekening worden gehouden met de specificiteit van enerzijds huishoudelijke verkoopverpakkingen en anderzijds bedrijfsmatige verzamel- en transportverpakkingen.”
2. Overweging 70: schrappen. Het vaststellen van hergebruikdoelstellingen per economische actor zou geen zeer economisch en ecologisch effectieve aanpak zijn om duurzaamheidsdoelstellingen te bereiken. Hergebruikdoelstellingen moeten worden berekend op collectief niveau (bijvoorbeeld het niveau van de lidstaten) en niet op individueel niveau. In dat geval hoeft geen uitzondering te worden gemaakt voor kleinere marktdeelnemers.
3. Art. 3 (2). Er moet een onderscheid worden gemaakt tussen consumentenverpakkingen en bedrijfsmatige verpakkingen, aangezien deze totaal verschillend zijn. Een definitie toevoegen: "huishoudelijke verkoopverpakking": verpakking die zo is ontworpen dat zij een verkoopenheid vormt bestaande uit producten en verpakking voor de eindgebruiker of consument op het verkooppunt; Extra definitie: "bedrijfsmatige verkoopverpakking": verpakking die zo is ontworpen dat zij een verkoopenheid vormt bestaande uit producten en verpakking voor de eindgebruiker (niet zijnde een consument) op het verkooppunt.
4. Art 3 (32). Verpakkingen worden als recycleerbaar beschouwd als ze “**op grote schaal**” gerecycleerd worden, d.w.z. ingezameld, gescheiden en gerecycleerd door ten minste 75 % van de bevolking van Unie. Deze definitie kan niet worden toegepast op bedrijfsmatig verpakkingsafval, aangezien het afval bij individuele bedrijven wordt ingezameld. Met andere woorden, de bevolking als zodanig vormt geen relevant criterium.  
*We pleiten ervoor om de definitie van "op grote schaal gerecycleerd" als volgt te wijzigen: "op grote schaal gerecycleerd": de verpakking voldoet aan de eisen van artikel 6 (2), en wordt voor recyclage aanvaard in de meerderheid van de Lidstaten waar de verpakking op de markt wordt gebracht.*
5. Art (3). Er moeten afzonderlijke **Design for recycling (D4R)**richtlijnen worden opgesteld voor huishoudelijke en bedrijfsmatige verpakkingen. De D4R-richtlijnen voor bedrijfsmatige verpakkingen werden reeds ontwikkeld en goedgekeurd door verschillende UPV-systemen in Europa. (<https://valipac.academy/nl/de-modules/duurzame-verpakkingen/design4recycling-guidelines/>)  
*We pleiten ervoor de D4R-criteria voor bedrijfsmatige verpakkingen af te stemmen op wat reeds algemeen wordt toegepast door UPV-organisaties verantwoordelijk voor bedrijfsmatige verpakkingen of goedgekeurd door internationale organisaties zoals EPRO.*

