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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	15581/22 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC - Four-column table

Delegations will find in Annex the initial four-column table on the abovementioned proposal, containing the Commission proposal, the European Parliament's amendments and the Council general approach agreed on 18 December 2023, with a view to the interinstitutional negotiations.

Annexes II, V and XII contain tables and are therefore not suitable for displaying in the format of a four-column table. They will be included in an addendum.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (Text with EEA relevance)
2022/0396(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2022/0396 (COD)	2022/0396 (COD)	2022/0396 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (Text with EEA relevance)	
Formula				

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C [...], [...], p. [...].	
Citation 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C [...], [...], p. [...].	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C [...], [...], p. [...].	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Products need packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.	(1) Products need <u>appropriate</u> packaging to be protected and easy to transport from where they are produced to where they are used or consumed. Prevention of barriers to the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause <u>uncertainty and</u> additional cost to the economic operators.	(1) Products need packaging in order to be protected and easy to transport from where they are produced to where they are to be used or consumed. Prevention of barriers ~~to~~ on the internal market for packaging is key for the functioning of the internal market for products. Fragmented rules and vague requirements cause additional cost to the economic operators.	

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Recital 2				
12	(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste¹. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the transition to a circular economy. 1. Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics	(2) In addition, packaging uses high amounts of virgin materials (40 % of plastics and 50 % of paper use in the Union is for packaging) and represents 36 % of municipal solid waste¹. High and constantly growing levels of packaging generated as well as low levels of re-use and <u>collection</u> and poor recycling, present significant barriers to achieving a low-carbon circular economy. For these reasons, this Regulation should establish rules over the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying measures in line with the hierarchy of waste, it should contribute to the transition to a circular economy. 1. Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics	(2) In addition, packaging uses high amounts of virgin materials, (40 % of plastics and 50 % of paper use in the Union is for packaging), and represents 36 % of municipal solid waste¹. High and constantly growing levels of packaging generated as well as low levels of re-use and poor recycling, present significant barriers to achieving a low-carbon circular economy. ~~For these reasons,~~ This Regulation should therefore establish rules ~~over~~covering the entire life-cycle of packaging contributing to the efficient functioning of the internal market by harmonising national measures, while preventing and reducing the adverse impacts of packaging and packaging waste on the environment and human health. By laying down measures in line with the hierarchy of waste, ~~it~~this Regulation should contribute to the transition to a circular economy. 1. Eurostat, Packaging waste statistics: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Packaging_waste_statistics	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 3				
13	(3) European Parliament and Council Directive 94/62/EC¹ lays down requirements for Member States on packaging, such as essential requirements, which relate to the composition of packaging and its reusable and recoverable nature, and recovery and recycling targets. ¹ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	(3) European Parliament and Council Directive 94/62/EC¹ lays down requirements for Member States on packaging, such as essential requirements, which relate to the composition of packaging and its reusable and recoverable nature, and recovery and recycling targets. ¹ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	(3) European Parliament and Council Directive 94/62/EC¹ lays down requirements for Member States on packaging, such as essential requirements, which relate to the composition of packaging and its reusable and recoverable nature, and sets recovery and recycling targets. ¹ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10-23).	
Recital 4				
14	(4) In 2014, a Fitness Check relating to Directive 94/62/EC¹ recommended adaptations of the essential requirements to make them “more concrete and easily enforceable” and to strengthen them, which were seen as a key tool to achieve better environmental performance of packaging. ¹ European Commission (2014), Ex-post evaluation of Five Waste Stream Directives, – SWD (2014)209	(4) In 2014, a Fitness Check relating to Directive 94/62/EC¹ recommended adaptations of the essential requirements to make them “more concrete and easily enforceable” and to strengthen them, which were seen as a key tool to achieve better environmental performance of packaging. ¹ European Commission (2014), Ex-post evaluation of Five Waste Stream Directives, – SWD (2014)209	(4) In 2014, a Fitness Check relating to Directive 94/62/EC¹ recommended adaptations ~~of to~~ the essential requirements ~~to make them “more concrete and easily enforceable” and to strengthen them,~~ which were seen as a key tool to achieve better environmental performance of packaging, to make them “more concrete and easily enforceable” and to strengthen them. ¹ European Commission (2014), Ex-post evaluation of Five Waste Stream Directives, – SWD (2014)209	

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	Recital 5			
15	(5) In line with the Green Deal¹, the new Circular Economy Action Plan (CEAP)² commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. It commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source. 1. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN 2. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter	(5) In line with the Green Deal¹, the new Circular Economy Action Plan (CEAP)² commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials ~~and~~, introduce requirements for recycled content in plastic packaging, <u>and assess the need for recycled content requirements for packaging made of materials other than plastic. It highlights the necessity to reduce food waste and encourages circular approaches to the use of water and</u> ~~it~~ commits the Commission to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source. 1. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN 2. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter	(5) In line with the Green Deal¹, the new Circular Economy Action Plan (CEAP)² commits to reinforcing the essential requirements for packaging in view of making all packaging reusable or recyclable by 2030, and to consider other measures to reduce (over)packaging and packaging waste, drive design for re-use and recyclability of packaging, reduce the complexity of packaging materials and introduce requirements for recycled content in plastic packaging. ~~It commits~~ The Commission commits to assess the feasibility of Union-wide labelling that facilitates the correct separation of packaging waste at source. 1. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN 2. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:98:FIN&WT.mc_id=Twitter	

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	Recital 6			
16	(6) Plastic packaging is the most carbon-intensive material and, in terms of fossil fuel use, recycling of plastic waste is approximately five-times better than incineration with energy recovery¹. Just as the European Strategy for Plastics² states, CEAP commits to increase uptake of recycled plastics and contribute to the more sustainable use of plastics. The Union budget and the system of own resources contribute to reducing pollution from plastic packaging waste³. As of 1 January 2021, the Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union introduced a national contribution that is proportional to the quantity of plastic packaging waste that is not recycled in each Member State. This own resource is part of incentives to reduce the consumption of single-use plastics, foster recycling and boost the circular economy. 1. Amadei A., Ardente F., Garcia-Gutierrez P., Klenert D., Nessi S., Tonini D., Tosches D., Saveyn H. (2022), Environmental and economic assessment of	(6) Plastic packaging is the most carbon-intensive material and, in terms of fossil fuel use, recycling of plastic waste is approximately five-times better than incineration with energy recovery¹. Just as the European Strategy for Plastics² states, CEAP commits to increase uptake of recycled plastics and contribute to the more sustainable use of plastics. The Union budget and the system of own resources contribute to reducing pollution from plastic packaging waste³. As of 1 January 2021, the Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union introduced a national contribution that is proportional to the quantity of plastic packaging waste that is not recycled in each Member State. This own resource is part of incentives to reduce the consumption of single-use plastics, foster recycling and boost the circular economy. 1. Amadei A., Ardente F., Garcia-Gutierrez P., Klenert D., Nessi S., Tonini D., Tosches D., Saveyn H. (2022), Environmental and economic assessment of plastic waste recycling, Mechanical, physical and chemical recycling technologies, publication pending.	(6) Plastic packaging is the most carbon-intensive material and, in terms of fossil fuel use, recycling of plastic waste is approximately five-times better than incineration with energy recovery¹. Just as the European Strategy for Plastics² states, CEAP commits to increase uptake of recycled plastics and contribute to the more sustainable use of plastics. The Union budget and the system of own resources contribute to reducing pollution from plastic packaging waste³. As of 1 January 2021, the Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union introduced a national contribution that is proportional to the quantity of plastic packaging waste that is not recycled in each Member State. This own resource ~~is~~forms part of ~~the~~ incentives to reduce the consumption of single-use plastics, foster recycling and boost the circular economy. 1. Amadei A., Ardente F., Garcia-Gutierrez P., Klenert D., Nessi S., Tonini D., Tosches D., Saveyn H. (2022), Environmental and economic assessment of plastic waste recycling, Mechanical, physical and chemical recycling technologies, publication pending. 2. Communication from the Commission to the	

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	plastic waste recycling, Mechanical, physical and chemical recycling technologies, publication pending. 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Strategy for Plastics in a Circular Economy COM(2018)28 final. 3. Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom COM (OJ L 424, 15.12.2020, p. 1).	2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Strategy for Plastics in a Circular Economy COM(2018)28 final. 3. Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom COM (OJ L 424, 15.12.2020, p. 1).	European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Strategy for Plastics in a Circular Economy COM(2018)28 final. 3. Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom COM (OJ L 424, 15.12.2020, p. ~~1~~) 1-10.	
Recital 7				
17	(7) The Council underlined in its Conclusions of December 2020¹, that the revision of Directive 94/62/EC should update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste	(7) The Council underlined in its Conclusions of December 2020¹, that the revision of Directive 94/62/EC should update and establish more concrete, effective and easy to implement provisions to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling packaging in an easily understandable way to inform consumers about its recyclability and where its waste should be discarded to facilitate sorting and	(7) The Council underlined in its Conclusions of December 2020¹, that the revision of Directive 94/62/EC should update and establish more concrete, effective and easy to implement provisions in order to foster to facilitate sustainable packaging in the internal market and minimise the complexity of packaging in order to foster economically feasible solutions, to improve the reusability and recyclability of packaging, as well as minimise substances of concern in packaging materials, especially concerning food packaging materials, and to provide for labelling of packaging in an easily understandable way to inform consumers about ~~its~~the recyclability of packaging and where ~~its~~packaging waste	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be discarded to facilitate sorting and recycling. 1. https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf	recycling. 1. https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf	should be discarded to facilitate ~~sorting and~~ recycling. 1. https://data.consilium.europa.eu/doc/document/ST-13852-2020-INIT/en/pdf https://data.consilium.europa.eu/doc/document/ST-14167-2020-INIT/en/pdf	
Recital 8				
18	(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan¹ reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use. 1. https://www.europarl.europa.eu/doceo/document/TA-A-9-2021-0040_EN.html	(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan¹ reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use. 1. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html	(8) The European Parliament's Resolution of 10 February 2021 on the New Circular Economy Action Plan¹ reiterated the objective of making all packaging reusable or recyclable in an economically viable way by 2030 and called on the Commission to present a legislative proposal including waste reduction measures and targets and ambitious essential requirements in the Packaging and Packaging Waste Directive to reduce excessive packaging, including in e-commerce, improve recyclability and minimise the complexity of packaging, increase recycled content, phase out hazardous and harmful substances, and promote re-use. 1. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html	

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Recital 9				
19	(9) This Regulation complements Regulation [Ecodesign for Sustainable Products]¹, under which packaging is not addressed as a specific product category. However, it should be recalled that with respect to specific products, delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] may establish additional or more detailed requirements for their packaging, in particular in relation to packaging minimisation when design or re-design of products can lead to environmentally less impactful packaging. 1. https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en	(9) This Regulation complements Regulation [Ecodesign for Sustainable Products]¹, under which packaging is not addressed as a specific product category. However, it should be recalled that with respect to specific products, delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] may establish additional or more detailed requirements for their packaging, in particular in relation to packaging minimisation when design or re-design of products can lead to environmentally less impactful packaging. 1. https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en	(9) This Regulation complements Regulation [Ecodesign for Sustainable Products]¹, under which packaging is not addressed as a specific product category. However, it should be recalled that ~~with respect to specific products,~~ it is possible for delegated acts adopted on the basis of Regulation [Ecodesign for Sustainable Products] ~~may~~to establish additional or more detailed requirements for ~~their packaging~~packaging for specific products, in particular in relation to packaging minimisation ~~when~~where the design or re-design of products can lead to environmentally less impactful packaging. 1. ~~https://ec.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en~~ https://ec.europa.commission.europa.eu/info/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products_en	
Recital 9a				
19a		<u>(9a) This Regulation is in line with the</u>		

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		<i><u>objectives set out in ...[the forthcoming directive on environmental claims (2023/0085(COD))], and ...[the forthcoming directive on empowering consumers in the green transition (2022/0092(COD))]. It aims to promote and support substantiated alternatives for more sustainable packaging solutions.</u></i>		
Recital 10				
20	(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.	(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.	(10) This Regulation should apply to all packaging placed on the market in the Union and to all packaging waste, regardless of the type of packaging or the material used. For reasons of legal clarity the definition of packaging under the previous Directive 94/62/EC should be restructured without changing the substance. Sales packaging, grouped packaging and transport packaging should be defined separately avoiding duplication of terminology. Consequently, sales packaging corresponds to primary packaging, grouped packaging to secondary packaging and transport packaging to tertiary packaging.	
Recital 10a				
20a				

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			(10a) Cups, food containers, sandwich bags or other items, which can perform a packaging function, should not be considered as being packaging where they are designed and intended to be sold empty by the final distributor. Such items should only be considered to be packaging where they are designed and intended to be filled at the point of sale, in which case they are considered as ‘service packaging’, or sold by the final distributor containing food and beverages, provided that they perform a packaging function.	
Recital 10b				
20b			(10b) The definition of primary production packaging should not entail an expansion of products being considered as packaging in the sense of this Regulation. The introduction of the definition and its use in the definition of ‘producer’ guarantees that the legal or natural person making this kind of packaging available for the first time is considered to be the producer in the sense of this Regulation and not the primary sector businesses (e.g., the farmers) using this kind of packaging.	
Recital 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags as well as coffee or tea system single-serve units, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging. ¹. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ	(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags ~~as well as coffee or tea~~ <u>or soft after-use</u> system ~~single-serve units~~, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council¹. Furthermore, to ensure coherence regarding end-of-life financial and operational obligations, also all coffee or tea system single-serve units necessary to contain coffee or tea should be treated as packaging. ¹. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	(11) An item, which is an integral part of a product and is necessary to contain, support or preserve that product throughout its lifetime and where all elements of that item are intended to be used, consumed or disposed of together, should not be considered as being packaging given that its functionality is intrinsically linked to it being part of the product. However, in light of the disposal behaviour of consumers regarding tea and coffee bags as well as coffee or tea system single-serve units, which in practice are disposed of together with the product residue leading to the contamination of compostable and recycling streams, those specific items should be treated as packaging. This is in line with the objective to increase the separate collection of bio-waste, as required by Article 22 of Directive 2008/98/EC of the European Parliament and of the Council¹. ~~Furthermore, to ensure~~ and ensures coherence regarding end-of-life financial and operational obligations. Paints, inks and adhesives directly on a product should not be covered by the definition of packaging. However, labels hung directly on or attached to a product including sticky labels attached to fruits and vegetables do fall within the definition of, ~~also all coffee or tea system single-serve units necessary to contain coffee or tea~~	

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	L 312, 22.11.2008, p. 3).		~~should be treated as packaging, since the adhesive is a glue and not a label.~~ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	
Recital 11a				
21a			(11a) Packaging should be placed on the market only if it complies with the sustainability requirements and the labelling requirements laid down in this Regulation. Placing on the market should be considered to take place when the packaging is made available for the first time on the Union market, supplied by the manufacturer or importer for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge. Thus, packaging already placed on the Union market before the date of application of relevant requirements and in the stocks of distributors, including retailers and wholesalers should not need to meet those requirements.	
Recital 12				
22	(12) In line with the waste hierarchy set	(12) In line with the waste hierarchy set out	(12) In line with the waste hierarchy set out	

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	out in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.	in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and preventing the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim at increasing the use of recycled content in packaging, <i>especially in particular</i> in plastic packaging where the uptake of recycled content is very low, <i>as well as higher by strengthening high-quality recycling systems, thereby increasing</i> recycling rates for all packaging and <i>high improving the</i> quality of the resulting secondary raw materials, while reducing other forms of recovery and final disposal.	in Article 4(2) of Directive 2008/98/EC, and in line with life-cycle thinking to deliver the best overall environmental outcome, the measures provided for under this Regulation should aim to reduce aim at reducing the amount of packaging placed on the market in terms of its volume and weight, and ~~preventing~~ to prevent the generation of packaging waste, especially through packaging minimisation, avoiding packaging where it is not needed, and increased re-use of packaging. In addition, the measures aim ~~at increasing~~ to increase the use of recycled content in packaging, especially in plastic packaging where the uptake of recycled content is very low, as well as higher recycling rates for all packaging and high quality of the resulting secondary raw materials while reducing other forms of recovery and final disposal.	
Recital 12a				
22a		<i>(12a) In line with the waste hierarchy which places waste disposal through landfills as the least preferred option, the measures provided for under this Regulation should be complemented by a review of Council Directive 1999/31/EC^{1a}</i>		

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		<u>with the aim to accelerate the phasing-out of landfill of packaging waste.</u> <u>1a. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).</u>		
Recital 13				
23	(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.	(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use <u>as many times as possible</u> or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed. <u>The Commission should be empowered the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in order to supplement this Regulation by establishing a minimum number of rotations for reusable packaging in specific packaging categories.</u>	(13) Packaging should be designed, manufactured and commercialised in such a way as to allow for its re-use or high-quality recycling, and to minimise its impact on the environment during its entire life-cycle and the life cycle of products, for which it was designed.	
Recital 14				
24	(14) In line with the objectives of the Circular Economy Action Plan ¹ and the	(14) In line with the objectives of the Circular Economy Action Plan ¹ and the	(14) In line with the objectives of the Circular Economy Action Plan ⁺ and the	

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	Chemicals Strategy for Sustainability², and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management. 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final. 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, COM/2020/667 final.	Chemicals Strategy for Sustainability², and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation addresses impacts on human health and on the environment and on broader sustainability performance, including circularity, resulting from impacts of substances of concern on the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management. 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final. 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, COM/2020/667 final.	Chemicals Strategy for Sustainability²¹, and to ensure the sound management of chemicals throughout their life cycle and the transition to a toxic-free and circular economy, and considering the relevance of packaging in everyday life, it is necessary that this Regulation ~~addresses impacts~~address the impact of packaging on human health ~~and on~~, the environment and on broader sustainability performance, including circularity, resulting from ~~impacts~~the presence of substances of concern ~~on~~throughout the whole life cycle of packaging, from manufacture to use and end-of life, including, waste management. ~~2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, COM/2020/667 final.~~ 1. Communication from the Commission to the European Parliament, the ~~European Council, the~~ Council, the European Economic and Social Committee and the Committee of the Regions ~~A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98~~Chemicals Strategy for Sustainability Towards a Toxic-Free Environment, COM/2020/667 final.	
Recital 15				
25	(15) Taking into consideration the	(15) Taking into consideration the	(15) Taking into consideration ~~the~~ scientific	

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	scientific and technological progress, packaging should be designed and manufactured in a way as to limit the presence of certain heavy metals and other substances of concern in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have an adverse effect on human health or the environment, throughout their life-cycle.	scientific and technological progress, packaging should be designed and manufactured in a way as to limit the presence of certain heavy metals and other substances of concern in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have an adverse effect on human health or the environment, throughout their life-cycle.	and technological progress, packaging should be designed and manufactured in such a way as to limit the presence of certain heavy metals and other substances of concern in its composition. As stated in the Chemicals Strategy for Sustainability, substances of concern are to be minimised and substituted as far as possible, phasing out the most harmful ones for non-essential societal use, in particular in consumer products. Accordingly, substances of concern as constituents of packaging material or of any of the packaging components should be minimised with the objective to ensure that packaging, as well as materials recycled from packaging, do not have ~~an~~ any adverse effect on human health or the environment, throughout their life-cycle.	
Recital 15a				
25a		<u>(15a) Per- and polyfluorinated alkyl substances (PFASs) are a large family of more than 4 700 man-made chemicals in accordance with 2018 OECD definitions^{1a}. Since their emergence in the late 1940s, PFASs have been used in an increasingly wide range of consumer products and industrial applications, from food</u>		

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		<u>packaging and clothing to electronics, aviation and firefighting foams. They are used for their ability to repel grease and water, as well as for their high stability and resistance to high temperatures, due to their carbon-fluorine bond. That bond is also responsible for their extreme persistence in the environment. Exposure to the most studied PFASs has been associated with a range of adverse health effects^{1b}, including thyroid disease, liver damage, reduced birth weight, obesity, diabetes, hypercholesterolaemia and reduced response to routine vaccinations, as well as increased risk of breast, kidney and testicular cancer.</u>		
Recital 15b				
25b		<u>(15b) On 27 May 2020, Denmark published Order No. 681 of May 25, 2020 'Executive Order on Food Contact Materials and Penal Code for Violation of Related EU Acts' in its Official Gazette (Lovtidende A) to prohibit PFASs chemicals in food contact paper and board materials and articles. Following that example, in light of the health and environmental emergency represented by PFASs and awaiting ECHA's opinion on a wider ban on PFASs for all packaging and</u>		

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		<u>for other sectors all paper, cardboard food packaging containing intentionally added PFASs should not be placed on the Union market.</u>		
Recital 15c				
25c		<u>(15c) Bisphenol A (BPA) is a chemical compound used in the manufacture of materials that come into contact with food, such as reusable plastic tableware or linings for cans, mainly as a protective layer. BPA residues can migrate into food and drink and be ingested by consumers. BPA from sources other than food, including thermal paper, cosmetics and dust, can be absorbed through the skin and by inhalation.</u>		
Recital 15d				
25d		<u>(15d) In a scientific opinion^{1a} published in January 2015, and in light of the availability of new data EFSA's expert groups indicated that exposure to Bisphenol A was likely to have adverse effects on the kidneys and liver. The findings led EFSA experts to significantly reduce the safe level of BPA - from 50 micrograms per kilogram of body weight</u>		