6. Art 26 (12 & 13). Aangezien sommige soorten verpakkingen in de ruimere categorie van **bedrijfsmatige verpakkingen** niet volledig kunnen worden gereinigd, andere toxische producten hebben bevat, hergebruikte verpakkingen moeten voldoen aan voedsel- en veiligheidsnormen en dat voor sommige producten een verpakking op maat nodig is, is een hergebruikpercentage van 100 % technisch niet haalbaar. Bovendien moet voldoende tijd worden uitgetrokken voor de aanpassing van de verpakkingsmachines. Deze aanpassingen zijn een eerste vereiste om de nieuwe doelstellingen inzake hergebruik van verpakkingen te kunnen verwezenlijken. Voor producten die niet op bestelling maar op voorraad worden geproduceerd en waarvan de eindbestemming op het moment van verpakking niet bekend is, kan deze verplichting een extra logistieke complexiteit met zich meebrengen.  
*We pleiten ervoor om vanaf 2030 een doelstelling van 95% vast te stellen op basis van LCA-analyses.*
7. Art 26 (7, 12 & 13). Emmers, Intermediate bulk containers, vaten en bussen zijn bedrijfsmatige verkoopverpakkingen en geen transportverpakkingen.  
*We pleiten ervoor om ze uit Artikel 26, paragrafen 7, 12 en 13 te schrappen.*
8. Art 27. Bedrijven die **herbruikbare** bedrijfsmatige **verpakkingen** gebruiken, maken deel uit van een Europees of mondiaal netwerk aan leveranciers en klanten. Derhalve zijn de poolsystemen op Europese of mondiale schaal actief en worden de pools op mondiale schaal beheerd. De in bijlage XII opgenomen verplichting om per nationaal grondgebied het tonnage verpakkingen te rapporteren dat voor het eerst op de markt wordt gebracht, kan enkel volledig worden gerealiseerd op basis van informatie van wereldwijde poolsystemen.  
*We pleiten voor om de doelstellingen globaal te berekenen voor alle binnen een Lidstaat op de markt gebrachte herbruikbare verpakkingen.*
9. Art 38. **De doelstellingen voor afvalpreventie** zijn vastgesteld per capita. Deze definitie kan niet worden toegepast op bedrijfsmatig verpakkingsafval aangezien het afval bij individuele bedrijven wordt ingezameld. Met andere woorden, de bevolking als zodanig vormt geen relevant criterium.  
*We pleiten ervoor om de doelstellingen voor afvalpreventie van bedrijfsmatige verpakkingen te koppelen aan de evolutie van het bruto binnenlands product van de industrie.*
10. Art 40 De uitgebreide producentenverantwoordelijkheid berust bij **producenten van verpakkingen** voor de verpakkingen die ze voor het eerst op het grondgebied van een Lidstaat op de markt aanbieden. In bijna alle Lidstaten zijn het bedrijf dat de verpakking gebruikt om zijn goederen te verpakken en de importeur van een verpakt product de verantwoordelijke entiteiten. Als dit wordt overgeheveld naar de producent van de verpakking, zou het UPV-systeem in de meeste Lidstaten van de EU volledig veranderen, waardoor de recyclagedoelstellingen op het niveau van de Lidstaten inefficiënt zouden zijn.  
*We pleiten ervoor om "van verpakkingen" uit de eerste zin van Art 40 te schrappen.*

Deze position paper is vertaald in een reeks van 40 amendementen (zie bijlage).

Sinds 1998, biedt **Valipac** bedrijven een collectief antwoord op de Uitgebreide Producentenverantwoordelijkheid voor bedrijfsmatige verpakkingen in België. We zijn een multimateriaal- en multisectorale organisatie die het overgrote deel van de Belgische industrie vertegenwoordigt. Dankzij ons model van de vrije markt, bereiken we zeer hoge recyclagepercentages (91,2%). Onze missie is de overgang van bedrijfsmatige verpakkingen naar de circulaire economie te vergemakkelijken, het circulaire ontwerp van verpakkingen te ondersteunen, het sorteren in bedrijven te stimuleren, de traceerbaarheid en het bewijs van recyclage te verhogen en lokale recyclage te stimuleren.

#### Contact

Valipac


Francis Huysman – Managing Director

Ingrid Bouchez – Manager Public and Regulatory affairs

Koningin Astridlaan 59 A /11 – 1780 Wemmel (Belgium)

 [www.valipac.be](http://www.valipac.be)

 [customer@valipac.be](mailto:customer@valipac.be)