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		<u>per day (µg/kg bw/day) to 4 µg/kg bw/day.</u> <u>1a.</u> https://www.efsa.europa.eu/en/efsajournal/pub/3978		
Recital 15e				
25e		<u>(15e) Considering the danger posed by the presence of Bisphenol A and the risk of migration into food, the presence of intentionally added BPA should be prohibited in packaging that comes into contact with food.</u>		
Recital 16				
26	(16) In line with the Zero Pollution Action Plan ¹ , Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council ² and Regulation (EC) No 1272/2008 of the European Parliament and of the Council ³ should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation.	(16) In line with the Zero Pollution Action Plan ¹ , Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council ² and Regulation (EC) No 1272/2008 of the European Parliament and of the Council ³ should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. Substances in	(16) In line with the Zero Pollution Action Plan ¹ , Union policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability that Regulation (EC) No 1907/2006 of the European Parliament and of the Council ² and Regulation (EC) No 1272/2008 of the European Parliament and of the Council ³ should be reinforced as the cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. Substances in packaging and packaging components are	

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	Substances in packaging and packaging components are therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that the provisions of that Regulation apply for adopting or amending restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged food. 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 2. Regulation (EC) No 1907/2006 of the European	packaging and packaging components are therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that the provisions of that Regulation apply for adopting or amending restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged food. 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals	therefore restricted at source and primarily addressed under Regulation (EC) No 1907/2006 in accordance with the rules and procedures laid out under its Title VIII, in order to protect human health and the environment, along all stages of the life cycle of the substance, including the waste stage. Hence, it should be recalled that ~~the provisions of that Regulation apply for adopting or amending~~ applies to the adoption or amendment of restrictions on substances manufactured for use or used in the production of packaging or packaging components as well as on the placing on the market of substances present in packaging or packaging components. Concerning packaging falling within the scope of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴, it should be recalled that that Regulation applies to ensure a high level of protection of the consumers of packaged food. It is possible that substances in packaging, packaging components and packaging waste are also subject to restrictions in other Union legal acts, such as restrictions and prohibitions established for persistent organic pollutants under Regulation (EU) 2019/1021⁵. 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1). 4. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4–17).	Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1). 4. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4–17).	Committee and the Committee of the Regions Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1). 4. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4–17). 5. Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45–77)	
Recital 17				
27	(17) In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and, as applicable to food	(17) In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and, as applicable to food	(17) In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006, and, as applicable to food contact	

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	contact packaging, to provisions under Regulation (EC) No 1935/2004, it is appropriate, for reasons of consistency, to maintain existing restrictions for lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components.	contact packaging, to provisions under Regulation (EC) No 1935/2004, it is appropriate, for reasons of consistency, to maintain existing restrictions for lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components.	~~packaging, to provisions under~~ materials and articles, and to Regulation (EC) No 1935/2004, it is appropriate, for reasons of consistency, to maintain existing restrictions for lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components.	
Recital 18				
28	(18) Exemptions to the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components are established in Commission Decision 2001/171/EC ¹ and Commission Decision 2009/292/EC ² adopted under Directive 94/62/EC and should be maintained also under this Regulation. However, in order to amend or repeal them as well as to determine, if appropriate, further exemptions from the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components, or to amend the concentration limit value for these metals in this Regulation in order to adapt it to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union	(18) Exemptions to the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components are established in Commission Decision 2001/171/EC ¹ and Commission Decision 2009/292/EC ² adopted under Directive 94/62/EC and should be maintained also under this Regulation. However, in order to amend or repeal them as well as to determine, if appropriate, further exemptions from the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components, or to amend the concentration limit value for these metals in this Regulation in order to adapt it to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission.	(18) Exemptions to the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components are established in Commission Decision 2001/171/EC ¹ and Commission Decision 2009/292/EC ² adopted under Directive 94/62/EC and should be maintained also under this Regulation. However, in order to amend or repeal ~~them~~ as well as to determine, if appropriate, further those exemptions ~~from the concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components, or to amend~~ lower the concentration limit value for ~~these~~ those metals in this Regulation in order to adapt ~~it~~ them to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the	

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	should be delegated to the Commission. 1. Commission Decision 2001/171/EC of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste, OJ L 62, 2.3.2001, p. 20. 2. Commission Decision 2009/292/EC of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, OJ L 79, 25.3.2009, p. 44.	1. Commission Decision 2001/171/EC of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste, OJ L 62, 2.3.2001, p. 20. 2. Commission Decision 2009/292/EC of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, OJ L 79, 25.3.2009, p. 44.	Commission. On the basis of the Commission Communication “Chemicals Strategy for Sustainability Towards a Toxic-Free Environment” the same limit value for hazardous substances is, as a principle, to apply for virgin and recycled material. However, there may be exceptional circumstances where a derogation to that principle may be necessary. In such cases, a different limit value for the recycled material compared to virgin materials should be justified based on a case by case analysis. When amending the existing exemptions from the concentration levels of lead, cadmium, mercury and hexavalent chromium the Commission should take that principle into consideration. 1. Commission Decision 2001/171/EC of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste, OJ L 62, 2.3.2001, p. 20. 2. Commission Decision 2009/292/EC of 24 March 2009 establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, OJ L 79, 25.3.2009, p. 44.	
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29	(19) This Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, with the exception of the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should, however allow for the restriction, primarily for reasons other than chemical or food safety, of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling.	(19) <u>Without prejudice to the restriction of PFAS and Bisphenol A</u> , this Regulation should not enable the restriction of substances based on reasons of chemical safety, or for reasons related to food safety, ~~with the exception of~~ <u>unless there is an unacceptable risk to human health or the environment, including but not limited to</u> the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union legislation. It should, ~~however~~ <u>also</u> allow for the restriction, ~~primarily for reasons other than chemical or food safety,~~ of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling <u>processes</u> .	(19) This Regulation should not enable the restriction of the use of substances based on reasons of chemical safety, or for reasons related to food safety, with the exception of the restrictions on lead, cadmium, mercury and hexavalent chromium that were already established on the basis of Directive 94/62/EC and that should continue to be addressed under this Regulation, given that such restrictions are addressed under other Union ~~legislation~~ legal acts . It should, however allow for the restriction, primarily for reasons other than chemical or food safety, of substances present in packaging and packaging components or used in their manufacturing processes, which negatively affect the sustainability of packaging, in particular as regards its circularity, especially re-use or recycling.	
Recital 20				
30	(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging	(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging	(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one of the most efficient measures to improve ~~the~~ packaging circularity ~~and~~ ,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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, which established them for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers ~~to~~on the internal market and to 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, recyclable packaging should be designed for material recycling and packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II and expressed in grades A, B or C so that the packaging should be considered recyclable and, consequently, allowed to be placed on the market. When a packaging is below the grade C it should be considered technically non-recyclable,	

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			and its placing on the market should be restricted. However, packaging should comply with them ~~only as of those criteria~~ only from 1 January 2030 in order to give sufficient time to the economic operators to adapt.	
Recital 20a				
30a			(20a) Material recycling as defined in this Regulation should complement the definitions of recycling and material recovery in Directive 2008/98/EC. Material recycling keeps resources in circulation within the material economy and should therefore not include the biological treatment of waste. The definition of material recycling under this Regulation should not affect the calculation of the recycling targets set for Member States under this Regulation. Those targets and their calculation are based on the definition of “recycling” under Directive 2008/98/EC.	
Recital 20b				
30b			(20b) High-quality recycling implies that the recycled materials, based on their preserved technical characteristics, are of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			equivalent or higher quality compared to the original material and can be used as a substitute to primary raw materials for packaging or similar applications. The recycled material can be recycled multiple times. To enable the production of high quality recycled raw materials, collection of properly sorted packaging waste is crucial. The difference between material recycling and high-quality recycling is that material recycling recycles the packaging material into materials, while high-quality recycling recycles the packaging into materials of such quality that they can be used as the same quality grade for packaging or other applications where the quality of the recycled material is retained.	
Recital 21				
31	(21) As design for recycling assessment in itself does not ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice based on the state-of-the-art separate collection, sorting and recycling processes and infrastructure actually available in the Union. Related reporting from Member States and, where relevant, economic operators should	(21) As design for recycling assessment in itself does not ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice based on the state-of-the-art separate collection, sorting and recycling processes and infrastructure actually available in the Union. Related reporting from Member States and, where relevant, economic operators should	(21) As design for recycling assessment in itself does not, in itself , ensure that packaging is recycled in practice, it is necessary to establish a uniform methodology and criteria for assessing the recyclability of packaging in practice a chain of custody mechanism ensuring that the packaging waste is effectively recycled at scale based on the state-of-the-art separate collection, and established sorting and recycling processes, proven in an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	support establishing the recyclability “at scale” thresholds and update, on this basis, the recyclability performance grades with respect to the specific packaging materials and categories.	support establishing the recyclability “at scale” thresholds and update, on this basis, the recyclability performance grades with respect to the specific packaging materials and categories.	operational environment. ¹ Consequently, from 2035, a new assessment should be carried out based on the quantity (weight) of the material effectively recycled from each of the packaging categories according to the methodology and thresholds based on Article 6 paragraph 6. The thresholds for recycled at scale should be defined taking into account the target for quantity of annual recycled material set in Article 3(1)(32). Predictably, in 2030, and infrastructure actually available in the Union. Related reporting from Member States will have already reported to the Commission the first data on quantities of packaging waste recycled by packaging category in accordance with the obligations set out in Articles 50(2)(c) and Article 50(4) to monitor them. The producers, in the case of individual fulfilment of extended producer responsibility obligations, the entrusted producer responsibility organisations, or the packaging waste management and, where relevant, economic operators when public authorities are responsible for the organisation of the management of packaging waste, should support	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~establishing the recyclability “at scale” thresholds and update, on this basis, the recyclability performance grades with respect to the specific~~ make sure that the packaging waste is separately collected, sorted and material recycled in installed infrastructure using established processes in a proven operational environment, and should provide the manufacturer with all the technical documentation ensuring that packaging materials and categories is recycled at scale. 1. h2020-wp1415-annex-g-trl_en.pdf (europa.eu)	
Recital 22				
32	(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should	(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at	(22) In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt ~~delegated~~implementing acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging ~~materials and~~ categories, as well as for the assessment of whether the packaging ~~recyclability is~~recycled at scale, including for categories of packaging not listed in this Regulation. ~~In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.	scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.	~~manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.~~	
Recital 23				
33	(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be explained in the technical documentation accompanying the packaging.	(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given limited additional time of five years to comply with the recyclability requirements. The innovative features should be <u>justified, especially concerning the use of new or innovative materials and</u> explained in the technical documentation accompanying the packaging.	(23) In order to stimulate innovation in packaging, it is appropriate to allow that packaging, which presents innovative features resulting in significant improvement in the core function of packaging and has demonstrable environmental benefits, is given ~~limited~~ additional time of ~~five~~ three years to comply with the recyclability requirements. The innovative features and the planned establishment of a recycling path should be explained in the technical documentation accompanying the packaging. This information should be used, among others, to amend where necessary the implementing acts on design for recycling criteria. The economic operator should also notify to the Commission and the competent authority before placing innovative packaging on the market.	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
34	(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council¹ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council², which are in direct contact with the medicinal product, as well as contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council³ and of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁴. These exemptions should apply until 1 January 2035. 1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67). 2. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).	(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply to immediate packaging as defined in Article 1 of Directive 2001/83/EC of the European Parliament and of the Council¹ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council², which are in direct contact with the medicinal product, ~~as well as~~ <u>of contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council³ and of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁴, <u>of contact sensitive plastic packaging for foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013 of the European Parliament and of the Council⁵ as well as packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging needs to comply</u></u>	(24) In order to protect human and animal health and safety, due to the nature of the packaged products and the related requirements, it is appropriate that the recyclability requirements should not apply mandatorily to immediate packaging as defined in ~~Article 1 of Directive 2001/83/EC of the European Parliament and of the Council¹ and in Article 4(25) of Regulation (EU) 2019/6 of the European Parliament and of the Council²~~, which are in direct contact with the medicinal product, as well as outer packaging as defined in the above acts in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product. In addition, the recyclability requirements should not apply mandatorily to contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 of the European Parliament and of the Council³ and of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 of the European Parliament and of the Council⁴ as well as packaging used for transport of dangerous goods as set by Directive 2008/68/EC. Sales packaging made from lightweight wood, cork, textile, rubber, ceramic or porcelain. These exemptions should apply until 1 January 2035 also be exempted,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1). 4. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	<u>with the quality standards of the medicinal product</u>. These exemptions should apply until 1 January 2035. 1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67). 2. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43). 3. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1). 4. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176). <u>5. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).</u>	except from paragraph 6aa, since they are placed on the market in very small quantities, i.e. each category amounts to less than 1% of the weight of the packaging placed in the Union market. 1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67). 2. Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43). 3. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1). 4. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	
Recital 25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
35	(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.	(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees <u>and to ensure that such fees are earmarked to finance the net cost of collection, sorting and recycling of packaging</u>. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.	(25) Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed design for recycling criteria per packaging categories.	
Recital 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
36	(26) To ensure packaging circularity, packaging should be designed and manufactured in such a way as to allow for the increased substitution of virgin materials with recycled materials. The increased use of recycled materials supports the development of the circular economy with well-functioning markets for recycled materials, reduces costs, dependencies and negative environmental impacts related to the use of primary raw materials, and allows for a more resource-efficient use of materials. In relation to the different packaging materials, the lowest input of recycled materials is in plastic packaging. In order to address these concerns in the most appropriate manner, it is necessary to increase the uptake of recycled plastics, by establishing mandatory targets for recycled content in plastic packaging at different levels depending on the contact-sensitivity¹ of different plastic packaging applications, and ensuring that the targets become binding by 2030. In order to incrementally ensure packaging circularity, increased targets should apply as of 2040. 1. Contact sensitive packaging refers to plastic packaging of products covered by Regulation (EC) No 1831/2003 of the European Parliament and of	(26) To ensure packaging circularity, packaging should be designed and manufactured in such a way as to allow for the increased substitution of virgin materials with recycled materials. The increased use of recycled materials supports the development of the circular economy with well-functioning markets for recycled materials, reduces costs, dependencies and negative environmental impacts related to the use of primary raw materials, and allows for a more resource-efficient use of materials. In relation to the different packaging materials, the lowest input of recycled materials is in plastic packaging. In order to address these concerns in the most appropriate manner, it is necessary to increase the uptake of recycled plastics, by establishing mandatory targets for recycled content in plastic packaging at different levels depending on the contact-sensitivity¹ of different plastic packaging applications, and ensuring that the targets become binding by 2030. In order to incrementally ensure packaging circularity, increased targets should apply as of 2040. 1. Contact sensitive packaging refers to plastic packaging of products covered by Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29),	(26) To ensure packaging circularity, packaging should be designed and manufactured in such a way as to allow for the increased substitution of virgin materials with recycled materials. The increased use of recycled materials supports the development of the circular economy with well-functioning markets for recycled materials, reduces costs, dependencies and negative environmental impacts related to the use of primary raw materials, and allows for a more resource-efficient use of materials. In relation to the different packaging materials, the lowest input of recycled materials is in plastic packaging. In order to address these concerns in the most appropriate manner, it is necessary to increase the uptake of recycled plastics, by establishing mandatory targets for recycled content in plastic packaging at different levels depending on the contact-sensitivity¹ of different plastic packaging applications, and ensuring that the targets become binding by 2030. In order to ~~incrementally~~ ensure packaging circularity on an incremental basis, increased targets should apply as of 2040. 1. Contact sensitive packaging refers to plastic packaging of products covered by Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29),	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29), Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (OJ L 338 13.11.2004, p. 4), Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1), Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast) (OJ L 342, 22.12.2009, p. 59), Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1), Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176), Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (OJ L 4, 7.1.2019, p. 1), Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and	Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (OJ L 338 13.11.2004, p. 4), Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1), Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast) (OJ L 342, 22.12.2009, p. 59), Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1), Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176), Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (OJ L 4, 7.1.2019, p. 1), Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43), Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal	Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (OJ L 338 13.11.2004, p. 4), Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1), Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast) (OJ L 342, 22.12.2009, p. 59), Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1), Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176), Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (OJ L 4, 7.1.2019, p. 1), Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43), Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67) and Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43), Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67) and Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13–59).	products for human use (OJ L 311, 28.11.2001, p. 67) and Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13–59).	2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13–59).	
Recital 27				
37	(27) It should be clarified, that paper material resulting from the wood pulping process is not considered to be included in the definition of plastic under point 43 of Article 3.	(27) It should be clarified, that paper material resulting from the wood pulping process is not considered to be included in the definition of plastic under point 43 of Article 3.	(27) It should be clarified, that paper material resulting from the wood pulping process ~~is not~~ should not be considered ~~to be included in~~ as falling within the definition of plastic under point 43 of Article 3 ~~this Regulation.~~	
Recital 28				
38	(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion	(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion	(28) In order to ensure a high level of human and animal health protection in accordance with requirements in Union ~~legislation~~ law and to avoid any risk to the security of supply and to the safety of medicines and safety of medical devices ~~safety~~ , it is appropriate to ~~provide for the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.	from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 ~~and~~, for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746 <u>and for contact-sensitive plastic packaging of foods intended for infants and young children and food for special medical purposes covered by Regulation (EU) No 609/2013</u>. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product. <u>Finally, that exclusion should apply to inks, adhesives, paints, varnishes and lacquers used on packaging and for any plastic part representing less than 5% of the total weight of the whole packaging unit.</u>	~~exclusion~~exclude from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in ~~Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for~~ contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and ~~for~~ contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. ~~This~~That exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in ~~Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6~~ in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.	
	Recital 28a			
	38a			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>(28a) In order to achieve the targets for the integration of recycled content referred to in this Regulation, the Commission should publish, no later than 31 December 2025, a report assessing the possibility of setting targets for the use of bio-based plastic raw materials in packaging in order to achieve the target up to a maximum of 50%, based on sustainability requirements.</u></i>		
Recital 29				
39	(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that the plastic part of each unit of packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.	(29) In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that ~~the plastic part of each unit of packaging~~ <u>plastic packaging, on average per format, per manufacturing plant, and per year</u> contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.	(29) In order to prevent barriers ~~to~~ on the internal market and ensure the efficient implementation of the obligations under this Regulation , economic operators should ensure that the plastic part ~~of each unit of~~ in packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste, per packaging type and format (listed in Table 1 of Annex II), manufacturing plant and year.	
Recital 29a				
39a			(29a) Using the manufacturing plant as a basis for calculation means that a packaging manufacturer will have some	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			flexibility in reaching the minimum percentage of recycled content. Manufacturing plant should be understood as referring only to one industrial facility where packaging is manufactured.	
Recital 30				
40	(30) There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. The most appropriate means to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content in packaging. The fee modulation should be based on common rules for the calculation and verification of the recycled content contained in such packaging.	(30) There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. The most appropriate means to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content in packaging. The fee modulation should be based on common rules for the calculation and verification of the recycled content contained in such packaging.	(30) There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. ~~The most appropriate means~~ One way to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content in packaging. The fee modulation in such cases should be based on common rules for the calculation and verification of the recycled content contained in such packaging.	
Recital 31				
41	(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per unit of post-consumer plastic waste in packaging, the share of recycled content recovered from post-consumer plastic	(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per ~~unit of~~ post-consumer plastic waste in <u>the</u> packaging <u>format, per manufacturing plant, and per year</u> , the share of recycled content	(31) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, from post-consumer plastic waste, per packaging type and format (listed in Table 1 of Annex II), manufacturing plant and	

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	waste present and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	recovered from post-consumer plastic waste present, <u>considering the environmental impact of the recycling process</u> and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	~~year per unit of post-consumer plastic waste in packaging~~, the share of recycled content recovered from ~~obtained from the recovery of the~~ post-consumer plastic waste present, and establishing the format for technical documentation, the Commission should be empowered to adopt implementing provisions, in accordance with ~~Article 5 of~~ Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
	Recital 31a			
41a			(31a) In order to provide an internal market for high-quality recycling of plastics and the use of secondary raw materials, the plastic part in packaging placed on the market should contain a certain minimum percentage of recycled content recovered from post-consumer plastic waste per packaging type and format (listed in Table 1 of Annex II), calculated per manufacturing plant and year. The packaging type should be understood as referring to the predominant polymer the packaging is	

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			made of, while packaging format should be understood as referring to the size and shape of a specific packaging unit.	
Recital 32				
42	(32) Regarding plastic packaging, except where made from polyethylene terephthalate (PET), it will be warranted, sufficiently ahead of the date of application of the related recycled content requirements, to re-assess the availability of suitable recycling technologies for such plastic packaging, also with respect to the state of authorisation under relevant Union rules, and the installation in practice of such technology. Based on this assessment, there might be need to provide for derogations from the recycled content requirements for specific contact sensitive plastic packaging concerned, or to revise the derogations. To that end, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.	(32) Regarding plastic packaging, except where made from polyethylene terephthalate (PET), it will be warranted, sufficiently ahead of the date of application of the related recycled content requirements, to re-assess the availability of suitable recycling technologies for such plastic packaging, also with respect to the state of authorisation under relevant Union rules, and the installation in practice of such technology. Based on this assessment, there might be need to provide for derogations from the recycled content requirements for specific contact sensitive plastic packaging concerned, or to revise the derogations. To that end, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.	(32) It should be recalled that food contact materials containing recycled plastic should comply with the requirements laid down in Regulation (EU) 2022/1616, which includes requirements on recycling technologies. Regarding plastic packaging, except where it is made from polyethylene terephthalate (PET), ~~it will be warranted~~ is appropriate , sufficiently ahead of the date of application of the related recycled content requirements, to re-assess the availability of suitable recycling technologies for such plastic packaging, also with respect to the state of authorisation under relevant Union rules, and the installation in practice of such technology. Based on ~~this~~ that assessment, there might be a need to provide for derogations from the recycled content requirements for specific contact sensitive plastic packaging concerned, or to revise the derogations. To that end, the power to adopt acts in accordance with Article 290 of the ~~Treaty~~ TFEU should be delegated to the Commission.	

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Recital 33				
43	(33) In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of temporarily amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.	(33) ~~In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment,~~ The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ~~temporarily~~ amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.	(33) In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment, the power to adopt acts in accordance with Article 290 of the Treaty TFEU should be delegated to the Commission in respect of temporarily amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess well-reasoned requests from natural and legal persons.	
Recital 33a				
43a		<u>(33a) The Union packaging recycling market should be strengthened in order to improve the recycling rate, avoid landfill and minimise the export of waste to third countries. The development of Union recycling capacities should occur in cooperation with the sector's actors and industries, and be based on a regulated value chain allowing for quality checks.</u>		

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		<u>quality assurance, certification, logistics and pricing.</u>		
Recital 34				
44	(34) For materials other than plastic, such as glass or aluminium, the trend to replace primary raw material with recycled materials is evident and expected to continue because of the development in the legal and economic environment and the consumers' expectations. Nonetheless, the Commission should monitor closely the use of recycled content in packaging materials other than plastics and should assess the appropriateness of proposing to establish further measures, including setting targets, aiming to increase the use of recycled content in packaging other than plastic packaging.	(34) For materials other than plastic, such as glass or aluminium, the trend to replace primary raw material with recycled materials is evident and expected to continue because of the development in the legal and economic environment and the consumers' expectations. Nonetheless, the Commission should monitor closely the use of recycled content in packaging materials other than plastics and should assess the appropriateness of proposing to establish further measures, including setting targets, aiming to increase the use of recycled content in packaging other than plastic packaging.	(34) For materials other than plastic, such as glass or aluminium, the trend to replace primary raw material with recycled materials is evident and expected to continue because of the development in the legal and economic environment and the consumers' expectations. Nonetheless, the Commission should monitor closely the use of recycled content in packaging materials other than plastics and should assess the appropriateness of proposing to establish further measures, including setting targets, aiming to increase the use of recycled content in packaging other than plastic packaging.	
Recital 35				
45	(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be	(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at	(35) The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources, lower quality secondary raw materials and should be prevented at source.	

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	prevented at source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste.	source. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste, <u>for example for products where the separation between the content and packaging is particularly complex, such as tea bags or coffee pods</u> .	In that sense, for compostable packaging Member States should specify the appropriate waste management on their territory. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste.	
Recital 36				
46	(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. Furthermore, where appropriate waste collection schemes and waste treatment infrastructures are available in a Member State, there should be a limited flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its territory. In	(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. ~~Furthermore, where appropriate~~ <u>In addition, the biodegradable waste collection schemes and waste treatment infrastructures are available in a Member State, there should be a limited flexibility in deciding whether to mandate the use of compostable plastics for lightweight plastic carrier bags on its</u>	(36) For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit of using compostable packaging, which enters composting plants, including anaerobic digestion facilities under controlled conditions. Furthermore, where Member States apply the provision established in second paragraph article 22(1) of Waste framework directive and appropriate waste collection schemes and waste treatment infrastructures are available in ~~athose~~ Member State ~~States~~ , there should be a ~~limited~~ flexibility in deciding whether to	

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	order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.	~~territory. In order to avoid consumer confusion about the correct disposal and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams~~ <u>should not lead to the presence of contaminants in the compost. To facilitate the use of compostable packaging that helps collect or dispose of bio-waste, the requirements of EN 13432 "Packaging - Requirements for packaging recoverable by composting and biodegradation - Test scheme and evaluation criteria for final acceptance of packaging" should be revised with regard to composting times, permissible levels of contamination and restrictions on the release of microplastic to allow these materials to be processed in bio-waste treatment facilities in an appropriate manner. In addition, a similar standard for home-composting should be established in the Union.</u>	~~mandate~~ allow, on its territory , the use of compostable plastics for packaging for coffee, tea or other beverage system single-serve units if composed of other than metal packaging material, very lightweight plastic carrier bags on its territory and lightweight plastic carrier bags and other packaging that Members Stats had required them to be compostable before this Regulation. In order to avoid consumer confusion about the correct disposal route and considering the environmental benefit of circularity of the carbon, all other plastic packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.	
Recital 36a				
46a			(36a) As described in the EU policy framework¹, compliance with standards for industrial composting does not imply	

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			decomposition in home composting. In industrial composting, the required conditions are high temperatures (55°C-60°C) and high humidity levels. In home composting, which is carried out by private individuals, including in communities, the actual conditions depend very much on local climate circumstances and consumer practices. Hence, biodegradation in home-composting risks being slower than in industrial composting, or not to be completed. Especially, home composting for plastic packaging should only be considered for specific applications, where the use of such plastics has a clear added value, and in the context of specific local conditions under the supervision of the relevant authorities. 1. EU policy framework on biobased, biodegradable and compostable plastics. Published 30th Nov 2022. https://environment.ec.europa.eu/publications/communication-eu-policy-framework-biobased-biodegradable-and-compostable-plastics_en	
Recital 37				
47	(37) Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use	(37) Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use of such materials is	(37) Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use of such materials is	

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	of such materials is beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend or extend the list of compostable packaging.	beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend or extend the list of compostable packaging.	beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. Commission should present, where appropriate, a legislative proposal to amend or extend the list of compostable packaging.	
Recital 38				
48	(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹ for the purpose of expressing detailed technical specifications of those requirements and take into account, in line with the latest scientific and technological developments, the parameters, including composting times and admissible levels of contamination, which reflect the actual conditions in bio-waste treatment facilities, including anaerobic digestion processes. ¹. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012	(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹ for the purpose of expressing detailed technical specifications of those requirements and take into account, in line with the latest scientific and technological developments, the parameters, including composting times and admissible levels of contamination, which reflect the actual conditions in bio-waste treatment facilities, including anaerobic digestion processes. ¹. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council	(38) In order to facilitate conformity assessment with requirements on compostable packaging, it is necessary to provide for presumption of conformity for compostable packaging ~~which is in conformity~~ in line with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹ ~~for the purpose of expressing~~. When doing so, detailed technical specifications of those requirements ~~and takes~~ should be taken into account, in line with the latest scientific and technological developments. The parameters, including composting times and admissible levels of contamination, ~~which should~~ reflect the actual conditions in bio-waste treatment facilities, including anaerobic digestion processes. The current standard for industrial composting will no longer provide for presumption of	

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	on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 316, 14.11.2012, p. 12).	Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 316, 14.11.2012, p. 12).	conformity since it needs to be revised and replaced by an updated version. However, before there is a new, or updated, harmonised standard available, the current standard can be used as guidance. Regarding home compostable packaging, the Commission may request the development an EN-standardisation as appropriate. 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 316, 14.11.2012, p. 12).	
Recital 39				
49	(39) It should be recalled that all compostable packaging constituting a food contact material is to meet the requirements set out in the Regulation (EC) No 1935/2004.	(39) It should be recalled that all compostable packaging constituting a food contact material is to meet the requirements set out in the Regulation (EC) No 1935/2004.	~~compostable packaging constituting a food contact material is~~ compostable packaging intended to come into contact with food or already in contact with food, including compostable packaging, has to meet the requirements set out in the Regulation (EC) No 1935/2004. Where appropriate, the documentation and information required	

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			according to the Union legislation on food contact materials can also be used as part of the information and documentation required in this Regulation.	
Recital 40				
50	(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000 ¹ , should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial	(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:2000 ¹ , should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products	(40) Packaging should be designed so as to minimise its volume and weight while maintaining its ability to perform the packaging functions and enable recyclability . The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428: ~~2000~~ 2004 ¹ , should therefore be modified. However, before there is a new or updated harmonised standard available, the existing standard, EN 13428:2004, can be used. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own	

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	products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality. 1. Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.	that are registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how, <u>or packaging design that is subject to legal protection under Council Regulation (EC) No 6/2002²</u>. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality. 1. Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction. <u>2. Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002, p. 1).</u>	additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products ~~that are~~ with packaging is registered and protected under the EU geographical indication protection scheme, as part of the Union's objective to protect cultural heritage and traditional know-how including Regulation EU No 1308/2013 for wine, Regulation EU No 2019/787 for spirit drinks, or covered by quality schemes referred to in Regulation EU No 1151/2012 . It should also not compromise packaging design protected under Union or Member States design or trademark legislation or international agreements having effect in one of the Member State. This exception is justified only to the extent that the new rules on packaging minimisation will affect the shape of the packaging in such a way that the trademark can no longer distinguish the marked good from those of another undertaking, and the design can no longer keep its new and individual characteristics. In order to avoid the risk of abuse, the exemption should apply only to trademark and design rights protected before [date of entry into force of this Regulation]. On the other hand, recyclability, the use of recycled content, and	

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			re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality. 1. Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction.	
Recital 41				
51	(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space, grouped and transport packaging, including e-commerce packaging.	(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space, grouped and transport packaging, including e-commerce packaging.	(41) In order to comply with the packaging minimisation requirements, particular attention should be paid to limiting the empty space; in grouped and transport packaging, including e-commerce packaging.	
Recital 42				
52	(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with	(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised	(42) In order to facilitate conformity assessment with requirements on packaging minimisation, it is necessary to provide presumption of conformity for packaging which is in conformity with harmonised	

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	harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.	standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.	standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and specify measurable design criteria, including where appropriate, maximum weight or empty space limits for specific packaging formats as well as by-default, standardised packaging designs that comply with the packaging minimisation requirement.	
Recital 43				
53	(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised. For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable	(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised. For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a maximum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to	(43) To promote the circularity and sustainable use of packaging, reusable packaging and systems for re-use should be incentivised. For that purpose, it is necessary to clarify the notion of reusable packaging and to ensure that it is linked not only to the packaging design, which should enable a ~~maximum~~ minimum number of trips or rotations and maintaining the safety, quality and hygiene requirements when being emptied, unloaded, refilled or reloaded, but also to the setting up of systems for re-use respecting minimum requirements as set out in this Regulation. In order to facilitate conformity assessment with requirements on reusable packaging, it is necessary to provide	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging, it is necessary to provide for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements.	provide for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements.	for presumption of conformity for packaging which is in conformity with harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements and define reusable packaging criteria and formats, including minimum number of trips or rotations, standardised designs, as well as requirements for systems for re-use, including hygiene requirements. The existing standard, EN 13429:2004 will no longer provide for presumption of conformity since it needs to be revised and replaced by an updated version. However, before there is a new or updated harmonised standard available, the existing standard, EN 13429:2004, can be used as guidance.	
Recital 44				
54	(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair	(44) It is necessary to inform consumers and to enable them to appropriately dispose of ~~any~~ packaging waste, ~~including compostable lightweight and very lightweight plastic carrier bags~~ . The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with	(44) It is necessary to inform consumers and to enable them to appropriately dispose of packaging waste, including compostable lightweight and very lightweight plastic carrier bags. The most appropriate manner to do this is to establish a harmonised labelling system based on the material composition of packaging for sorting of waste, and to pair it with corresponding labels on waste	