 +32 2 456 83 11

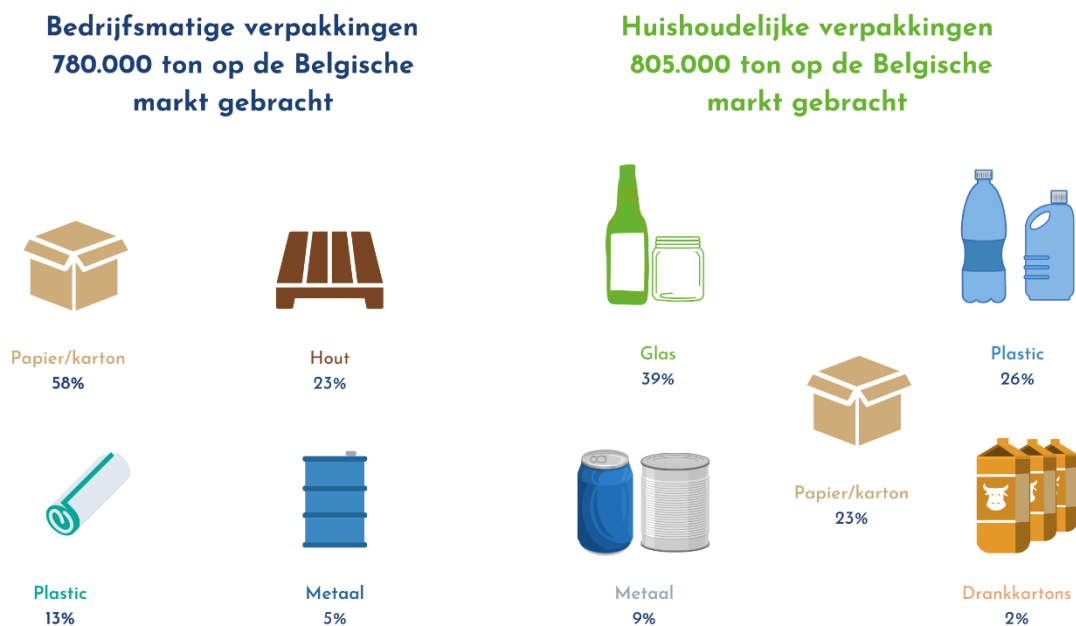


## Addendum

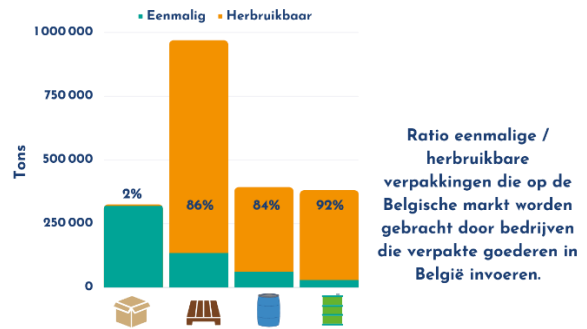
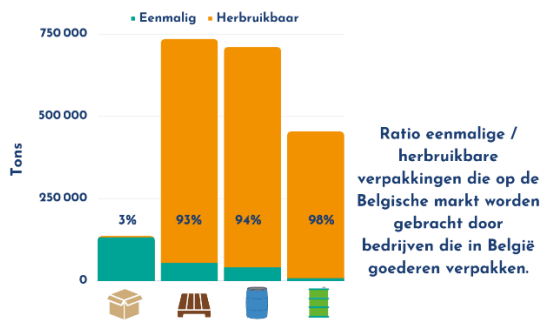
### Waarin verschillen bedrijfsmatige verpakkingen van huishoudelijke?

Bedrijfsmatige verpakkingen worden voor verschillende toepassingen gebruikt. Het zijn verkoop-, verzamel- en transportverpakkingen, die dus andere functies hebben dan huishoudelijke verpakkingen. Het door bedrijven geproduceerde verpakkingsafval verschilt aanzienlijk van bedrijf tot bedrijf qua volume, samenstelling, inzamelingsfrequentie en technische specificaties (bv. om chemicaliën te bevatten). Dit betekent dat bedrijven moeten kunnen rekenen op een op maat gesneden service voor de inzameling, die momenteel bijna uitsluitend wordt verleend door private afvalverwerkingsbedrijven.

Hoewel de hoeveelheid eenmalige bedrijfsmatige verpakkingen vrijwel gelijk is aan die van huishoudelijke verpakkingen, is de samenstelling ervan fundamenteel anders, met veel minder complexe materialen en karton en hout als dominante materialen. Bedrijfsmatige kunststof verpakkingen zijn hoofdzakelijk gemaakt van monomateriaal, LDPE, HDPE en PP terwijl huishoudelijke verpakkingen vooral bestaan uit PET, HDPE en meerlagige verpakkingen. Bedrijfsmatige verpakkingen zijn dus minder complex dan huishoudelijke verpakkingen en zijn bijna allemaal recycleerbaar. Herbruikbare verpakkingen worden ook vaker gebruikt bij bedrijfsmatige verpakkingen (vooral houten verpakkingen of grote verpakkingen zoals IBC's en vaten).