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	it with corresponding labels on waste receptacles.	corresponding labels on waste receptacles. <u><i>The need for such a harmonised labelling system to be recognised by all citizens irrespective of their circumstances, such as age and language knowledge, should be a guiding factor in their design. This can be achieved through the use of pictograms with minimal language used. This would also serve to minimise the costs for translation of language used, which would otherwise be required.</i></u>	receptacles.	
Recital 44a				
54a		<u><i>(44a) Sorting is an essential step to ensure greater circularity of packaging. The improvement of sorting capacities, notably through technological innovations, should be encouraged in order to allow a better quality of sorting, and thus a better quality of feedstock for recycling.</i></u>		
Recital 45				
55	(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of	(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols	(45) To facilitate consumers in the sorting and disposing of packaging waste, a system of harmonised symbols should be introduced and required to be placed both on packaging and on waste receptacles, thus allowing consumers to match the symbols for the purposes of disposal. The symbols should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	disposal. The symbols should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the mandatory deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.	should enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the mandatory deposit and return systems. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.	enable appropriate waste management as it should provide consumers with information about the composting properties of such packaging, in particular to avoid consumer confusion that compostable packaging is not as such suitable for home-composting or to avoid that compostable packaging is thrown away in nature, but only compostable in industrially controlled conditions. This approach should improve the separate collection of packaging waste, leading to higher quality recycling of packaging waste, and introduce a level of harmonisation of the packaging waste collection systems on the internal market. It is also necessary to harmonise symbols associated with the mandatory deposit and return systems established after the entry into force of the regulation. Member States may require the use of such harmonised label on packaging subject to deposit and return systems established, by virtue of national law, before the entry into force of this Regulation. Considering that it is not collected through municipal waste collection systems, the use of those symbols should not be mandatory for transport packaging with the exception of the e-commerce packaging.	
Recital 46				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
56	(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.	(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.	(46) Labelling of recycled content in packaging should not be mandatory as this information is not critical to ensure the proper end-of-life treatment of packaging. However, manufacturers will be required to meet recycled content targets under this Regulation and they may wish to display that information on their packaging to inform consumers thereof. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the recycled content should be harmonised.	
Recital 46a				
56a			(46a) Labelling of biobased plastic content in packaging should also not be mandatory as there are a number of conditions that biobased plastic have to meet to ensure sustainability and more scientific evidence is necessary to ensure that, over their whole life-cycle, the use of biobased plastic is in line with the principles of circular economy as set out in the Communication from the Commission on an EU policy framework on biobased, biodegradable and compostable plastic.³⁵ However, manufacturers may wish to display that information on their packaging to inform	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			consumers of the biobased plastic content in that packaging. To ensure that this information is communicated in a harmonised manner across the Union, a label to indicate the biobased plastic content should be harmonised.	
Recital 47				
57	(47) 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.	(47) 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.	(47) In order to inform end-users ~~end-users~~ endusers about reusability, availability of systems for re-use and location of collection ~~points~~ channels as regards reusable packaging, such packaging should bear a label and a QR code or other type of standardised, open, digital data carrier should also facilitate contain information which facilitates tracking and the calculation of trips and rotations, or an average estimation if that calculation is not feasible. This label should be voluntary for open loop systems which do not have a system operator. In addition, reusable sales packaging should be clearly identified at the point of sale.	
Recital 48				
58	(48) There should be no multiplication of	(48) There should be no multiplication of	(48) There should be no multiplication of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	labels on packaging. In order to avoid this, where other Union legislation requires information on the packaged product to be available digitally through a data carrier, the information required for the packaging under this Regulation and the information required for the packaged product should be accessible via the same data carrier. That data carrier should comply with the requirements under this Regulation or other applicable Union legislation. In particular, where the packaged product is covered by the Regulation [Ecodesign for Sustainable Products] or other Union legislation requiring a digital product passport, that digital product passport should also be used for providing the relevant information under this Regulation.	labels on packaging. In order to avoid this, where other Union legislation requires information on the packaged product to be available digitally through a data carrier, the information required for the packaging under this Regulation and the information required for the packaged product should be accessible via the same data carrier. That data carrier should comply with the requirements under this Regulation or other applicable Union legislation. In particular, where the packaged product is covered by the Regulation [Ecodesign for Sustainable Products] or other Union legislation requiring a digital product passport, that digital product passport should also be used for providing the relevant information under this Regulation.	labels on packaging. In order to avoid this, where other Union legislation requires information on the packaged product to be available digitally through a data carrier, the information required for the packaging under this Regulation and the information required for the packaged product should be accessible via the same data carrier. That data carrier should comply with the requirements under this Regulation or other applicable Union legislation. In particular, where the packaged product is covered by the Regulation [Ecodesign for Sustainable Products] or other Union legislation requiring a digital product passport, that digital product passport should also be used for providing the relevant information under this Regulation. Where packaging contains substances of concern, it should be marked using a standardised digital marking technology as established in implementing acts adopted by the Commission. This information should enable promoting circularity and to ensure that waste operators have access to relevant information on chemical composition to determine the most appropriate waste management option, according to the waste hierarchy, thus promoting packaging circularity.	
Recital 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system¹, could mislead consumers to believe that packaging bearing such a symbol is always recyclable. ¹. https://www.pro-e.org/the-green-dot-trademark	(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. ~~It should be possible to identify packaging included in the extended producer responsibility scheme by means of an accreditation symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system¹, could mislead consumers to believe that packaging bearing such a symbol is always recyclable.~~ ¹. https://www.pro-e.org/the-green-dot-trademark	(49) To support the implementation of the objectives of this Regulation, consumers should be protected from misleading and confusing information about packaging characteristics and its appropriate end-of-life treatment, for which harmonised labels have been established under this Regulation. It ~~should~~may be possible to identify packaging included in the extended producer responsibility scheme by ~~means of an accreditation~~a corresponding symbol throughout the territory of that system. That symbol should be clear and unambiguous to consumers or users as to the recyclability of packaging. To this end, it could be considered ~~scheme only~~only by means of a QR code or other standardised digital marking technology in order to signify that the Green Dot symbol, which is used in some Member States to signify that a producer has made a financial contribution to a national packaging recovery system¹, could mislead producer fulfils its extended producer responsibility obligations. That symbol should be clear and unambiguous to consumers ~~to believe that packaging bearing such a symbol is always recyclable~~or users as to the recyclability of packaging. ¹. https://www.pro-e.org/the-green-dot-trademark	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 49a				
59a			(49a) Packaging covered by mandatory deposit and return systems should bear a label informing the consumers that such packaging is covered by the system and therefore should be collected through specific collection channels. This label should be a harmonised EU label established by the Commission. Member States may require the use of such harmonised label on packaging subject to deposit and return systems established by virtue of national law before the entry into force of this Regulation.	
Recital 49b				
59b			(49b) [Placeholder: Directive 2005/29/EC works as a ‘safety net’ ensuring a high level of consumer protection in all sectors, complementing more detailed requirements in sector or product-specific Union law, unless in case of conflict between this Directive and other Union rules related to specific aspects of unfair commercial practices, where the latter should prevail and apply to those specific aspects. The proposal for a Directive amending Directives 2005/29/EC and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information, provides that displaying a voluntary sustainability label, which does not meet certain requirements, constitutes an unfair commercial practice.]	
Recital 50				
60	(50) In order to ensure uniform conditions for the implementation of the labelling requirements, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to further improve waste sorting, to establish the conditions for identifying the material composition of packaging by means of digital marking technologies, and to lay down detailed harmonized specifications for the labelling requirements for packaging and waste receptacles established under this Regulation. When developing these specifications, the Commission should take into account scientific or other available technical information, including relevant international standards. In view of the new system, Commission Decision	(50) In order to ensure uniform conditions for the implementation of the labelling requirements, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to further improve waste sorting, to establish the conditions for identifying the material composition of packaging by means of digital marking technologies, and to lay down detailed harmonized specifications for the labelling requirements for packaging and waste receptacles established under this Regulation. When developing these specifications, the Commission should take into account scientific or other available technical information, including relevant international standards. In view of the new system, Commission Decision 97/129/EC ¹ should be repealed as of 42 months after the	(50) In order to ensure uniform conditions for the implementation of the labelling requirements, ~~the power to adopt implementing acts in accordance with Article 291 of the Treaty~~ powers should be delegated ~~to~~ conferred on the Commission to further improve waste sorting, to establish the conditions for identifying the material composition of packaging by means of ~~digital marking~~ standardised, open, digital technologies, and to lay down detailed ~~harmonized~~ harmonised specifications for the labelling requirements for packaging and waste receptacles established under this Regulation. When developing these specifications, the Commission should keep linguistic elements to a minimum and take into account scientific or other available technical information, including relevant international standards. The harmonised	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	97/129/EC¹ should be repealed as of 42 months after the date of entry into force of this Regulation and its content incorporated into this implementing act. 1. Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 50, 20.2.1997, p. 28–31).	date of entry into force of this Regulation and its content incorporated into this implementing act. 1. Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 50, 20.2.1997, p. 28–31).	labelling of packaging subject to a deposit and return system should be designed with consideration given to the variation in the deposit being charged, which may exist between Member States. In view of the new system, Commission Decision 97/129/EC¹ should be repealed as of 42 months after the date of entry into force of this Regulation and its content incorporated into this implementing act. 1. Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ L 50, 20.2.1997, p. 28–31).	
Recital 50a				
60a		<u>(50a) An expert group should be set up with a balanced participation of representatives of Member States and all parties concerned with packaging. The group should be referred to as the "Packaging Forum" and should contribute in particular to preparing, developing and clarifying sustainability requirements, reviewing the effectiveness of established market surveillance mechanisms and assessing any self-regulatory measures</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 51				
61	(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability.	(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability.	(51) Economic operators should ensure that packaging complies with the requirements under this Regulation. They should take appropriate measures to ensure such compliance in relation to their respective roles in the supply chain in order to ensure the free movement of packaging in the internal market and to improve its sustainability.	
Recital 51a				
61a			(51a) Decision No 768/2008/EC of the European Parliament and of the Council¹ provides common principles and reference provisions for the drawing up of legislation harmonising the conditions for the marketing of products. In order to ensure consistency with existing sectorial legislation and to simplify application and enforcement, this Regulation should be aligned to that Decision, unless specific circumstances require a different solution in this Regulation. Therefore, Decision 768/2008/EC should be used as regards certain definitions, general obligations of economic operators, presumption of conformity, formal objections against harmonised standards, notification	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			procedures, and the provisions concerning procedures dealing with products presenting a risk, when not otherwise specified in this Regulation. 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	
Recital 52				
62	(52) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure provided for under this Regulation. Such conformity assessment should therefore remain solely the obligation of the manufacturer.	(52) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure provided for under this Regulation. Such conformity assessment should therefore remain solely the obligation of the manufacturer.	(52) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure provided for under this Regulation. Such conformity assessment should therefore remain solely the obligation of the manufacturer.	
Recital 53				
63	(53) It should be ensured that suppliers of packaging or packaging materials provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials. That information and documentation should be provided in	(53) It should be ensured that suppliers of packaging or packaging materials provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials. That information and documentation should be provided in either	(53) It should be ensured that suppliers of packaging or packaging materials provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials. That information and documentation should be provided in either	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	either paper or electronic form.	paper or electronic form.	paper or electronic form.	
Recital 54				
64	(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.	(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.	(54) In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market ~~comply~~ complies with this Regulation, whether imported as ~~self-standing~~ standalone packaging or in association with a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market ~~comply~~ complies with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.	
Recital 55				
65	(55) 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	(55) 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	(55) When placing packaging on the market, every importer should indicate on the packaging their name, registered trade name or registered ~~trade mark~~ trademark as well as their postal address and, where available, electronic means of communication through	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	through which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications.	which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications.	which it can be contacted. Exceptions should be provided for in cases where the packaging does not allow for such indications.	
Recital 56				
66	(56) As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements.	(56) As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements.	(56) As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements.	
Recital 57				
67	(57) As distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.	(57) As distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.	(57) As distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the ~~product~~ packaging concerned.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 58				
68	(58) Any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	(58) Any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	(58) Any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a ~~product~~ packaging in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	
Recital 59				
69	(59) Ensuring packaging's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant packaging. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	(59) Ensuring packaging's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant packaging. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	(59) Ensuring packaging's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant packaging. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	
Recital 60				
70	(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging	(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to	(60) The problem of excessive packaging waste generation cannot be fully addressed by setting obligations on packaging design. For certain packaging types, obligations to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	types, obligations to reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.	reduce the empty space should be set on economic operators in terms of reducing the empty space when using such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or end user, the empty space ration should not exceed 40 %. In line with the waste hierarchy, it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation. <u>That obligation shall not apply to reusable packaging.</u>	reduce the empty space ratio should be set on economic operators ~~in terms of reducing the empty space when using~~ who fill or otherwise use such packaging. In case of grouped, transport and e-commerce packaging used for supply of products to final distributors or ~~end-user~~ end-user , the empty space ~~ration~~ ratio should not exceed ~~40 %~~ 50 % . In line with the waste hierarchy and to promote packaging innovation with the aim of packaging waste reduction , it should be possible for economic operators using sales packaging as e-commerce packaging to be exempted from this obligation.	
Recital 61				
71	(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the	(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the	(61) In order to ensure a high level of environmental protection in the internal market as well as a high level of food safety and food hygiene, and facilitate the achievement of the packaging waste prevention targets, unnecessary or avoidable packaging should not be allowed to be placed on the market. The list of such packaging formats is provided in Annex V of this Regulation. In order to adapt the list to the technical and scientific progress the power to adopt acts in accordance with Article 290 of the ~~Treaty~~ TFEU should be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Treaty should be delegated to the Commission to amend the list.	Commission to amend the list.	delegated to the Commission. The Commission should publish guidelines explaining in more detail Annex V, including examples of the packaging and guidance as regards the exemptions to the restrictions to amend the list.	
Recital 62				
72	(62) In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing system for re-use should also be a part of the technical documentation of such packaging.	(62) In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing system for re-use should also be a part of the technical documentation of such packaging.	(62) In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing system for re-use should also be a part of the technical documentation of such packaging. Reuse systems can vary in size and geographical coverage and range from smaller local systems to larger systems that may span over one or several Member States'	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			territory.	
Recital 63				
73	(63) Reusable packaging has to be safe for its users. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.	(63) Reusable packaging has to be safe for its users. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.	(63) Reusable packaging has to be safe for its users. Therefore, economic operators offering their products in reusable packaging have to ensure that, before a reusable packaging is used again, it is subject to a reconditioning process, for which requirements should be laid down.	
Recital 64				
74	(64) Reusable packaging becomes waste, in the sense of the Article 3(1) of Directive 2008/98/EC, when its holder discards it, intends to discard it or is obligated to discard it. Reusable packaging in a reconditioning process is normally not considered to be waste.	(64) Reusable packaging becomes waste, in the sense of the Article 3(1) of Directive 2008/98/EC, when its holder discards it, intends to discard it or is obligated to discard it. Reusable packaging in a reconditioning process is normally not considered to be waste.	(64) Reusable packaging becomes waste, in the sense of the Article 3(1) of Directive 2008/98/EC, when its holder discards it, intends to discard it or is obligated to discard it. Reusable packaging in a reconditioning process is normally not considered to be waste.	
Recital 65				
75	(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for	(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting	(65) To incentivise waste prevention, a new concept of 'refill' should be introduced. Refill should be considered as a specific waste prevention measure that counts towards and is necessary for meeting of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meeting of the re-use and refill targets. However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of this Regulation.	~~of the re-use and refill~~ <u>the prevention</u> targets. ~~However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of~~ <u>as set out in</u> this Regulation.	re-use and refill targets. However, containers owned by the consumer, performing a packaging function in the context of refill, such as reusable cups, mugs, bottles or boxes are not packaging in the sense of this Regulation.	
Recital 66				
76	(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.	(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations. <u>Economic actors should be exempted from liability for food safety problems that could arise from the use of containers provided by consumers.</u>	(66) Where economic operators offer the possibility to purchase products through refill, they should ensure that their refill stations meet certain requirements in order to ensure the health and safety of consumers. In this context, where the consumers use their own containers, the economic operators should therefore inform about the conditions for safe refill and use of those containers. In order to encourage refill, economic operators should not provide packaging free of charge or not being a part of deposit and return system at the refill stations.	
Recital 67				
77				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use and refill targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.	(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use ~~and refill~~ targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. ~~The use of~~ Single use packaging for food and beverages filled and consumed, within the premises in the HORECA sector should not be allowed. <u>Consumers should always have the option to purchase food and beverages for take-away in reusable or their own containers at conditions not less favourable than food and beverages offered in single-use packaging. Economic operators selling food or beverages for take-away should offer consumers the option to purchase the</u>	(67) In order to reduce the increasing proportion of packaging that is single use and the growing amounts of packaging waste generated, it is necessary to establish quantitative re-use and refill targets on packaging in sectors, which have been assessed as having the greatest potential for packaging waste reduction, namely food and beverages for take-away, large-white goods and transport packaging. This was appraised based on factors such as existing systems for re-use, necessity of using packaging and the possibility of fulfilling the functional requirements in terms of containment, tidiness, health, hygiene and safety. Differences of the products and their production and distribution systems, were also taken into account. The implementation of such targets should take into account the environmental benefits achieved throughout the whole life cycle of a product. The setting of the targets is expected to support the innovation and increase the proportion of re-use and refill solutions. The use of single use packaging for food and beverages filled and consumed within the premises in the HORECA sector should not be allowed.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>food or beverages in their own containers and the option to purchase beverages in reusable packaging.</u>		
Recital 68				
78	(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.	(68) To increase their effectiveness and ensure the equal treatment of economic operators, ~~the re-use and refill~~ <u>re-use</u> targets should be placed on the ~~economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer~~ <u>final distributors</u>. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or ~~through refill~~ <u>or</u>, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be ~~delegated~~ <u>conferred</u> to the Commission.	(68) To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In ~~cases~~ <u>the case</u> of targets for beverages, ~~they~~ <u>these</u> should be additionally placed ~~also~~ <u>be placed</u> on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. Some specific beverages considered perishable, which are sensitive to microbiological spoilage cause by bacteria or yeasts, need specific aseptic technology to protect them from spoilage while keeping a long shelf life. Therefore, milk and other perishable beverages should be exempted from the obligation to meet the beverage packaging re-use targets. The targets should be calculated as a percentage of sales, volume or weight sold in reusable packaging within a system for re-use or through refill or, in ~~the~~ <u>case</u> of transport packaging, as a percentage of ~~uses~~ <u>number of times used</u>. The targets should be material neutral. In order to ensure uniform	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			conditions for the implementation of targets for re-use and refill, ~~the power to adopt an implementing act in accordance with Article 291 of the Treaty on~~ powers should be conferred on the Commission as regards the methodology for their calculation, should be delegated to the Commission.	
Recital 69				
79	(69) 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 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.	(69) 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 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.	(69) ~~Certain uses~~ In some cases, the use of single use transport packaging formats ~~are is~~ not necessary, as there is a wide range of well-functioning reusable alternatives. In order to ensure that such alternatives are 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 only 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. For some specific transport packaging, which is the case for cardboard boxes, reusable alternatives	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			cannot be an option for contact sensitive products, which need specific washing in between uses and for other applications the number of rotations is very low. Therefore, cardboard boxes should be exempted from the obligation to meet the transport packaging re-use targets.	
Recital 70				
80	(70) 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 2003/361 ¹ , 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	(70) 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 2003/361 ¹ , 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	(70) 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 and~~ fulfil the definition of ~~micro-company~~ micro-enterprise under Commission Recommendation ~~2003/361~~ 2003/361/EC ¹ , 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 ~~TFEU~~ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	preventing the achievement of these targets. 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).	the achievement of these targets. 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).	achievement of these targets. Furthermore, the Commission should publish guidelines explaining in more detail the products in the scope of paragraph 4 of Article 26 due to the complexity of the market for alcoholic as well as non-alcoholic beverages. 1. Commission Recommendation ~~Recommendation~~ 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).	
Recital 71				
81	(71) To enable the verification of compliance with the re-use and refill targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.	(71) To enable the verification of compliance with the re-use ~~and refill~~ targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.	(71) To enable the verification of compliance with the re-use and refill targets, it is necessary that the respective economic operators report to the competent authorities. Economic operators should report the relevant data for each calendar year, starting from 1 January 2030. Member States should make this data publicly available.	
Recital 71a				
81a			(71a) As economic operators may have several different packaging formats, the attainment of the re-use or refill targets	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			should be calculated on the basis of the total number of units of sale, refills or weight of food or the total number of units of sale, refills or volume of beverage made available on the market.	
Recital 72				
82	(72) In view of the continued high consumption levels of plastic carrier bags, inefficient use of resources and their littering potential, it is appropriate to maintain provisions aimed at reaching a sustained consumption reduction of plastic carrier bags, as had already been established by Directive 94/62/EC as amended by the Directive (EU) 2015/720 of the European Parliament and of the Council ¹ . In view of the current divergent approaches and limited reporting requirements on the plastic carrier bags, it is difficult to assess whether the consumption reduction measures taken by the Member States have achieved the objective of a ‘sustained’ reduction in the consumption of such bags and also, if they have not increased the consumption of other types of plastic carrier bags. It is therefore necessary to harmonise a definition of sustained reduction consumption and set a common target as	(72) In view of the continued high consumption levels of plastic carrier bags, inefficient use of resources and their littering potential, it is appropriate to maintain provisions aimed at reaching a sustained consumption reduction of plastic carrier bags, as had already been established by Directive 94/62/EC as amended by the Directive (EU) 2015/720 of the European Parliament and of the Council ¹ . In view of the current divergent approaches and limited reporting requirements on the plastic carrier bags, it is difficult to assess whether the consumption reduction measures taken by the Member States have achieved the objective of a ‘sustained’ reduction in the consumption of such bags and also, if they have not increased the consumption of other types of plastic carrier bags. It is therefore necessary to harmonise a definition of sustained reduction consumption and set a common target as	(72) In view of the continued high consumption levels of plastic carrier bags, inefficient use of resources and their littering potential, it is appropriate to maintain provisions aimed at reaching a sustained consumption reduction of plastic carrier bags, as had already been established by Directive 94/62/EC as amended by the Directive (EU) 2015/720 of the European Parliament and of the Council ¹ . In view of the current divergent approaches and limited reporting requirements on the plastic carrier bags, it is difficult to assess whether the consumption reduction measures taken by the Member States have achieved the objective of a ‘sustained’ reduction in the consumption of such bags and also, if they have not increased the consumption of other types of plastic carrier bags. It is therefore necessary to harmonise a definition of sustained reduction consumption and set a common target as well as introduce new reporting requirements.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	well as introduce new reporting requirements. 1. Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).	well as introduce new reporting requirements. 1. Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).	1. Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).	
Recital 73				
83	(73) In view of the results of the evaluation study on plastic carrier bags¹, further measures need to be taken to reduce the consumption of lightweight plastic carrier bags and assess possible substitution effects with very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns. 1. Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.	(73) In view of the results of the evaluation study on plastic carrier bags¹, further measures need to be taken to reduce the consumption of lightweight plastic carrier bags and assess possible substitution effects with very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns. 1. Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.	(73) In view of the results of the evaluation study on plastic carrier bags¹, further measures need to be taken to reduce the consumption of lightweight plastic carrier bags and assess possible substitution effects with very lightweight plastic carrier bags and thicker plastic carrier bags above 50 microns. 1. Scoping study to assess the feasibility of further EU measures on waste prevention and implementation of the Plastic Bags Directive. Part II, Implementation of the Plastic Bags Directive, Eunomia (2021), published by the Publication Office of the European Union, 2022.	
Recital 73a				
83a		<u>(73a) As very lightweight plastic carrier bags, below 15 microns, have a high potential to become waste and contribute</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>to marine pollution, measures should be taken to restrict their placing on the market except for strictly necessary uses. Those plastic bags should not be placed on the market as packaging for bulk foodstuffs, except for hygienic reasons or for packaging wet bulk foodstuffs such as raw meat, fish or dairy products.</i>		
Recital 74				
84	(74) The measures by Member States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory may include the use of national reduction targets, maintaining or introducing economic instruments as well as marketing restrictions, provided that these restrictions are proportionate and non-discriminatory. Such measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of their composting properties, durability or specific intended use.	(74) The measures by Member States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory may include the use of national reduction targets, maintaining or introducing economic instruments as well as marketing restrictions, provided that these restrictions are proportionate and non-discriminatory. Such measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of their composting properties, durability or specific intended use.	(74) ~~The measures by Member States~~ To achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory, Member States should be able to adopt measures which may include the use of banning these types of plastic carrier bags, implementing national reduction targets, maintaining or introducing economic instruments as well as other marketing restrictions, provided that these ~~restrictions~~ measures are proportionate and non-discriminatory. Such measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their composting properties, durability or specific intended use. Provided that the objectives set out in Article 29 are achieved, Member States may implement the provisions set out in Article 29(1) by means of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			agreements between the competent authorities and the economic sectors concerned.	
Recital 74a				
84a		<u>(74a) A reduction in the use of plastic carrier bags should not lead to a substitution with paper carrier bags. The Commission should monitor the use of paper carrier bags and propose a target, and, if appropriate, measures for the reduction of the consumption of paper carrier bags</u>		
Recital 75				
85	(75) In order to ensure the effective and harmonised application of sustainability requirements set under this Regulation, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods.	(75) In order to ensure the effective and harmonised application of sustainability requirements set under this Regulation, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods.	(75) In order to ensure the effective and harmonised application of sustainability requirements set under this Regulation, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods.	
Recital 76				
86	(76) In order to ensure that there are no barriers to trade on the internal market,	(76) In order to ensure that there are no barriers to trade on the internal market,	(76) In order to ensure that there are no barriers to trade on the internal market,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements on packaging sustainability, including on substances of concern in packaging, compostable packaging, packaging minimisation, reusable packaging and systems for re-use should be harmonised at Union level. In order to facilitate conformity assessment with such requirements, including methods for tests, measurement or calculation, it is necessary to provide for presumption of conformity for packaging and packaged products which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements, especially that the life-cycle of packaging and packaged products, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention.	requirements on packaging sustainability, including on substances of concern in packaging, compostable packaging, packaging minimisation, reusable packaging and systems for re-use should be harmonised at Union level. In order to facilitate conformity assessment with such requirements, including methods for tests, measurement or calculation, it is necessary to provide for presumption of conformity for packaging and packaged products which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements, especially that the life-cycle of packaging and packaged products, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention.	requirements on packaging sustainability, including on substances of concern in packaging, compostable packaging, packaging minimisation, reusable packaging and systems for re-use should be harmonised at Union level. In order to facilitate conformity assessment with such requirements, including methods for tests, measurement or calculation, it is necessary to provide for presumption of conformity for packaging and packaged products which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 for the purpose of expressing detailed technical specifications of those requirements, especially that the life-cycle of packaging and packaged products, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention.	
Recital 77				
87	(77) In the absence of harmonised standards, recourse to common technical specifications should be used as a fall back solution to facilitate the manufacturer's obligation to comply with sustainability requirements, for instance	(77) In the absence of harmonised standards, recourse to common technical specifications should be used as a fall back solution to facilitate the manufacturer's obligation to comply with sustainability requirements, for instance where there are	(77) In the absence of harmonised standards, recourse to common technical specifications should be used as a ~~fall-back~~ fall-back solution to facilitate the manufacturer's obligation to comply with sustainability requirements, for instance where there are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where there are undue delays in establishing a harmonised standard. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common technical specifications adopted by the Commission through implementing acts should also give rise to the presumption of conformity.	undue delays in establishing a harmonised standard. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common technical specifications adopted by the Commission through implementing acts should also give rise to the presumption of conformity.	undue delays in establishing a harmonised standard. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common technical specifications adopted by the Commission through implementing acts should also give rise to the presumption of conformity.	
Recital 78				
88	(78) In order to ensure uniform conditions for the implementation of the recourse to common technical specifications, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to lay down, amend or repeal common technical specifications for the requirements on sustainability, labelling and systems for re-use, and to adopt test, measurement or calculation methods.	(78) In order to ensure uniform conditions for the implementation of the recourse to common technical specifications, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to lay down, amend or repeal common technical specifications for the requirements on sustainability, labelling and systems for re-use, and to adopt test, measurement or calculation methods.	(78) In order to ensure uniform conditions for the implementation of the recourse to common technical specifications, ~~the power to adopt implementing acts in accordance with Article 291 of the Treaty~~ powers should be ~~delegated to~~ conferred on the Commission to lay down, amend or repeal common technical specifications for the requirements on sustainability, labelling and systems for re-use, and to adopt test, measurement or calculation methods. The Commission should take into account the views of relevant bodies or the expert group and should duly consult all relevant stakeholders when preparing the draft implementing acts.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 79				
89	(79) To ensure coherence with other Union law, the conformity assessment procedure should be the internal production control module included in this Regulation based on the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹. 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	(79) To ensure coherence with other Union law, the conformity assessment procedure should be the internal production control module included in this Regulation based on the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹. 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	(79) To ensure coherence with other Union law, the conformity assessment procedure should be the internal production control module included in this Regulation based on the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹. 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	
Recital 80				
90	(80) CE marking on packaging should not indicate compliance of the packaging with the requirements of this Regulation but only indicate compliance of the packaged product with the applicable Union product legislation, if relevant. Indeed, Union product legislation typically requires affixing the CE marking concerning the product either on the product itself or on its packaging. Requiring CE marking on the packaging	(80) CE marking on packaging should not indicate compliance of the packaging with the requirements of this Regulation but only indicate compliance of the packaged product with the applicable Union product legislation, if relevant. Indeed, Union product legislation typically requires affixing the CE marking concerning the product either on the product itself or on its packaging. Requiring CE marking on the packaging to show compliance with the	(80) CE marking on packaging should not indicate compliance of the packaging with the requirements of this Regulation but only indicate compliance of the packaged product with the applicable Union product legislation, if relevant. Indeed, Union product legislation typically requires affixing the CE marking concerning the product either on the product itself or on its packaging. Requiring CE marking on the packaging to show compliance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to show compliance with the requirements of this Regulation can lead to confusion and misunderstanding in relation to the question whether the marking refers to the packaging itself or to the packaged product and ultimately to uncertainties about the effective safety and compliance of the concerned packaged products.	requirements of this Regulation can lead to confusion and misunderstanding in relation to the question whether the marking refers to the packaging itself or to the packaged product and ultimately to uncertainties about the effective safety and compliance of the concerned packaged products.	requirements of this Regulation can lead to confusion and misunderstanding in relation to the question whether the marking refers to the packaging itself or to the packaged product and ultimately to uncertainties about the effective safety and compliance of the concerned packaged products.	
Recital 81				
91	(81) Compliance of packaging itself with the requirements of this Regulation should instead be shown with the EU declaration of conformity.	(81) Compliance of packaging itself with the requirements of this Regulation should instead be shown with the EU declaration of conformity.	(81) Compliance of packaging itself with the requirements of this Regulation should instead be shown with the EU declaration of conformity.	
Recital 82				
92	(82) Manufacturers should draw up an EU declaration of conformity to provide information on the conformity of packaging with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on	(82) Manufacturers should draw up an EU declaration of conformity to provide information on the conformity of packaging with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on economic	(82) Manufacturers should draw up an EU declaration of conformity to provide information on the conformity of packaging with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on economic operators, it should be possible for that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	economic operators, it should be possible for that single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	operators, it should be possible for that single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	
Recital 83				
93	(83) Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ provides a framework for the market surveillance of products and for controls on products from third countries. That Regulation should be applicable to packaging covered by this Regulation in order to ensure that packaging benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	(83) Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ provides a framework for the market surveillance of products and for controls on products from third countries. That Regulation should be applicable to packaging covered by this Regulation in order to ensure that packaging benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	(83) Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ provides a framework for the market surveillance of products and for controls on products from third countries. That Regulation should be applicable to packaging covered by this Regulation in order to ensure that packaging benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation- and market surveillance relating to the marketing of products and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	
Recital 84				
94	(84) Waste management in the Union	(84) Waste management in the Union	(84) Waste management in the Union should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.	should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.	be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent, efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and to contributing to long-term competitiveness. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.	
Recital 85				
95	(85) Despite packaging minimisation requirements and objectives as laid down in Directive 94/62/EC, packaging waste generation has been increasing in absolute terms and on a per capita basis and trends indicate a further steep decline in re-use and refill of packaging amplified by increased on-the-go consumption and e-commerce. As products, materials and consumption patterns have evolved, there has been a significant rise in the use of	(85) Despite packaging minimisation requirements and objectives as laid down in Directive 94/62/EC, packaging waste generation has been increasing in absolute terms and on a per capita basis and trends indicate a further steep decline in re-use and refill of packaging amplified by increased on-the-go consumption and e-commerce. As products, materials and consumption patterns have evolved, there has been a significant rise in the use of single use	(85) Despite packaging minimisation requirements and objectives as laid down in Directive 94/62/EC, packaging waste generation has been increasing in absolute terms and on a per capita basis and trends indicate a further steep decline in re-use and refill of packaging amplified by increased on-the-go consumption and e-commerce. As products, materials and consumption patterns have evolved, there has been a significant rise in the use of single use packaging,	

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	single use packaging, especially single use plastic. This is linked to the retail landscape, with larger distribution networks, manufacturing and packing products on high-speed packaging lines, which exert a combined downward pressure on the market for re-use and refill.	packaging, especially single use plastic. This is linked to the retail landscape, with larger distribution networks, manufacturing and packing products on high-speed packaging lines, which exert a combined downward pressure on the market for re-use and refill.	especially single use plastic. This is linked to the retail landscape, with larger distribution networks, manufacturing and packing products on high-speed packaging lines, which exert a combined downward pressure on the market for re-use and refill.	
Recital 86				
96	(86) In order to monitor and verify compliance of producers and producer responsibility organisations with obligations under Extended Producer Responsibility relating to the collection and treatment of waste from their products it is necessary that Member States designate one or more competent authorities.	(86) In order to monitor and verify compliance of producers and producer responsibility organisations with obligations under Extended Producer Responsibility relating to the collection and treatment of waste from their products it is necessary that Member States designate one or more competent authorities.	(86) In order to monitor and verify compliance of producers and producer responsibility organisations with obligations under Extended Producer Responsibility relating to the collection and treatment of waste from their products it is necessary that Member States designate one or more competent authorities.	
Recital 87				
97	(87) In order to ensure better, timelier and more uniform implementation of the obligations by Member States and anticipate any implementation weaknesses, a system of early warning reports should be maintained to detect shortcomings and allow taking action	(87) In order to ensure better, timelier and more uniform implementation of the obligations by Member States and anticipate any implementation weaknesses, a system of early warning reports should be maintained to detect shortcomings and allow taking action ahead of the deadlines	(87) In order to ensure better, timelier and more uniform implementation of the obligations by Member States and anticipate any implementation weaknesses, a system of early warning reports should be maintained to detect shortcomings and allow taking action ahead of the deadlines for meeting the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ahead of the deadlines for meeting the targets. Extension of this system, which has under Directive 94/62/EC covered the attainment of recycling targets, should include also packaging waste reduction targets to be attained by Member State by 2030 and 2035.	for meeting the targets. Extension of this system, which has under Directive 94/62/EC covered the attainment of recycling targets, should include also packaging waste reduction targets to be attained by Member State by 2030 and 2035.	targets. Extension of this system, which has under Directive 94/62/EC covered the attainment of recycling targets, should include also packaging waste reduction targets to be attained by Member State by 2030 and 2035.	
Recital 88				
98	(88) As management of packaging and packaging waste is an important element of waste management in general, Member States should dedicate a separate chapter to this issue in waste management plans prepared in the execution of obligation laid down in Directive 2008/98/EC. Measures on waste prevention and re-use should be given particular attention.	(88) As management of packaging and packaging waste is an important element of waste management in general, Member States should dedicate a separate chapter to this issue in waste management plans prepared in the execution of obligation laid down in Directive 2008/98/EC. Measures on waste prevention and re-use should be given particular attention.	(88) As management of packaging and packaging waste is an important element of waste management in general, Member States should dedicate a separate chapter to this issue in waste management plans prepared in the execution of obligation laid down in Directive 2008/98/EC. As regard the measures on waste prevention and re-use, they should be given particular attention included in the waste prevention programmes required pursuant to Directive 2008/98/EC. Those chapters should be included in the waste management plan and the waste prevention programme as part of their next regular evaluation as required under Directive 2008/98/EC, or earlier.	
Recital 89				
99				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(89) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC.	(89) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC.	(89) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC.	
Recital 90				
100	(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.	(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and restrict the uses of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.	(90) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important therefore that economic operators take appropriate measures to reduce the waste generation by eliminating excessive packaging and ~~restrict the uses of~~ the use of certain packaging formats, extending the life span of packaging, re-designing products so that no packaging or less packaging can be used, including bulk sales, and by shifting from single use packaging to reusable packaging.	
Recital 91				
101	(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 %	(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018	(91) To achieve an ambitious and sustained reduction in the overall packaging waste generation, targets should be laid down for the reduction of packaging waste per capita to be achieved by 2030. Meeting a target of 5 % reduction in 2030 compared to 2018	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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. <u>Member States which have established a different system for the management of household packaging waste, on one hand, and of industrial and commercial packaging waste, on the other, should have the opportunity to retain their specificity.</u>	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.	
Recital 91a				
101 a		<u>(91a) As part of its Circular Economy Action Plan, the Commission adopted the communication of 16 January 2018 on a European Strategy for Plastics in a Circular Economy to reduce marine pollution, greenhouse gas emissions and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>our European dependence on fossil fuels. With plastic consumption on the rise, the strategy calls for better circularity of plastics and effective prevention measures. In line with that strategy, this Regulation should be an instrument to fight against superficial, unnecessary plastics, in order to reverse the trend of production and consumption of plastics, especially single-use plastics.</u>		
Recital 92				
102	(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use and refill targets, volume thresholds and measures to achieve the sustained reduction of	(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use ~~and targets~~ , refill ~~targets~~ <u>obligations</u> , volume thresholds and measures to achieve the sustained reduction of consumption of	(92) Member States may achieve these targets by economic instruments and other measures to provide incentives for the application of the waste hierarchy, including measures to be implemented through extended producer responsibility schemes, and by promoting the setting up and effective operation of systems for re-use and encouraging economic operators to offer the end users further possibilities to refill. Such measures should be adopted in parallel and in addition to other measures under this Regulation aiming at packaging and packaging waste reduction, such as requirements on packaging minimisation, re-use and refill targets, volume thresholds and measures to achieve the sustained reduction of consumption of lightweight plastic carrier	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumption of lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.	lightweight plastic carrier bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum targets set out in this Regulation.	bags. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum waste prevention targets set out in this Regulation. When implementing such measures, Member States should be aware of the risk of a shift from heavier to lighter packaging materials and should prioritise measures that minimise that risk.	
Recital 93				
103	(93) To implement the polluter pays principle, it is appropriate to lay the obligations for the management of packaging waste on producers, which includes any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council¹, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark. 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive	(93) To implement the polluter pays principle, it is appropriate to lay the obligations for the management of packaging waste on producers, which includes any manufacturer, importer or distributor, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council¹, makes available packaging for the first time within a territory of a Member States on a professional basis under its own name or trademark. 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and	(93) To implement the polluter pays principle, it is appropriate to lay the obligations for the management of packaging waste on producers. To this end, this Regulation builds on the extended producer responsibility (EPR) requirements laid down in Directive 2008/98/EC in order to ensure that the EPR scheme is established to cover the full waste management costs of packaging and to facilitate adequate controls by the competent authorities. This Regulation seeks to clearly define one producer per packaging unit, be it for empty packaging or for packaging containing products. As a general rule, the producer should be the economic operator established in a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	Member State who makes available from within the territory of that Member State packaged products for the first time as a~~which includes any~~ manufacturer, importer or distributor established in the Member State. This includes any offer for distribution, consumption, or use which could result in actual supply. Thus, in the case that a company buys a packaged product from another Member State different from the one where the company is located or from a third country, and supplies this packaged product in that Member State where it is located, that company should be considered the producer as it is the first company making available the packaged product from within the territory of that Member State. With regards to online platforms, the initial offering of a product should be considered as making available in the sense, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council¹, producer definition. However, to minimise any unnecessary administrative burden for small businesses that fill transport packaging, reusable packaging, primary production	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			packaging or service packaging at the point of sale, the producer should be the manufacturer, distributor or importer of such packaging that makes available the packaging available for the first time from within the territory of the Member State, since that economic operator is best placed to comply with the extended producer responsibility obligations. On the other hand, when the packaging or the packaged product is made available by means of distance contracts directly to the enduser, the producer could also be established in another Member State or in a third country. In these cases, if the producer is established in another a Member States on a professional basis under its own name or trademark State, it should appoint an authorised representative for the extended producer responsibility in the Member State where the end user is located. When the producer is established in a third country, Member States may provide that the appointment of an authorised representative for the extended producer responsibility is also mandatory in order to avoid the risk of eluding the extended producer responsibility obligations. 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	
Recital 94				
104	(94) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of the waste from the packaging they make available for the first time on the market of a Member State, it is necessary that a register is established and managed by the competent authority in each Member State and that producers should be obliged to register.	(94) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of the waste from the packaging they make available for the first time on the market of a Member State, it is necessary that a register is established and managed by the competent authority in each Member State and that producers should be obliged to register.	(94) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of the waste from the packaging they make available for the first time on the market of a Member State, it is necessary that a register is established and managed by the competent authority in each Member State and that producers should be obliged to register.	
Recital 95				
105	(95) The registration requirements should be harmonised across the Union to the greatest extent possible so to facilitate registration in particular where producers make packaging available in different Member States. In order to ensure uniform conditions for the implementation of the registration requirements, the power to adopt	(95) The registration requirements should be harmonised across the Union to the greatest extent possible so to facilitate registration in particular where producers make packaging available in different Member States. In order to ensure uniform conditions for the implementation of the registration requirements, the power to adopt implementing acts in accordance with	(95) The registration requirements should be harmonised across the Union to the greatest extent possible so to facilitate registration in particular where producers make packaging available in different Member States. In order to ensure uniform conditions for the implementation of the registration requirements, ~~the power to adopt~~ implementing acts in accordance with Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	~~291 of the Treaty~~ powers should be delegated to ~~be conferred on~~ the Commission to lay down a common format for registration in and reporting to the register, detailing the data to be reported.	
Recital 96				
106	(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer	(96) In line with the polluter-pays principle expressed in Article 191(2) of the Treaty, it is essential that the producers, <u>including e-commerce actors</u> , placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for	(96) In line with the polluter-pays principle expressed in Article 191(2) ~~of the Treaty~~ TFEU, it is essential that the producers placing on the Union market packaging and packaged products take responsibility for their management at their end-of life. It should be recalled that extended producer responsibility schemes need to be established, as provided for in Directive 94/62/EC, by 31 December of 2024, as they are the most appropriate means to achieve this and can have a positive environmental impact by reducing the generation of packaging waste and increasing its collection and recycling. There are wide disparities in the way they are set up, in their efficiency and in the scope of responsibility of producers. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsibility schemes for producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.	producers of packaging, and be complemented by further specific provisions where this is necessary and appropriate.	packaging, and be complemented by further specific provisions where this is necessary and appropriate. For example, in order to facilitate the separate collection of packaging waste, the producers should finance the labelling of waste receptacles. Such an obligation would be in line with the polluter pays principle and the general minimum requirements for EPR schemes established in Directive 2008/98/EC.	
Recital 96a				
106 a			(96a) As regards the extended producer responsibility (EPR) obligations, this Regulation is a lex specialis in relation to Directive 2008/98/EC. That means that the provisions related to EPR in this Regulation should prevail over any conflicting provisions in that Directive. This principle concerns, for example, requirements on producer registration, modulation of EPR fees and reporting.	
Recital 96b				
106 b			(96b) In addition to the harmonised requirement on recyclability for the modulation of the producers' financial contributions to be laid down in delegated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			acts adopted in accordance with this Regulation, Member States should be allowed to use other criteria, such as recycled content, reusability, presence of hazardous substances or other criteria in accordance with Directive 2008/98/EC.	
Recital 97				
107	(97) Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation by the Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility. Member States, when laying down administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance, could differentiate processes for individual producers and producer responsibility organisation to limit the administrative burden on individual producers. It should be recalled that Member States may authorise multiple producer responsibility organisations, as	(97) Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation by the Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility. Member States, when laying down administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance, could differentiate processes for individual producers and producer responsibility organisation to limit the administrative burden on individual producers. It should be recalled that Member States may authorise multiple producer responsibility organisations, as competition among them	(97) Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation by the Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility. Member States, when laying down administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance, could differentiate processes for individual producers and producer responsibility ~~organisation~~ organisations to limit the administrative burden on individual producers. It should be recalled that Member States may authorise multiple producer responsibility organisations, as competition	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competition among them may lead to greater consumer benefits. Moreover, when establishing measures ensuring that arrangements are to be concluded with distributors, public authorities or third parties carrying out waste management, Member States should allow for preliminary, or similar, agreements, and require that binding agreements are concluded only within a reasonable timeframe after the authorisation.	may lead to greater consumer benefits. Moreover, when establishing measures ensuring that arrangements are to be concluded with distributors, public authorities or third parties carrying out waste management, Member States should allow for preliminary, or similar, agreements, and require that binding agreements are concluded only within a reasonable timeframe after the authorisation.	among them may lead to greater consumer benefits. ~~Moreover, when establishing measures ensuring that arrangements are to be concluded with distributors, public authorities or third parties carrying out waste management, Member States should allow for preliminary, or similar, agreements, and require that binding agreements are concluded only within a reasonable timeframe after the authorisation.~~	
Recital 97a				
107 a			(97a) In the case of state-run producer responsibility organisations, as there is no represented producer's mandate, the requirements provided in this Regulation concerning such mandates do not apply. On the other hand, as the extended producer responsibility fee charged by the organisation is categorized as public revenue and in order to follow the budgetary rules that require the public revenue to be based on accurate data, the Member State running the organisation may require more frequent reporting of the information set out in Part B and C of Annex IX to the competent authority responsible for the register by the producer than once a year.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Recital 98			
108	(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council¹ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain from those producers information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.	(98) Regulation (EU) 2022/2065 of the European Parliament and of the Council¹ lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should <u>be bound by certain obligations applicable to producers, unless they prove that the third party for which it facilitates distance selling or delivery has already fulfilled those obligations. Furthermore, they should</u> obtain from those producers information about their compliance with the extended producer responsibility rules set	(98) This Regulation should specify how the traceability of traders' obligations laid down in Regulation (EU) 2022/2065 of the European Parliament and of the Council¹, including Article 30(2) and (3) thereof, are to be applied to ~~lays down rules on the traceability of traders, which more specifically contain obligations for providers of online platforms allowing consumers to conclude distance contracts with producers offering packaging to consumers located in the Union~~ in relation to the registers of producers established pursuant to this Regulation. For the purposes of this Regulation, any producer offering packaging, by means of distance contracts directly to consumers located in a Member State, whether established in a Member State or a third country, should be considered to fall within the definition of trader under Regulation (EU) 2022/2065. In order to prevent free-riding from the extended producer responsibility obligations, it should be specified how such providers of online platforms should fulfil those obligations with regard to the registers of packaging producers established pursuant to this Regulation. In that context, providers of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).	out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065. 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).	online platforms, falling within the scope of Section 4 of Chapter 3III of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers should obtain, in line with Regulation (EU) 2022/2065, from those producers, information about their compliance with the extended producer responsibility rules set out in this Regulation. The rules on traceability of traders selling packaging online are subject to the enforcement rules set out in Regulation (EU) 2022/2065.^(OBJ) 1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).	
Recital 98a				
108 a			(98a) Similar undesirable situations of free-riding could occur in relation to fulfilment service providers. This Regulation includes some provisions to prevent them with a similar approach to that of Regulation (EU) 2022/2065 as regards providers of online platforms.	
Recital 98b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
108 b			(98b) The register of producers established pursuant to this Regulation is to be considered a public register according to Regulation (EU) 2022/2065. Therefore, providers of online platforms allowing consumers to conclude distance contracts with producers should make the best effort to assess whether the information provided by the producers concerned is reliable and complete, in particular by using or verifying freely available official online databases and online interfaces or request the traders concerned to provide trustworthy supporting documents, in accordance with Regulation (EU) 2022/2065. As far as publicly available data according to this Regulation is concerned, “making best efforts” in the sense of the first subparagraph of Article 30(2) of Regulation (EU) 2022/2065 can usually require a verification of the information provided by the producer with the publicly available data according to this Regulation. In particular, this applies if a Member States has established an online interface for automated data reconciliation according to this Regulation.	
Recital 99				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
109	(99) Member States should provide for the measures for the extended producer responsibility under this Regulation, in accordance with the provisions of Directive 2008/98/EC and of this Regulation.	(99) Member States should provide for the measures for the extended producer responsibility under this Regulation, in accordance with the provisions of Directive 2008/98/EC and of this Regulation.	(99) Member States should provide for the measures ~~for implementing~~ the extended producer responsibility, rules on separate collection of packaging waste and the labelling of waste receptacles where under this Regulation does not provide for a full harmonisation on such measures. Furthermore, it should be possible for Member States to provide for additional requirements for the implementation of the extended producer responsibility, in accordance with ~~, in accordance with the provisions of Directive 2008/98/EC and of this Regulation,~~ provided such measures do not create barriers on the internal market. This Regulation does not regulate which operator is responsible for the collection of packaging waste and other national contractual arrangements for packaging waste collection.	
Recital 100				
110	(100) Member States should set up return and collection systems for packaging waste, so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy. The systems should be open for participation for all interested parties, in	(100) Member States should set up return and collection systems for packaging waste, so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy. The systems should be open for participation for all interested parties, in particular for	(100) Member States should set up return and collection systems for packaging waste, so that they are channelled to the most appropriate waste management alternative, according to the waste hierarchy. The systems should be open for participation for all interested parties, in particular for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	particular for economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems should also be applicable for packaging of imported products under non-discriminatory provisions.	economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems should also be applicable for packaging of imported products under non-discriminatory provisions.	economic operators and public authorities and be established taking into account the environment and consumer health, safety and hygiene. Return and collection systems should also be applicable for packaging of imported products under non-discriminatory provisions.	
Recital 100a				
110 a			(100a) Member States might have already established separate waste collection and recycling systems, which are the basis for relevant national authorisations and contractual arrangements, when transposing Article 7 of Directive 94/62/EC in national law. Member States can continue to use these systems provided they correctly implement the obligations under this Regulation.	
Recital 101				
111	(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for	(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of minimum percentage set for recycled	(101) Member States should also take measures promoting recycling which meets the quality standards for the use of the recycled materials in relevant sectors. This obligation is particularly relevant in view of the minimum percentage set for recycled	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recycled content in plastic packaging.	content in plastic packaging.	content in plastic packaging.	
Recital 101a				
111 a		<i><u>(101a) The separate collection of packaging is a crucial step to ensure its circularity, and to ensure a strong market for secondary raw materials. The establishment of a mandatory collection rate is an incentive to develop efficient and targeted collection systems at national level, and thus increase the quantity of waste sorted and potentially recycled.</u></i>		
Recital 102				
112	(102) It has been shown that well-functioning deposit and return systems ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw material	(102) It has been shown that well-functioning deposit and return systems ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw material suitable for closed	(102) It has been shown that well-functioning deposit and return systems ensure a very high collection rate and high-quality recycling , especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates and high-quality recycling of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	suitable for closed loop recycling and reduce beverage containers litter.	loop recycling and reduce beverage containers litter.	material suitable for closed loop recycling and reduce beverage containers litter.	
Recital 103				
113	(103) Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.	(103) Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.	(103) Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging for other products or made of other materials in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. ~~In such situations, a~~ Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, to adopt provisions which go beyond the minimum requirements set out in this Regulation, such as the charge of the deposit at the point of sale in the case of consumption in hospitality premises, or the obligation for all final distributors to accept the deposit bearing packaging regardless of the packaging	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			material and format that they distribute or their sale surface area.	
Recital 103a				
113 a		<i><u>(103a) This Regulation should take into account the diversity of deposit and return systems that exist in the Union, and ensure that technological developments in these systems are not hindered when they meet the conditions and criteria for increasing collection rates and ensuring better quality recycling. For example, digital deposit and return system offers consumers a QR code system, with a refund of the deposit when deposited at a separate collection point at home or on-the-go.</u></i>		
Recital 104				
114	(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . Member States may establish deposit and	(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products, spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . Member States may establish deposit and	(104) Given the nature of the products and the differences in their production and distribution systems, deposit and return systems should however not be obligatory for packaging for wine, aromatised wine products and fruit wine , spirit drinks and milk and milk products listed in Part XVI of Annex I of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹ . However , Member States	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	return systems covering also other packaging. 1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).	return systems covering also other packaging. 1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).	may establish deposit and return systems covering such beverage packaging and also other beverage and non beverage packaging. 1. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).	
Recital 104a				
114 a			(104a) Sparkling wines, liqueur wines and wines that have been granted geographical indications of origin protected under Union legislation present specific and well-established differentiating characteristics which require quality and authenticity standards and particular production practices, such as bottle ageing, which are not compatible with reuse and refilling systems. In addition, the wine sector distribution systems and strong export vocation causes limitations to the effective implementation of reuse and refilling systems. Therefore, packaging of sparkling wines, liqueur wines and wines with Protected Designation of Origin and Geographical Indication should be excluded of the reuse and refilling targets.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 105				
115	(105) All deposit and return systems should comply with the minimum general requirements laid down in this Regulation. Those requirements will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems. The requirements are designed to allow for innovation while offering a level of flexibility to adapt to local circumstances.	(105) All deposit and return systems should comply with the minimum general requirements laid down in this Regulation. Those requirements will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems. The requirements are designed to allow for innovation while offering a level of flexibility to adapt to local circumstances.	(105) By, 1 January 2029, all deposit and return systems for single use plastic beverage bottles and single use metal beverage containers should comply with the ~~minimum general~~ general minimum requirements laid down in this Regulation, with the exception of deposit and return systems established before the entry into force of this Regulation, which achieve the 90 % separate collection target by 1 January 2029. Those requirements will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems. The requirements are designed to allow for innovation while offering a level of flexibility to adapt to local circumstances.	
Recital 106				
116	(106) Member States and all the relevant stakeholders involved in the setting up of the deposit and return systems should strive for the maximum inter-operability of these systems and cooperate to ease the	(106) Member States and all the relevant stakeholders involved in the setting up of the deposit and return systems should strive for the maximum inter-operability of these systems and cooperate to ease the return of	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	return of packaging by consumers, in particular in border areas where it is demonstrated that the lack of interoperability is causing lower return rates.	packaging by consumers, in particular in border areas where it is demonstrated that the lack of interoperability is causing lower return rates.		
<i>Recital 107</i>				
117	(107) Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.	(107) Member States which achieve ~~90 %~~ <i>at least 85%</i> collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.	(107) Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.	
<i>Recital 107a</i>				
117 a			(107a) Member States may choose to implement the deposit and return scheme at a subnational level, taking into account relevant national administrative divisions and the specific situation of overseas territories, as long as they demonstrate the environmental and economic performance of such scheme, and its full consistency with the 90 % collection rate for single use plastic beverage bottles and metal beverage containers set out in this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 108				
118	(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-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.	(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-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 <u>targets</u> and refill <u>targetsobligations</u> in reusable packaging or through refill provided that such requirements will not result in fragmentation of single market and creation of trade barriers.	(108) As a specific packaging waste generation prevention measure, Member States should actively encourage the re-use and refill solutions. They should support the establishment of systems for re-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.	
Recital 108a				
118 a			(108a) Requirements for collection, sorting, redistribution to fillers and cleaning are of a completely different nature for single use deposit and return	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			systems and for deposit-based re-use systems. Therefore, the minimum requirements for deposit and return systems should not apply to deposit-based re-use systems. Requirements specific to the systems for re-use should be applicable instead.	
Recital 109				
119	(109) Directive 94/62/EC was amended by Directive (EU) 2018/852 of the European Parliament and of the Council¹ setting out recycling targets for Member States to be achieved by 2025 and 2030. These targets and the rules for their calculation should be retained. Furthermore, measures facilitating the attainment of these targets should be set up, such as sustainability requirements for packaging, in particular provisions regarding packaging's recyclability. For this reason, it should not be possible to postpone the deadlines for attaining the 2030 recycling targets. 1. Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p. 141).	(109) Directive 94/62/EC was amended by Directive (EU) 2018/852 of the European Parliament and of the Council¹ setting out recycling targets for Member States to be achieved by 2025 and 2030. These targets and the rules for their calculation should be retained. Furthermore, measures facilitating the attainment of these targets should be set up, such as sustainability requirements for packaging, in particular provisions regarding packaging's recyclability. For this reason, it should not be possible to postpone the deadlines for attaining the 2030 recycling targets. 1. Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p. 141).	(109) Directive 94/62/EC was amended by Directive (EU) 2018/852 of the European Parliament and of the Council¹ setting out recycling targets for Member States to be achieved by 2025 and 2030. These targets and the rules for their calculation should be retained. Furthermore, measures facilitating the attainment of these targets should be set up, such as sustainability requirements for packaging, in particular provisions regarding packaging's recyclability. For this reason, it should not be possible to postpone the deadlines for attaining the 2030 recycling targets. 1. Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p. 141).	
Recital 110				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
120	(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows 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.	(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows 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.	(110) Directive 94/62/EC requires the Commission to review the 2030 recycling targets for packaging with the view to maintaining or, if appropriate, increasing them. However, it is not yet appropriate to amend the targets set for 2030 as evidence shows 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~~ granular data on the packaging and packaging waste recycling 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 111				
121	(111) The calculation of the recycling targets should be based on the weight of packaging waste, which enters recycling. Member States should ensure the reliability and accuracy of the data gathered on recycled packaging waste. As a general rule, the actual measurement of the weight of packaging waste counted as recycled should be at the point where packaging waste enters the recycling operation. Nevertheless, in order to limit the administrative burden, Member States should, under strict conditions and by way of derogation from the general rule, be allowed to establish the weight of packaging waste recycled on the basis of measuring the output of any sorting operation, to be corrected with average loss rates occurring before the waste enters the recycling operations. Losses of materials which occur before the waste enters the recycling operation, for instance due to sorting or other preliminary operations, should not be included in the waste amounts reported as recycled. Those losses can be established on the basis of electronic registries, technical specifications, detailed rules on the calculation of average loss rates for various waste streams or other equivalent	(111) The calculation of the recycling targets should be based on the weight of packaging waste, which enters recycling. Member States should ensure the reliability and accuracy of the data gathered on recycled packaging waste. As a general rule, the actual measurement of the weight of packaging waste counted as recycled should be at the point where packaging waste enters the recycling operation. Nevertheless, in order to limit the administrative burden, Member States should, under strict conditions and by way of derogation from the general rule, be allowed to establish the weight of packaging waste recycled on the basis of measuring the output of any sorting operation, to be corrected with average loss rates occurring before the waste enters the recycling operations. Losses of materials which occur before the waste enters the recycling operation, for instance due to sorting or other preliminary operations, should not be included in the waste amounts reported as recycled. Those losses can be established on the basis of electronic registries, technical specifications, detailed rules on the calculation of average loss rates for various waste streams or other equivalent measures. Member States should	(111) The calculation of the recycling targets should be based on the weight of packaging waste, which enters recycling. Member States should ensure the reliability and accuracy of the data gathered on recycled packaging waste. As a general rule, the actual measurement of the weight of packaging waste counted as recycled should be at the point where packaging waste enters the recycling operation. Nevertheless, in order to limit the administrative burden, Member States should, under strict conditions and by way of derogation from the general rule, be allowed to establish the weight of packaging waste recycled on the basis of measuring the output of any sorting operation, to be corrected with average loss rates occurring before the waste enters the recycling operations. Losses of materials which occur before the waste enters the recycling operation, for instance due to sorting or other preliminary operations, should not be included in the waste amounts reported as recycled. Those losses can be established on the basis of electronic registries, technical specifications, detailed rules on the calculation of average loss rates for various waste streams or other equivalent measures. Member States should report on such measures in the quality check reports	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures. Member States should report on such measures in the quality check reports accompanying the data which they report to the Commission on waste recycling. The average loss rates should preferably be established at the level of individual sorting facilities and should be linked to the different main types of waste, different sources (such as household or commercial), different collection schemes and different types of sorting processes. Average loss rates should only be used in cases where no other reliable data are available, in particular in the context of shipment and export of waste. Losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operation where packaging waste is actually reprocessed into products, materials or substances should not be deducted from the weight of the waste reported as recycled.	report on such measures in the quality check reports accompanying the data which they report to the Commission on waste recycling. The average loss rates should preferably be established at the level of individual sorting facilities and should be linked to the different main types of waste, different sources (such as household or commercial), different collection schemes and different types of sorting processes. Average loss rates should only be used in cases where no other reliable data are available, in particular in the context of shipment and export of waste. Losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operation where packaging waste is actually reprocessed into products, materials or substances should not be deducted from the weight of the waste reported as recycled.	accompanying the data which they report to the Commission on waste recycling. The average loss rates should preferably be established at the level of individual sorting facilities and should be linked to the different main types of waste, different sources (such as household or commercial), different collection schemes and different types of sorting processes. Average loss rates should only be used in cases where no other reliable data are available, in particular in the context of shipment and export of waste. Losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operation where packaging waste is actually reprocessed into products, materials or substances should not be deducted from the weight of the waste reported as recycled.	
Recital 112				
122	(112) Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can	(112) Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can be	(112) Where the calculation of the recycling rate is applied to aerobic or anaerobic treatment of biodegradable packaging waste, the amount of waste that enters aerobic or anaerobic treatment can be counted as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be counted as recycled provided that such treatment generates output which is to be used as a recycled product, material or substance. While the output of such treatment is most commonly compost or digestate, other output could also be taken into account provided that it contains comparable quantities of recycled content in relation to the amount of the treated biodegradable packaging waste. In other cases, in line with the definition of recycling, the reprocessing of biodegradable packaging waste into materials which are to be used as fuels or other means to generate energy, which are disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	counted as recycled provided that such treatment generates output which is to be used as a recycled product, material or substance. While the output of such treatment is most commonly compost or digestate, other output could also be taken into account provided that it contains comparable quantities of recycled content in relation to the amount of the treated biodegradable packaging waste. In other cases, in line with the definition of recycling, the reprocessing of biodegradable packaging waste into materials which are to be used as fuels or other means to generate energy, which are disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	recycled provided that such treatment generates output which is to be used as a recycled product, material or substance. While the output of such treatment is most commonly compost or digestate, other output could also be taken into account provided that it contains comparable quantities of recycled content in relation to the amount of the treated biodegradable packaging waste. In other cases, in line with the definition of recycling, the reprocessing of biodegradable packaging waste into materials which are to be used as fuels or other means to generate energy, which are disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	
Recital 113				
123	(113) Where packaging waste materials cease to be waste as a result of a preparatory operation before being actually reprocessed, they should be counted as recycled provided that they are destined for subsequent reprocessing into products, materials or substances, whether for their original or other purposes. End-	(113) Where packaging waste materials cease to be waste as a result of a preparatory operation before being actually reprocessed, they should be counted as recycled provided that they are destined for subsequent reprocessing into products, materials or substances, whether for their original or other purposes. End-of-waste	(113) Where packaging waste materials cease to be waste as a result of a preparatory operation before being actually reprocessed, they should be counted as recycled provided that they are destined for subsequent reprocessing into products, materials or substances, whether for their original or other purposes. End-of-waste materials	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of-waste materials which are to be used as fuels or other means to generate energy, which are backfilled or disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	materials which are to be used as fuels or other means to generate energy, which are backfilled or disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	which are to be used as fuels or other means to generate energy, which are backfilled or disposed of, or which are to be used in any operation that has the same purpose as recovery of waste other than recycling, should not be counted towards the attainment of the recycling targets.	
Recital 113a				
123 a		<u>(113a) While it is important for the Commission to take into account all processing technologies when drafting the delegated acts establishing the recyclability criteria, as well as the criteria for recyclability at scale, it is essential that the Commission further assess the added value of chemical recycling for those fractions that cannot be processed by mechanical recycling technologies. In the context of the objectives that have been set by Regulation (EU) 2021/1119 of the European Parliament and of the Council^{1a}, the Commission should take into account the energy consumption of new technologies, water consumption, material losses and, in the context of the revision of the Union legislative framework on environmental claims, and avoid misleading environmental claims, by</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>limiting those applications to a truly circular approach, excluding, for example, approaches to converting materials into fuel.</u> <u>Ia. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')(OJ L 243, 9.7.2021, p. 1).</u>		
Recital 113b				
123 b		<u>(113b) An economic operator should be able to make environmental claims on packaging placed on the market only if they are substantiated in accordance with the Directive on Green Claims. As regards recyclability, the level of recycled content and reusability, those claims should be possible only for packaging properties exceeding the applicable minimum requirements set out in this Regulation.</u>		
Recital 114				
124	(114) Member States should be enabled to take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that	(114) Member States should be enabled to take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled	(114) Member States should be enabled to take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled	