*Huishoudelijke en bedrijfsmatige verpakkingen in België in 2021 (eenmalige verpakkingen zonder statiegeldsysteem).*



*Ratio bedrijfsmatige eenmalige / herbruikbare verpakkingen die op de Belgische markt worden gebracht.*

## 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  |
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| <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. <b>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.</b> 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><b>Justification</b><br/>           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.<br/>           Although the amount of one-way C&amp;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&amp;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  |
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| 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 <del>end-users</del> <b>consumers</b> about reusability, availability of systems for re-use and location of collection points as regards reusable <b>household sales</b> 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. |
| <b>Justification</b><br>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   |
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| 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 <b>household sales</b> 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 |
| <b>Justification</b><br>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   |
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| 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 |

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| <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 <b>only as much as possible</b> reusable transport packaging with respect to packaging formats such as pallets, foldable plastic boxes, plastic crates, <del>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</del></p> |
| <p><b>Justification</b><br/>         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      |
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| <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><b>Justification</b><br/>         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   |
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| <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 <b>household</b> packaging waste per capita to be achieved by 2030. <b>For grouped and transport packaging waste, the targets will be related to the evolution of the gross domestic product of the industry.</b> 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><b>Justification</b><br/>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   |
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| <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 down in the Treaty and complying with the provisions set out in this Regulation, adopt</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 <del>end users</del> <b>consumers</b> 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 down in the Treaty and complying with the provisions set out in this</p> |

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| provisions which go beyond the minimum targets set out in this Regulation.                          | Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation. |
| Justification<br>Refill targets can only be applied to consumers and not to professional end users. |  |

#### Amendment 8

#### Recital 94

| Text proposed by the Commission  | Amendment  |
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| 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 <del>make available</del> <b>place</b> 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<br>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   |
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| 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 <del>make packaging available</del> <b>place packaging</b> 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<br>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  |
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| As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the | As a specific <b>household sales</b> packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the |

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| <p>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>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<br/>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 targets on a more granular basis than the current targets.</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. <del>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 targets on a more granular basis than the current targets.</del></p> |
| <p>Justification<br/>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.<br/>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  |
|--|--|
| <p>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.</p> | <p>As re-use means that no new packaging is placed on the market, reusable <del>sales</del> packaging that is placed on the market for the first time and <del>wooden</del> packaging that is repaired <b>or reconditioned</b> 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> |
| <p>Justification<br/>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   |
|--|---|
| <p>'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;</p> | <p>'<b>household</b> sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the <del>final user or</del> consumer at the point of sale;<br/><b>Extra definition</b><br/>'<b>commercial and industrial</b> sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the final user <del>or consumer</del> (<b>other than consumer</b>) at the point of sale;</p> |
| <p>Justification<br/>A distinction has to be made between consumer packaging and C&amp;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</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 <del>or it serves only as a means to replenish</del></p> |



|   |   |
|---|---|
| <p>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><del>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;</del><br/> <b>Extra definition</b><br/> <b>'household grouped packaging'</b> 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 <del>end user</del> <b>consumer</b> 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<br/> A distinction has to be made between consumer grouped packaging and C&amp;I grouped packaging since the packaging waste is generated in different locations (household vs companies).</p> |   |

Amendment 15

Article 3 – paragraph 8

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

Amendment 16

Article 3 – paragraph 9

|  |  |
|--|--|
| <p>Text proposed by the Commission<br/> '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>Amendment<br/> 'manufacturer' means any natural or legal person who <del>manufactures</del> <b>places packaging or a packaged product</b> under its own name or <del>trademark, or has packaging designed or manufactured, and uses that packaging on the</del> <b>market</b> for the containment, protection, handling, delivery or presentation of products <del>under its own name or trademark, without it having been placed on the market previously;</del></p> |
| <p>Justification<br/> 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><del>'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;</del><br/> <b>'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.</b></p> |
| <p><b>Justification</b><br/>           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><del>'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;</del><br/> <b>'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;</b></p> |
| <p><b>Justification</b><br/>           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 19