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	the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004¹ laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC. 1. Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012)2384 (OJ L 163, 20.6.2019, p. 66).	metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004¹ laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC. 1. Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012)2384 (OJ L 163, 20.6.2019, p. 66).	metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004¹ laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC. 1. Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012)2384 (OJ L 163, 20.6.2019, p. 66).	
Recital 115				
125	(115) In the case of exports of packaging waste from the Union for recycling, Regulation (EC) No 1013/2006 of the European Parliament and of the Council¹ applies. 1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).	(115) In the case of exports of packaging waste from the Union for recycling, Regulation (EC) No 1013/2006 of the European Parliament and of the Council¹ applies. 1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).	(115) In the case of exports of packaging waste from the Union for recycling, Regulation (EC) No 1013/2006 of the European Parliament and of the Council¹ applies. 1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).	
Recital 116				
126	(116) As re-use means that no new packaging is placed on the market, reusable sales packaging that is placed on	(116) As re-use means that no new packaging is placed on the market, reusable sales packaging that is placed on the market	(116) As re-use means that no new packaging is placed on the market, reusable sales packaging that is placed on the market	

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	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.	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.	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.	
Recital 117				
127	(117) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of	(117) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as	(117) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, on prevention and management of packaging waste. This information should include availability of re-use arrangements for packaging, meaning of labels displayed on packaging and other instructions on the discarding of packaging waste. Producers and producer responsibility organisations should also inform consumers that packaging marked as compostable means that the packaging is compostable in industrially controlled conditions in bio-waste treatment facilities	

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	information to all end users as well as reporting on packaging should make use of modern information technologies. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.	reporting on packaging should make use of modern information technologies. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.	and not suitable for home composting. No packaging is suitable for biodegradation in nature. The producers should also inform that end users have an important role in ensuring an environmentally optimal management of packaging waste. The disclosure of information to all end users as well as reporting on packaging should make use of modern information technologies. The information should be provided either by classical means, such as posters both indoors and outdoors and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the packaging.	
Recital 117a				
127 a		<u>(117a) Separate out-of-home collection is an important element in order to increase collection rates of packaging, and improve its circularity. Member States and economic actors should be able to take specific measures for separate out-of-home collection, adapted to the location and habits of consumers.</u>		
Recital 118				
128	(118) For each calendar year, Member	(118) For each calendar year, Member	(118) For each calendar year, Member	

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	States should provide the Commission with information on attainment of recycling targets. To evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags, data on consumption of very lightweight plastic carrier bags and thick plastic carrier bags should also be reported to allow for the assessment whether the consumption of these bags has increased in response to the reduction measures targeting lightweight plastic carrier bags. Providing of data on the annual consumption of very thick carrier bags should be voluntary for the Member States. In order to allow assessing whether the mandatory deposit and return systems to be set up by the Member States are effective, or whether exemptions by Member States from the obligation to set up those systems are justified, it is important to obtain information on the collection rate of such packaging through Member States reporting.	States should provide the Commission with information on attainment of recycling targets. To evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags, data on consumption of very lightweight plastic carrier bags and thick plastic carrier bags should also be reported to allow for the assessment whether the consumption of these bags has increased in response to the reduction measures targeting lightweight plastic carrier bags. Providing of data on the annual consumption of very thick carrier bags should be voluntary for the Member States. In order to allow assessing whether the mandatory deposit and return systems to be set up by the Member States are effective, or whether exemptions by Member States from the obligation to set up those systems are justified, it is important to obtain information on the collection rate of such packaging through Member States reporting.	States should provide the Commission with information on attainment of recycling targets. To evaluate the effectiveness of the measures aiming to reduce the consumption of lightweight plastic carrier bags, data on consumption of very lightweight plastic carrier bags and thick plastic carrier bags should also be reported to allow for the assessment whether the consumption of these bags has increased in response to the reduction measures targeting lightweight plastic carrier bags. ~~Providing~~ The provision of data on the annual consumption of very thick carrier bags should be voluntary for the Member States. In order to allow assessing whether the mandatory deposit and return systems to be set up by the Member States are effective, or whether exemptions by Member States from the obligation to set up those systems are justified, it is important to obtain information on the collection rate of such packaging through Member States reporting.	
Recital 119				
129	(119) In order to establish the methodology for assessment of the at scale recyclability, Member States should also report data on recycling rates of	(119) In order to establish the methodology for assessment of the at scale recyclability, Member States should also report data on recycling rates of packaging waste per	(119) In order to establish the methodology for assessment of the at scale recyclability, Member States should also report data on ~~recycling rates of~~ amounts of recycled	

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	packaging waste per packaging material and type, amounts of separately collected packaging waste for each packaging material, amounts of packaging waste placed on the market per material and packaging type, and installed capacities of sorting and recycling. Reporting should be done annually.	packaging material and type, amounts of separately collected packaging waste for each packaging material, amounts of packaging waste placed on the market per material and packaging type, and installed capacities of sorting and recycling. Reporting should be done annually.	packaging waste per packaging material and type, category , and amounts of separately collected packaging waste for each packaging material, amounts of packaging made available on the market for the first time on the territory of the Member State per packaging waste placed on the market per material and packaging type, and installed capacities of sorting and recycling. Reporting should be done annually. category. Reporting should be done annually. The Commission should add those data and publish them to monitor the annual evolution of the recycled at scale packaging waste.	
Recital 120				
130	(120) Member States should report data to the Commission electronically and provide it with a quality check report. In addition, data on recycling targets should be accompanied by a report describing measures undertaken in order to establish an effective system of quality control and traceability of packaging waste.	(120) Member States should report data to the Commission electronically and provide it with a quality check report. In addition, data on recycling targets should be accompanied by a report describing measures undertaken in order to establish an effective system of quality control and traceability of packaging waste.	(120) Member States should report data to the Commission electronically and provide it with a quality check report. In addition, data on recycling targets should be accompanied by a report describing measures undertaken in order to establish an effective system of quality control and traceability of packaging waste.	
Recital 121				
131	(121) In order to ensure uniform	(121) In order to ensure uniform conditions	(121) In order to ensure uniform conditions	

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	conditions for the implementation of the reporting obligations, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to establish rules for calculation and verification of data on attainment of the recycling targets, separate collection rates of packaging covered by the deposit and return system, and data necessary for establishing the methodology for recyclability at scale assessment. This implementing act should also include rules for determination of the amount of packaging waste generated as well as lay down the format for reporting of data. It should also establish the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person and the format for reporting of this data, as this is necessary to support the monitoring and the full implementation of the substantive requirements related to plastic carrier bags, in particular to ensure disaggregated and mandatory reporting on different categories of plastic carrier bags. This implementing act should replace Commission Decisions (EU) 2018/896¹ and 2005/270/EC². 1. Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual	for the implementation of the reporting obligations, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to establish rules for calculation and verification of data on attainment of the recycling targets, separate collection rates of packaging covered by the deposit and return system, and data necessary for establishing the methodology for recyclability at scale assessment. This implementing act should also include rules for determination of the amount of packaging waste generated as well as lay down the format for reporting of data. It should also establish the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person and the format for reporting of this data, as this is necessary to support the monitoring and the full implementation of the substantive requirements related to plastic carrier bags, in particular to ensure disaggregated and mandatory reporting on different categories of plastic carrier bags. This implementing act should replace Commission Decisions (EU) 2018/896¹ and 2005/270/EC². 1. Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight plastic carrier bags and	for the implementation of the reporting obligations, ~~the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to~~ powers should be conferred on the Commission so that the latter can establish rules for calculation and verification of data on attainment of the recycling targets, separate collection rates of packaging covered by the deposit and return system, and data necessary for establishing the methodology for recyclability at scale assessment. This implementing act should also include rules for determination of the amount of packaging waste generated as well as lay down the format for reporting of data. It should also establish the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person and the format for reporting of this data, as this is necessary to support the monitoring and the full implementation of the substantive requirements related to plastic carrier bags, in particular to ensure disaggregated and mandatory reporting on different categories of plastic carrier bags. This implementing act should replace Commission Decisions (EU) 2018/896¹ and 2005/270/EC². 1. Commission Implementing Decision (EU) 2018/896 of 19 June 2018 laying down the methodology for the calculation of the annual consumption of lightweight	

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	consumption of lightweight plastic carrier bags and amending Decision 2005/270/EC (OJ L 160, 25.6.2018, p. 6). 2. Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6).	amending Decision 2005/270/EC (OJ L 160, 25.6.2018, p. 6). 2. Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6).	plastic carrier bags and amending Decision 2005/270/EC (OJ L 160, 25.6.2018, p. 6). 2. Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6).	
Recital 122				
132	(122) In order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in this Regulation, the Member States should establish packaging databases and ensure that they are well-functioning.	(122) In order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in this Regulation, the Member States should establish packaging databases and ensure that they are well-functioning.	(122) In order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in this Regulation, the Member States should establish packaging databases and ensure that ~~they are well-functioning~~ those databases function well.	
Recital 123				
133	(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council ¹ setting out a horizontal framework for market	(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, <u>a minimum number of checks of economic operators placing packaging on the Union market should be established, and</u> Regulation	(123) Effective enforcement of sustainability requirements is essential to ensure fair competition to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 of the European Parliament and of the Council ¹ setting out a horizontal framework for market surveillance and	

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	surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	(EU) 2019/1020 of the European Parliament and of the Council¹ setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	control of products entering the Union market should apply to packaging for which sustainability requirements are set pursuant to this Regulation. The market surveillance mechanisms laid down in Regulation (EU) 2019/1020 sets out the requirements for market surveillance relating to the marketing of products and provides for safeguard mechanisms to check compliance with this Regulation in respect of placing on the market of packaging. 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30). Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	
Recital 124				
134	(124) Packaging should be placed on the market only if it does not present a known risk to the environment and human health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance	(124) Packaging should be placed on the market only if it does not present a known risk to the environment and human health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such	(124) Packaging should be placed on the market only if it does not present a known risk to the environment and human health. In order to better align with the specific nature of sustainability requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such	

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	with such requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement, may adversely affect the environment or other public interests protected by the relevant requirements.	requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement, may adversely affect the environment or other public interests protected by the relevant requirements.	requirements, packaging presenting a risk should, for the purposes of this Regulation, be defined as packaging that, by not complying with a sustainability requirement or because a responsible economic operator does not comply with a sustainability requirement, may adversely affect the environment or other public interests protected by the relevant requirements.	
Recital 125				
135	(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to determine whether national measures in respect of non-compliant products are justified or not.	(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to determine whether national measures in respect of non-compliant products are justified or not.	(125) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to packaging presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such packaging. In order to ensure uniform conditions for the implementation of this Regulation, ~~the power to adopt implementing acts in accordance with Article 291 of the Treaty~~ powers should be ~~delegated to~~ conferred on the Commission to determine whether national measures in respect of non-compliant products are justified or not.	

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Recital 126				
136	(126) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either packaging is not compliant with sustainability and labelling requirements, or that the economic operator has infringed other rules on the placing or making available on the market of packaging. In order to ensure uniform conditions for the implementation of the requirement on economic operators to take corrective action, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to decide whether a national measure is justified or not.	(126) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either packaging is not compliant with sustainability and labelling requirements, or that the economic operator has infringed other rules on the placing or making available on the market of packaging. In order to ensure uniform conditions for the implementation of the requirement on economic operators to take corrective action, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to decide whether a national measure is justified or not.	(126) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either packaging is not compliant with sustainability and labelling requirements, or that the economic operator has infringed other rules on the placing or making available on the market of packaging. In order to ensure uniform conditions for the implementation of the requirement on economic operators to take corrective action, ~~the power to adopt implementing acts in accordance with Article 291 of the Treaty~~ powers should be ~~delegated to~~ conferred on the Commission to decide whether a national measure is justified or not.	
Recital 127				
137	(127) In case of human health concerns, the market surveillance shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities, competent for controlling the risks and appointed pursuant to Regulation (EU) 2017/625 of the	(127) In case of human health concerns, the market surveillance shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities, competent for controlling the risks and appointed pursuant to Regulation (EU) 2017/625 of the European Parliament and of the	(127) In case of human health concerns, the market surveillance ~~shall~~ authority should not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities, competent for controlling the risks and appointed pursuant to Regulation (EU) 2017/625 of the European Parliament and of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council¹, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	Council¹, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	the Council¹, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6. 1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).	
Recital 128				
138	(128) Public procurement amounts to 14 % of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in	(128) Public procurement amounts to 14 % of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with	(128) Public procurement amounts to 14 % of the Union's GDP. In order to contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in	

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	accordance with Article 290 of the Treaty should be delegated to the Commission, which may exercise it as necessary, to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU of the European Parliament and of the Council¹ and Directive 2014/25/EU of the European Parliament and of the Council², to align their procurement with specific green public procurement criteria or targets. Compared to a voluntary approach, mandatory criteria or targets should ensure that the leverage of public spending to boost demand for better performing packaging is maximised. The criteria should be transparent, objective and non-discriminatory. 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	Article 290 of the Treaty should be delegated to the Commission, which may exercise it as necessary, to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU of the European Parliament and of the Council¹ and Directive 2014/25/EU of the European Parliament and of the Council², to align their procurement with specific green public procurement criteria or targets. Compared to a voluntary approach, mandatory criteria or targets should ensure that the leverage of public spending to boost demand for better performing packaging is maximised. The criteria should be transparent, objective and non-discriminatory. 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	~~accordance with Article 290 of the Treaty~~ implementing acts should be ~~delegated to~~ conferred on the Commission, ~~which may exercise it as necessary,~~ to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU of the European Parliament and of the Council¹ and Directive 2014/25/EU of the European Parliament and of the Council², to align their procurement with specific minimum mandatory green public procurement ~~criteria or targets~~requirements, to be set out in the implementing acts adopted pursuant to this Regulation. Compared to a voluntary approach, mandatory ~~criteria or targets~~requirements should ensure that the leverage of public spending to boost demand for better performing packaging is maximised. The ~~criteria~~requirements should be transparent, objective and non-discriminatory. Requirements may refer to technical specifications, selection criteria or contract performance conditions and not necessarily be required cumulative. Contracting authorities and entities should be able to, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum green public procurement requirements laid down in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			this Regulation. 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	
Recital 129				
139	(129) The implementing powers that are conferred on the Commission by this Regulation and that do not relate to the determination whether measures taken by Member States in respect of non-compliant packaging are justified or not should be exercised in accordance with Regulation (EU) No 182/2011.	(129) The implementing powers that are conferred on the Commission by this Regulation and that do not relate to the determination whether measures taken by Member States in respect of non-compliant packaging are justified or not should be exercised in accordance with Regulation (EU) No 182/2011.	(129) The implementing powers that are conferred on the Commission by this Regulation and that do not relate to the determination whether measures taken by Member States in respect of non-compliant packaging are justified or not should be exercised in accordance with Regulation (EU) No 182/2011.	
Recital 130				
140	(130) When it comes to packaging entering the Union market, priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions	(130) ~~When it comes to~~ <u>In order to safeguard the functioning of the internal market, and create a level playing field, it is necessary to ensure that</u> packaging <u>from third countries</u> entering the Union market <u>complies with this Regulation, whether it is imported as self-standing packaging or</u>	(130) When it comes to packaging entering the Union market, priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.	<u><i>in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging.</i></u> Priority should be given to cooperation in the market between market surveillance authorities and economic operators. Therefore, whereas they may concern any packaging entering the Union market, interventions by authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.	designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 should focus primarily on packaging subject to prohibition measures taken by market surveillance authorities. In case they take such prohibition measures, and they are not restricted to the national territory, market surveillance authorities should communicate to authorities designated for the controls on packaging entering the Union market the details necessary for the identification of such non-compliant packaging at the borders, including information on the packaged products and the economic operators to enable a risk-based approach for products entering the Union market. In such cases, customs will aim at identifying and stopping this packaging at the borders.	
Recital 131				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
141	(131) In order to optimise and unburden the control process at the external borders of the Union, it is necessary to allow for an automated data transfer between the Information and Communication System on Market Surveillance (ICSMS) and customs systems. Two different data transfers should be distinguished in view of their respective purposes. Firstly, prohibitions measures decided by market surveillance authorities further to the identification of non-compliant packaging should be communicated from ICSMS to customs for use by authorities designated for controls at external borders to identify packaging that may correspond to such a prohibition measure. The Electronic System Customs Risk Management environment and Control System (CRMS) set out in Article 36 of Commission Regulation (EU) 2447/2015¹, without prejudice to any future evolution of the customs risk management environment, should be used for those first data transfers. Secondly, where customs authorities identify non-compliant packaging, case management will be necessary to, among others, transfer the notification of the suspension, the conclusion of market surveillance authorities and the outcome of the actions	(131) In order to optimise and unburden the control process at the external borders of the Union, it is necessary to allow for an automated data transfer between the Information and Communication System on Market Surveillance (ICSMS) and customs systems. Two different data transfers should be distinguished in view of their respective purposes. Firstly, prohibitions measures decided by market surveillance authorities further to the identification of non-compliant packaging should be communicated from ICSMS to customs for use by authorities designated for controls at external borders to identify packaging that may correspond to such a prohibition measure. The Electronic System Customs Risk Management environment and Control System (CRMS) set out in Article 36 of Commission Regulation (EU) 2447/2015¹, without prejudice to any future evolution of the customs risk management environment, should be used for those first data transfers. Secondly, where customs authorities identify non-compliant packaging, case management will be necessary to, among others, transfer the notification of the suspension, the conclusion of market surveillance authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs	(131) In order to optimise and unburden the control process at the external borders of the Union, it is necessary to allow for an automated data transfer between the Information and Communication System on Market Surveillance (ICSMS) and customs systems. Two different data transfers should be distinguished in view of their respective purposes. Firstly, prohibitions measures decided by market surveillance authorities further to the identification of non-compliant packaging should be communicated from ICSMS to customs for use by authorities designated for controls at external borders to identify packaging that may correspond to such a prohibition measure. The electronic ~~System~~ Customs Risk Management ~~environment and Control System~~ (CRMS) set out in Article 36 of Commission Regulation (EU) 2447/2015¹, without prejudice to any future evolution of the customs risk management environment, should be used for those first data transfers. Secondly, where customs authorities identify non-compliant packaging, case management will be necessary to, among others, transfer the notification of the suspension, the conclusion of market surveillance authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs supports those	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	taken by customs. The EU Single Window Environment for customs supports those second data transfers between ICSMS and national customs systems. 1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).	supports those second data transfers between ICSMS and national customs systems. 1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).	second data transfers between ICSMS and national customs systems. ~~1. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).~~	
Recital 132				
142	(132) In order to ensure uniform conditions for the implementation of the interconnection for communication between the market surveillance authorities and the customs authorities, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to specify the procedural rules and the details of the implementation arrangements, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for that interconnection.	(132) In order to ensure uniform conditions for the implementation of the interconnection for communication between the market surveillance authorities and the customs authorities, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to specify the procedural rules and the details of the implementation arrangements, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for that interconnection.	(132) In order to ensure uniform conditions for the implementation of the interconnection for communication between the market surveillance authorities and the customs authorities, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the Commission to specify the procedural rules and the details of the implementation arrangements, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for that interconnection.	

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Recital 133				
143	(133) When adopting delegated acts pursuant to Article 290 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level, and those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When developing these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards. ¹. OJ L 123, 12.5.2016, p. 1–14.	(133) When adopting delegated acts pursuant to Article 290 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level, and those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When developing these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards. ¹. OJ L 123, 12.5.2016, p. 1–14.	(133) When adopting delegated acts pursuant to Article 290 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level, and those consultations should be conducted in accordance with the principles laid down in the ~~Inter-institutional~~ Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When developing these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards. ¹. OJ L 123, 12.5.2016, p. 1–14.	
Recital 134				
144	(134) In order to ensure that product	(134) In order to ensure that product	(134) In order to ensure that product	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements in Directive (EU) 2019/904 can be monitored and enforced and that they are subject to appropriate market surveillance, Regulation (EU) 2019/1020 should be amended to include Directive (EU) 2019/904 into its scope. The requirements the requirements related to the plastic recycled content for plastic beverage bottles as of 1 January 2030 should be deleted from Directive (EU) 2019/904, as this matter is exclusively regulated by this Regulation. The corresponding reporting obligations should also be deleted.	requirements in Directive (EU) 2019/904 can be monitored and enforced and that they are subject to appropriate market surveillance, Regulation (EU) 2019/1020 should be amended to include Directive (EU) 2019/904 into its scope. The requirements the requirements related to the plastic recycled content for plastic beverage bottles as of 1 January 2030 should be deleted from Directive (EU) 2019/904, as this matter is exclusively regulated by this Regulation. The corresponding reporting obligations should also be deleted.	requirements in Directive (EU) 2019/904 can be monitored and enforced and that they are subject to appropriate market surveillance, Regulation (EU) 2019/1020 should be amended to include Directive (EU) 2019/904 into its scope. The requirements the requirements related to the plastic recycled content for plastic beverage bottles as of 1 January 2030 should be deleted from Directive (EU) 2019/904, as this matter is exclusively regulated by this Regulation. The corresponding reporting obligations should also be deleted.	
Recital 134a				
144 a			(134a) This Regulation establishes general rules applying to all packaging. However, certain single-use plastic products covered by Directive (EU) 2019/904, such as plastic carrier bags, beverages cups, food and beverage containers, including bottles, are considered to be packaging. Directive (EU) 2019/904 is a lex specialis in relation to this Regulation. In the event of a conflict between Directive (EU) 2019/904 and this Regulation, Directive (EU) 2019/904 should prevail within the scope of its application. Directive (EU) 2019/904 requires Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			States to take measures to reduce the consumption of certain single-use plastic products, including marketing restrictions. Such marketing restrictions should apply and prevail over any conflicting provisions in this Regulation. This Regulation provides a restriction on the placing on the market of plastic products listed in Annex V point 3 thereto, while Directive (EU) 2019/904 allows the Member States to take the necessary measures to achieve reduction in the consumption of those single-use plastic products. Since national implementing measures under Directive (EU) 2019/904 can be less restrictive than a ban on the placing on the market, this Regulation should prevail over Directive (EU) 2019/904 as regards such products falling within the definition of packaging, in order to boost the reduction of single use plastic packaging and reduce the amount of single use plastic packaging in the environment. As a consequence, it should not be possible for Member States to adopt an exemption from the ban in Directive (EU) 2019/904 on placing packaging made of expanded polystyrene on the market. In addition, Article 26, paragraphs (2) and (3), and Article 26, paragraph (15a) of this Regulation should prevail over Directive (EU) 2019/904 as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			regards products in scope, for the same reasons. To reflect this, Directive (EU) 2019/904 should be amended accordingly.	
Recital 134b				
144 b			(134b) As this Regulation does not regulate the recycled content in the plastic part in packaging before 1 January 2030, provisions regarding requirements for recycled content for plastic beverage bottles in Directive (EU) 2019/904 should remain in force until that date.	
Recital 135				
145	(135) To enhance public trust in packaging placed on the market, in particular as regards compliance with sustainability requirements, the economic operators placing non-compliant packaging on the market or who do not comply with their obligations should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(135) To enhance public trust in packaging placed on the market, in particular as regards compliance with sustainability requirements, the economic operators placing non-compliant packaging on the market or who do not comply with their obligations should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(135) To enhance public trust in packaging placed on the market, in particular as regards compliance with sustainability requirements, the economic operators placing non-compliant packaging on the market or who do not comply with their obligations should be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	
Recital 136				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
146	(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.	(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.	(136) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Inter-institutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and Union value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of packaging and the functioning of the internal market.	
Recital 137				
147	(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be	(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular	(137) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention	

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	finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.	attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.	should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.	
Recital 138				
148	(138) In order to meet those commitments and establish an ambitious yet harmonised framework on packaging, it is necessary to adopt a Regulation establishing requirements on packaging over its entire life-cycle. Directive 94/62/EC should therefore be repealed.	(138) In order to meet those commitments and establish an ambitious yet harmonised framework on packaging, it is necessary to adopt a Regulation establishing requirements on packaging over its entire life-cycle. Directive 94/62/EC should therefore be repealed.	(138) In order to meet those commitments and establish an ambitious yet harmonised framework on packaging, it is necessary to adopt a Regulation establishing requirements on packaging over its entire life-cycle. Directive 94/62/EC should therefore be repealed.	
Recital 139				
149	(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this Directive should be deferred.	(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this Directive should be deferred.	(139) In order to allow Member States to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, the application of this ~~Directive~~ Regulation should be deferred.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 140				
150	(140) Directive 94/62/EC should be repealed with effect from the date of application of this Regulation. However, in order to ensure a smooth transition and continuity until new rules are adopted by the Commission under this Regulation, and to provide for continuity in the application of the system of own resources of the Union with regard to the own resource bases on non-recycled plastic packaging waste, certain obligations under that Directive related to labelling, recycling targets and the transmission of data to the Commission should remain in force for a certain period of time.	(140) Directive 94/62/EC should be repealed with effect from the date of application of this Regulation. However, in order to ensure a smooth transition and continuity until new rules are adopted by the Commission under this Regulation, and to provide for continuity in the application of the system of own resources of the Union with regard to the own resource bases on non-recycled plastic packaging waste, certain obligations under that Directive related to labelling, recycling targets and the transmission of data to the Commission should remain in force for a certain period of time.	(140) Directive 94/62/EC should be repealed with effect from the date of application of this Regulation. However, in order to ensure a smooth transition and continuity until new rules are adopted by the Commission under this Regulation, and to provide for continuity in the application of the system of own resources of the Union with regard to the own resource ~~bases~~ based on non-recycled plastic packaging waste, certain obligations under that Directive related to labelling, recycling targets and the transmission of data to the Commission should remain in force for a certain period of time.	
Recital 141				
151	(141) Since the objectives of this Regulation, namely to improve the environmental sustainability of packaging and to ensure the free movement of packaging in the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the	(141) Since the objectives of this Regulation, namely to improve the environmental sustainability of packaging and to ensure the free movement of packaging in the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out	(141) Since the objectives of this Regulation, namely to improve the environmental sustainability of packaging and to ensure the free movement of packaging in the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, ~~only be~~ better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
Formula				
152	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter I				
153	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1				
154	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1)				
155	1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, treatment and recycling of packaging waste.	1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, <u>prevention, reduction in unnecessary packaging, reuse or refill of packaging</u> , collection, treatment and recycling of packaging waste.	1. This Regulation establishes requirements for the entire life cycle of packaging as regards environmental sustainability and labelling, to allow its placing on the market, as well as for the extended producer responsibility, collection, and treatment, including and recycling of packaging waste.	
Article 1(2)				
156	2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the	2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental	2. This Regulation contributes to the efficient functioning of the internal market by harmonising national measures on packaging and packaging waste in order to avoid obstacles to trade, the distortion and restriction of competition within the Union, while preventing or reducing the adverse impacts of packaging and packaging waste on the environment and human health, on the basis of a high level of environmental	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	basis of a high level of environmental protection.	protection.	protection.	
Article 1(3)				
157	3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.	3. This Regulation contributes to the transition to a circular economy <u>and achieving climate neutrality at the latest by 2050 as provided for under Regulation (EU) 2021/1119</u> , by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC <u>and by providing a supportive legal framework which gives certainty to European industry for their investments towards achieving circularity of packaging</u> .	3. This Regulation contributes to the transition to a circular economy, by laying down measures in line with the hierarchy of waste in accordance with Article 4 of Directive 2008/98/EC.	
Article 2				
158	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2(1)				
159	1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or	1. This Regulation applies to all packaging, <u>with the exception of packaging approved for the transport of dangerous goods</u> , regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other	1. This Regulation applies to all packaging, regardless of the material used, and to all packaging waste, whether such waste is used in or originates from industry, other manufacturing, retail or distribution, offices, services or households.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	households.	manufacturing, retail or distribution, offices, services or households.		
Article 2(2)				
160	2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.	2. This Regulation applies without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, as well as without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste.	2. This Regulation applies without prejudice to the provisions of the Directive 2008/98/EC as regards the management of hazardous waste as well as without prejudice to Union regulatory requirements for packaging such as those regarding safety, quality, the protection of health and the hygiene of the packed products, or to transport requirements, ~~as well as without prejudice to the provisions of the~~ . However where this Regulation conflicts with Directive 2008/98/EC as regards the management of hazardous waste 2008/68/EC, Directive 2008/68/EC shall prevail.	
Article 3				
161	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	
Article 3, first paragraph				
162	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	1. For the purposes of this Regulation, the following definitions apply:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (-1), first subparagraph				
163	(1) ‘packaging’ means items of any materials that are intended to be used for the containment, protection, handling, delivery or presentation of products and that can be differentiated into packaging formats based on their function, material and design, including:	(1) ‘packaging’ means items of any materials that are intended to be used for the containment, protection, handling, delivery or presentation of products and that can be differentiated into packaging formats based on their function, material and design, including:	~~(1)~~ (-1) ‘packaging’ means ~~items of any~~ an item, irrespective of the materials from which it is made, that is intended to be used by an economic operator for the containment, protection, handling, delivery or presentation of products to another economic operator or to an end-user and that can be differentiated into packaging formats based on ~~their~~ its function, material and design, including:	
Article 3, first paragraph, point (-1), first subparagraph, point (a)				
164	(a) items that are necessary to contain, support or preserve the product throughout its lifetime without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;	(a) items that are necessary to contain, support or preserve the product throughout its lifetime without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;	(a) ~~items that are~~ an item that is necessary to contain, support or preserve the product throughout its lifetime without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;	
Article 3, first paragraph, point (-1), first subparagraph, point (b)				
165	(b) components of, and ancillary elements to, an item referred to in point (a) that are integrated into the item;	(b) components of, and ancillary elements to, an item referred to in point (a) that are integrated into the item;	(b) ~~components~~ a component of, and ancillary ~~elements~~ element to, an item referred to in point (a) that ~~are~~ is integrated into the item;	