Article 3 – paragraph 32

| Text proposed by the Commission   | Amendment   |
|---|---|
| <p>'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);</p>                                | <p>'recycled at scale' means <b>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</b> <del>collected, sorted and recycled through installed state-of-the-art infrastructure and processes, covering at least 75 % of the Union population,</del> including packaging waste exported from the Union that meets the requirements of Article 47(5);</p> |
| <p><b>Justification</b><br/>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   |
|---|---|
| <p>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).</p>   | <p>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). <b>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</b></p> |
| <p><b>Justification</b><br/>The composition of C&amp;I packaging fundamentally different from household packaging, with much less complex materials and with carboard and wood as dominant materials. The C&amp;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&amp;I packaging is less complex than household packaging and almost all of it are recyclable. Design for recycling criteria have to take into account the specific context of C&amp;I packaging.</p> |   |

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, <del>per unit of packaging</del> <b>calculated as an average for all such packaging material placed on the market on the territory of the Member State:</b></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><b>Justification</b></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.</p> <p>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.</p> <p>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, <del>per unit of packaging</del> <b>calculated as an average for all packaging material placed on the market on the territory of the Member State:</b></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><b>Justification</b></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</p>  |   |

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 <b>commercial and industrial sales packaging, grouped packaging and</b> transport packaging. However, it applies to e-commerce packaging. |
| Justification<br>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. <b>This obligation does not apply to grouped and transport packaging.</b> |
| Justification<br>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 size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product | Manufacturers shall ensure that the <b>household sales</b> packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required |

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|   | 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 <b>household sales</b> 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 <b>household sales packaging</b> 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:<br>(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;<br>(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 <b>and</b> foldable plastic boxes, <del>pails and drums</del> for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:<br>(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;<br>(b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use. |
| Justification<br>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:<br>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;<br>(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;  | Deleted   |
| Justification<br>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:<br>(a) between different sites, on which the operator performs its activity; or | Transport packaging used by an economic operator shall be <b>for 95%</b> reusable where it is used for transporting products:<br>(a) between different sites, on which the operator performs its activity; or |

|   |  |
|---|--|
| <p>(b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable 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>(b) between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation] <b>as of 2030</b>. This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, <del>intermediate bulk containers, drums and canisters</del>, of all sizes and materials, <del>including flexible formats</del>.</p> |
| <p>Justification<br/>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 <b>only 95% of</b> reusable transport packaging for the purpose of the transportation of such products <b>as of 2030</b>. This obligation applies to pallets, boxes, excluding cardboard, plastic crates, <del>intermediate bulk containers, and drums</del>, of all sizes and materials, <del>including flexible formats</del>.</p> |
| <p>Justification<br/>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:<br/>(a) placed not more than 1000 kg of packaging on the market; or</p> | <p>Deleted</p> |

|   |  |
|---|--|
| (b) complied with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as 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 <sup>2</sup> , 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  |
|--|--|
| <p>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:</p> <p>(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;</p> <p>(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.</p> | <p>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:</p> <p>(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;</p> <p>(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.</p> |
| <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   |
|---|---|
| <p>By 31 December 2028, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.</p> <p>The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>   | <p><del>By 31 December 2028, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.</del></p> <p><del>The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).</del></p> <p><b>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.</b></p> |
| <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 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 <del>(4)</del> <b>13</b> 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</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 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 <del>(4)</del> <b>13</b>, Article 27, Article 28 and Article 29.</p> |
| <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 38

Article 38 – paragraph 1

| Text proposed by the Commission  | Amendment  |
|--|--|
| Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by<br>(a) 5 % by 2030;<br>(b) 10 % by 2035;<br>(c) 15 % by 2040.   | Each Member State shall reduce the packaging waste generated <del>per capita</del> , as compared to the packaging waste generated <del>per capita</del> in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by<br>(a) 5 % by 2030;<br>(b) 10 % by 2035;<br>(c) 15 % by 2040.<br><b>Prevention targets for grouped packaging and transport packaging will be related to the evolution of the gross domestic product of the industry.</b> |
| <p>Justification</p> <p>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.</p> |  |

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.  | <del>Producers of packaging</del> <b>as defined in Art 3 (10)</b> 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. |
| <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 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 | Member States shall take measures to encourage the set-up of systems for re-use of <b>household sales</b> 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 |

|   |  |
|---|--|
| Regulation and shall not compromise food hygiene or the safety of consumers | compromise food hygiene or the safety of consumers |
| Justification<br>This obligation is only relevant for household packaging.  |  |