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Article 3, first paragraph, point (-1), first subparagraph, point (c)				
166	(c) ancillary elements to an item referred to in point (a) that are hung directly on, or attached to, the product and that performs a packaging function without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;	(c) ancillary elements to an item referred to in point (a) that are hung directly on, or attached to, the product and that performs a packaging function without being an integral part of the product which is intended to be used, consumed or disposed of together with the product;	(c) ~~an ancillary element~~ an ancillary element to an item referred to in point (a) that ~~are~~ is hung directly on, or attached to, the product and that ~~performs~~ perform a packaging function without being an integral part of the product and which is intended to be used, consumed or disposed of together with the product;	
Article 3, first paragraph, point (-1), first subparagraph, point (d)				
167	(d) items designed and intended to be filled at the point of sale, provided that they perform a packaging function;	(d) items designed and intended to be filled at the point of sale, provided that they perform a packaging function;	(d) ~~items~~ an item designed and intended to be filled at the point of sale to dispense the product, also referred to as ‘service,’ ~~provided that they perform a packaging function;~~	
Article 3, first paragraph, point (-1), first subparagraph, point (e)				
168	(e) disposable items sold, filled or designed and intended to be filled at the point of sale, provided that they perform a packaging function;	(e) disposable items sold, filled or designed and intended to be filled at the point of sale, provided that they perform a packaging function;	(e) ~~a disposable item~~ a disposable item sold, filled or designed and intended to be filled at the point of sale, ~~provided that they perform~~ and which performs a packaging function;	
Article 3, first paragraph, point (-1), first subparagraph, point (f)				
169	(f) tea or coffee bags necessary to contain a tea or coffee product and intended to be	(f) <u>permeable</u> tea or coffee bags ~~necessary~~ <u>or soft after-use system and single-serve</u>	(f) a tea, coffee or other beverage bag that contains tea or coffee bags necessary to	

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	used and disposed of together with the product;	<u>units that</u> contain a tea or coffee product and <u>are</u> intended to be used and disposed of together with the product;	~~contain~~ a tea, coffee or other beverage or coffee product, has a filter function and is and intended to be used and disposed of together with the product;	
Article 3, first paragraph, point (-1), first subparagraph, point (g)				
170	(g) coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;	(g) <u>non-permeable</u> coffee or tea system single-serve unit necessary to contain a coffee or tea product and intended to be used and disposed of together with the product;	(g) a coffee, tea or other beverage or tea system single-serve unit ~~necessary to contain a coffee or tea product and intended to~~ beintended for use in a machine to brew the beverage and which is used and disposed of together with the product;	
Article 3, first paragraph, point (1a)				
170 a			(1a) ‘take-away packaging’ means service packaging filled at attended points of sale, with beverages or ready-prepared food, that is packaged for transportation and immediate consumption at another location without the need for any further preparation, and typically consumed from the packaging;	
Article 3, first paragraph, point (1b)				
170 b			(1b) ‘primary production packaging’ means items designed and intended to be used as packaging for unprocessed	

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			products from primary production as defined in Regulation (EC) No 178/2002.	
Article 3, first paragraph, point (2)				
171	(2) ‘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;	(2) ‘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;	(2) ‘sales packaging’ means packaging conceived so as to constitute a sales unit consisting of products and packaging to the ~~final user or consumer~~ end user at the point of sale;	
Article 3, first paragraph, point (3)				
172	(3) ‘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;	(3) ‘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;	(3) ‘grouped packaging’ means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale, irrespective of whether ~~the latter~~ that grouping of sales units is sold as such to the ~~end user or end-user~~ or whether it serves ~~only~~ as a means to ~~replenish the~~ facilitate the restocking of shelves at the point of sale or to create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics;	
Article 3, first paragraph, point (4)				
173	(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of a number of	(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of ~~any~~ number of sales units or	(4) ‘transport packaging’ means packaging conceived so as to facilitate handling and transport of ~~a number of~~ one or more sales	

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	sales units or grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent physical handling and transport damage;	grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent <u>damage from</u> physical handling and transport ~~damage~~ <u>to the product</u> ;	units or ~~grouped packages, including e-commerce packaging but excluding road, rail, ship and air containers, in order to prevent~~ a grouping of sales units, in order to prevent damage to the product from physical handling and transport, but excluding road, rail, ship and air containers damage;	
Article 3, first paragraph, point (5)				
174	(5) ‘e-commerce packaging’ means transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user;	(5) ‘e-commerce packaging’ means transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user;	(5) ‘e-commerce packaging’ means transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user;	
Article 3, first paragraph, point (6)				
175	(6) ‘making available on the market’ means any supply of a packaging for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(6) ‘making available on the market’ means any supply of a packaging for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(6) ‘making available on the market’ means any supply of a packaging for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	
Article 3, first paragraph, point (7)				
176	(7) ‘placing on the market’ means the first making available of a packaging on	(7) ‘placing on the market’ means the first making available of a packaging on the	(7) ‘placing on the market’ means the first making available of a packaging on the	

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	the Union market;	Union market;	Union market;	
Article 3, first paragraph, point (8)				
177	(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, final distributors, and fulfilment service providers;	(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, final distributors, and fulfilment service providers;	(8) ‘economic operator’ means manufacturers, suppliers of packaging, importers, distributors, authorised representatives , final distributors, and fulfilment service providers;	
Article 3, first paragraph, point (9)				
178	(9) ‘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;	(9) ‘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;	(9) ‘manufacturer’ means any natural or legal person who manufactures packaging or a packaged product. In case a natural or legal person has packaging or a packaged product designed or manufactured under its own name or trademark, ~~or has packaging designed or manufactured, and uses that~~ regardless of whether any other trademarks is visible on the packaging or on the packaged product, it shall be considered the ‘manufacturer’ instead of the person who manufactures the packaging for the containment, protection, handling, delivery or presentation of ~~products~~ or the packaged product, except in the case of the paragraph below. In case of transport packaging, reusable packaging, primary production packaging	

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			or service packaging, if the natural or legal person which has the packaging designed or manufactured under its own name or trademark falls under the definition of micro-enterprise in accordance with Commission Recommendation 2003/361/EC as publicly available on [OP: Please insert the date = the date of entry into force of this Regulation], and the provider of the packaging is located in the same Member State, then the provider of the packaging shall be considered the manufacturer; ~~without it having been placed on the market previously;~~	
Article 3, first paragraph, point (10)				
179	(10) ‘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;	(10) ‘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;	(10) ‘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, either: (i) is established in a Member State and makes available for the first time from within the territory of that Member State and on that same territory transport packaging, service packaging, reusable packaging or primary production packaging; or	

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			(ii) is established in a Member State and makes available for the first time from within ~~at~~ the territory of that Member State and on that same territory products packaged in packaging other than those listed in paragraph (i); or (iii) is established in a Member State ~~on a professional basis under its own name or trademark;~~ State or in a third country and makes transport packaging, service packaging, reusable packaging or primary production packaging or products packaged in packaging other than those mentioned above available for the first time within the territory of another Member State, by means of distance contracts directly to end-users.	
Article 3, first paragraph, point (11)				
180	(11) ‘supplier’ means any natural or legal person who supplies packaging or packaging material to a manufacturer who uses this packaging for the containment, protection, handling, delivery or presentation of products under its own name or trademark;	(11) ‘supplier’ means any natural or legal person who supplies packaging or packaging material to a manufacturer who uses this packaging for the containment, protection, handling, delivery or presentation of products under its own name or trademark;	(11) ‘supplier’ means any natural or legal person who supplies packaging or packaging material to a manufacturer ~~who uses this packaging for the containment, protection, handling, delivery or presentation of products under its own name or trademark;~~	
Article 3, first paragraph, point (12)				

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181	(12) ‘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;	(12) ‘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;	(12) ‘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;	
Article 3, first paragraph, point (13)				
182	(13) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market;	(13) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market;	(13) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market;	
Article 3, first paragraph, point (14)				
183	(14) ‘authorised representative’ means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under this Regulation;	(14) ‘authorised representative’ means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under this Regulation;	(14) ‘authorised representative’ means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under this Regulation;	
Article 3, first paragraph, point (15)				
184	(15) ‘appointed representative for the extended producer responsibility’ means a legal or natural person established in a	(15) ‘appointed representative for the extended producer responsibility’ means a legal or natural person established in a	(15) ‘ ~~appointed~~ authorised representative for the extended producer responsibility’ means a ~~legal or natural~~ natural or legal	

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	Member State where the producer makes packaging available on the market for the first time, other than the Member State where the producer is established, and who is appointed by the producer in accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EC for fulfilling the obligations of that producer under Chapter VII of this Regulation;	Member State where the producer makes packaging available on the market for the first time, other than the Member State where the producer is established, and who is appointed by the producer in accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EC for fulfilling the obligations of that producer under Chapter VII of this Regulation;	person established in a Member State where the producer makes packaging available on the market for the first time, other than the Member State or the third country where the producer is established, and who is appointed by the producer in accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EC for fulfilling the obligations of that producer under Chapter VII of this Regulation;	
Article 3, first paragraph, point (16)				
185	(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill to the end user;	(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill <u>or re-use</u> to the end user;	(16) ‘final distributor’ means the distributor who delivers packaged products or products that can be purchased through refill to the end user;	
Article 3, first paragraph, point (17)				
186	(17) ‘consumer’ means natural persons who are acting for purposes which are outside their trade, business or profession;	(17) ‘consumer’ means natural persons who are acting for purposes which are outside their trade, business or profession;	(17) ‘consumer’ means any natural ~~persons~~ who are a person who is acting for purposes which are outside their trade, business or profession;	
Article 3, first paragraph, point (18)				
187	(18) ‘end user’ means any natural or legal person residing or established in the Union, to whom a product has been made	(18) ‘end user’ means any natural or legal person residing or established in the Union, to whom a product has been made available	(18) ‘end user’ means any natural or legal person residing or established in the Union, to whom a product has been made available	

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	available either as a consumer or as a professional end user in the course of its industrial or professional activities and who no longer makes this product further available on the market in the form supplied to it;	either as a consumer or as a professional end user in the course of its industrial or professional activities and who no longer makes this product further available on the market in the form supplied to it;	either as a consumer or as a professional end user in the course of its industrial or professional activities and who no longer makes ~~this~~ that product further available on the market in the form supplied to it;	
Article 3, first paragraph, point (19)				
188	(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and therefore form a single integral unit;	(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, <u>coatings, lining, varnishes, paints, inks, adhesives, lacquers,</u> closures and sealing <u>which are part of the weight of the main packaging material</u> , which cannot be separated manually and therefore form a single integral <u>unit, unless a given material constitutes an insignificant part of the packaging unit and in no case more than 10% of the total mass of the packaging</u> unit;	(19) ‘composite packaging’ means a unit of packaging made of two or more different materials, excluding materials used for labels, closures and sealing, which cannot be separated manually and which therefore form a single integral unit;	
Article 3, first paragraph, point (20)				
189	(20) ‘packaging waste’ means any packaging or packaging material falling within the definition of waste laid down in Article 3 of Directive 2008/98/EC, with the exception of production residues;	(20) ‘packaging waste’ means any packaging or packaging material falling within the definition of waste laid down in Article 3 of Directive 2008/98/EC, with the exception of production residues;	(20) ‘packaging waste’ means any packaging or packaging material falling within the definition of waste laid down in Article 3 of Directive 2008/98/EC, with the exception of production residues;	

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Article 3, first paragraph, point (21)				
190	(21) ‘packaging waste prevention’ means measures that are taken before any packaging or packaging material has become packaging waste and that reduce the quantity of packaging waste, so that less or no packaging is required to contain, protect, handle, deliver or present products	(21) ‘packaging waste prevention’ means measures that are taken before any packaging or packaging material has become packaging waste and that reduce the quantity of packaging waste, so that less or no packaging is required to contain, protect, handle, deliver or present products	(21) ‘packaging waste prevention’ means measures that are taken before any packaging or packaging material has become packaging waste and that reduce the quantity of packaging waste, so that less or no packaging is required to contain, protect, handle, deliver or present products, including measures as regards the re-use of the packaging and measures to extend the life of the packaging before it becomes waste;	
Article 3, first paragraph, point (22)				
191	(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;	(22) ‘re-use’ means any operation by which reusable packaging is used again <u>several times</u> for the same purpose for which it was conceived <u>and made possible by adequate logistics and promoted by suitable incentive systems, usually by a deposit scheme;</u>	(22) ‘re-use’ means any operation by which reusable packaging is used again for the same purpose for which it was conceived;	
Article 3, first paragraph, point (23)				
192	(23) ‘single-use packaging’ means packaging which is not reusable packaging;	(23) ‘single-use packaging’ means packaging which is not reusable packaging;	(23) ‘single-use packaging’ means packaging which is not reusable packaging;	

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Article 3, first paragraph, point (24)				
193	(24) ‘rotation’ means the cycle that reusable packaging accomplishes from the moment it is placed on the market together with the products it is intended to contain, protect, handle, deliver or present, to the moment it is ready for being reused in a system for re-use with a view to it being supplied again to the end users together with the products;	(24) ‘rotation’ means the cycle that reusable packaging accomplishes from the moment it is placed on the market together with the products it is intended to contain, protect, handle, deliver or present, to the moment it is ready for being reused in a system for re-use with a view to it being supplied again to the end users together with the products;	(24) ‘rotation’ means the cycle that reusable packaging accomplishes from the moment it is placed on the market together with the ~~products~~ product it is intended to contain, protect, handle, deliver or present, to the moment it is ready for being reused in a system for re-use with a view to it being supplied again to the end users together with ~~the products~~ another product ;	
Article 3, first paragraph, point (25)				
194	(25) ‘trip’ means transfer of packaging, from filling or loading to emptying or unloading, as part of a rotation or on its own;	(25) ‘trip’ means transfer of packaging, from filling or loading to emptying or unloading, as part of a rotation or on its own;	(25) ‘trip’ means transfer of packaging, from filling or loading to emptying or unloading, as part of a rotation or on its own;	
Article 3, first paragraph, point (26)				
195	(26) ‘systems for re-use’ means organisational, technical /or financial arrangements, which enable the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;	(26) ‘systems for re-use’ means organisational, technical ~~for~~ <u>and/or</u> financial arrangements, ~~which enable~~ <u>together with incentives, that allow</u> the re-use either in a closed loop or open loop system. Deposit and return systems, when they ensure that packaging is collected for re-use, are considered as part of a ‘system for re-use’;	(26) ‘systems for re-use’ means organisational, technical, ~~for~~ financial arrangements, which enable the re-use either in a closed loop or open loop system. It includes deposit and return systems, when they ensure that packaging is collected for re-use, ~~are considered as part of a ‘system for re-use’;~~	

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Article 3, first paragraph, point (27)				
196	(27) ‘reconditioning’ means an operation necessary to restore a reusable packaging to a functional state for the purpose of its re-use;	(27) ‘reconditioning’ means an operation necessary to restore a reusable packaging to a functional state for the purpose of its re-use;	(27) ‘reconditioning’ means ~~an operation~~ any operations listed in part B of Annex VI necessary to restore a reusable packaging to a functional state for the purpose of its re-use;	
Article 3, first paragraph, point (28)				
197	(28) ‘refill’ means an operation by which an end user fills its own container, which fulfils the packaging function, with a product or several products offered by the final distributor in the context of a commercial transaction;	(28) ‘refill’ means an operation by which an end user fills its own container <u>or a container provided at the point of sale by the final distributor</u> , which fulfils the packaging function, with a product or several products ~~offered by the~~ <u>purchased through a</u> final distributor ~~in the context of a commercial transaction~~ ;	(28) ‘refill’ means an operation by which an end user ~~fills its~~ is filled by the end user or by the final distributor own container, which fulfils the packaging function, is filled by the end user or by the final distributor with a product or several products offered by the final distributor in the context of a commercial transaction;	
Article 3, first paragraph, point (29)				
198	(29) ‘refill station’ means a place, where a final distributor offers to end users products that can be purchased through refill;	(29) ‘refill station’ means a place, where a final distributor offers to end users products that can be purchased through refill;	(29) ‘refill station’ means a place, where a final distributor offers to ~~end users~~ end-users products that can be purchased through refill;	
Article 3, first paragraph, point (30)				
199	(30) ‘HORECA sector’ means	(30) ‘HORECA sector’ means	(30) ‘HORECA sector’ means	

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	Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities¹; 1. NACE Rev. 2 - Statistical classification of economic activities - Products Manuals and Guidelines - Eurostat (europa.eu); Accommodation and food service statistics - NACE Rev. 2 - Statistics Explained (europa.eu)	Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities¹; 1. NACE Rev. 2 - Statistical classification of economic activities - Products Manuals and Guidelines - Eurostat (europa.eu); Accommodation and food service statistics - NACE Rev. 2 - Statistics Explained (europa.eu)	Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities¹; 1. NACE Rev. 2 - Statistical classification of economic activities - Products Manuals and Guidelines - Eurostat (europa.eu); Accommodation and food service statistics - NACE Rev. 2 - Statistics Explained (europa.eu)	
Article 3, first paragraph, point (30a)				
199 a			(30a) ‘sales area’ means the area given to the display of goods offered for sale, to the payment thereof, and to the stay and circulation of customers. This does not include the areas, which are not open to the public, such as storage areas, or other areas where products are not displayed, such as car parks. In the context of e-commerce packaging, the storage and dispatch area shall be considered as sales area;	
Article 3, first paragraph, point (31)				
200	(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-	(31) ‘design for recycling’ means design of packaging, including individual components of packaging, in order to ensure its recyclability with state-of-the-art	(31) ‘design for recycling’ means design of packaging, including individual components of packaging, ~~in order to ensure its recyclability with state-of-the-art~~ that	

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	art collection, sorting and recycling processes;	collection, sorting and recycling processes, <u>giving priority to mechanical recycling processes</u> ;	ensures the recyclability of the packaging with established collection, sorting and recycling processes proven in an operational environment ;	
Article 3, first paragraph, point (31a)				
200 a		<u>(31a) 'recyclability' means the assessment of the compatibility of packaging with the management and processing of waste by design, based on separate collection, sorting in separate streams, recycling at scale, and use of recycled materials to replace primary raw materials in new packaging</u> ;	(31a) 'recyclability' means the gradual suitability of any given packaging that is designed for recycling and leads to, after being recycled at scale, sufficient quality compared to the original material to substitute primary raw material.	
Article 3, first paragraph, point (32)				
201	(32) '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);	(32) 'recycled at scale' means <u>the existence of a sufficient capacity for the collected, ~~sorted and recycled through installed state-of-the-art infrastructure and~~ packaging waste to be directed to defined and recognised waste streams through established industrial processes, ~~covering at least 75 % of the Union population for~~ reprocessing in actual systems proven in operational environment</u> , including packaging waste exported from the Union	(32) ' packaging waste recycled at scale' means: packaging waste which is separately collected, sorted and recycled ~~through~~ in installed state-of-the-art infrastructure and infrastructure, using established processes, ~~covering at least 75 % of the Union population, including~~ proven in an operational environment which ensure at EU level an annual quantity of recycled material under each packaging category listed in table 1a Annex II, equal or	

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		that meets the requirements of Article 47(5);	greater than 30% for wood and 55% for all other materials. This includes such packaging waste exported from the Union ~~that meets~~ for the purpose of waste management which can be considered as meeting the requirements of Article 47(5);47(12).	
Article 3, first paragraph, point (32a)				
201 a		<u>(32a) 'high quality recycling' means any recovery operation, as defined in Article 3, point (17), of Directive 2008/98/EC, that ensures that the distinct quality of the collected and sorted waste is preserved or recovered during that recovery operation, so that the resulting recycled materials are of sufficient quality to substitute primary raw materials;</u>	(32a) 'material recycling' means any recovery operation, by which waste materials are reprocessed into materials or substances whether for the original or other purposes, with the exception of biological treatment of waste, reprocessing of organic material, energy recovery, and reprocessing into materials that are to be used as fuels or for backfilling operations.	
Article 3, first paragraph, point (32b)				
201 b			(32b) 'High-quality recycling' means any recycling process which produces recycled materials that are of equivalent quality to the original materials, based on preserved technical characteristics, and is used as a substitute to primary raw materials for packaging or other applications where the quality of the recycled material is	

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			retained.	
Article 3, first paragraph, point (33)				
202	(33) ‘packaging category’ means a combination of material and specific packaging design, which determines the recyclability with the state of the art collection sorting and recycling processes and is relevant for the definition of the design for recycling criteria;	(33) ‘packaging category’ means a combination of material and specific packaging design, which determines the recyclability with the state of the art collection sorting and recycling processes and is relevant for the definition of the design for recycling criteria;	(33) ‘packaging category’ means a combination of material and specific packaging design, which determines the recyclability ~~with the state of the art~~ by reference to established collection, sorting and recycling processes; proven in an operational environment and is relevant for the definition of the design for recycling criteria;	
Article 3, first paragraph, point (34)				
203	(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit in order to consume the product and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;	(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but is integral to the packaging unit and its functioning and does not need to be separated from the main packaging unit ~~in order to consume the product~~ and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;	(34) ‘integrated component’ means a packaging component that may be distinct from the main body of the packaging unit, and may be of a different material, but that is integral to the packaging unit and its functioning ~~and~~ , does not need to be separated from the main packaging unit in order ~~to consume~~ for the product to be consumed and is typically discarded at the same time as the packaging unit, although not necessarily in the same disposal route;	
Article 3, first paragraph, point (35)				
204				

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	(35) 'separate component' means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit in order to access the product, and that is typically discarded prior to and separately from the packaging unit;	(35) 'separate component' means a packaging component that is distinct from the main body of the packaging unit, which may be of a different material, that needs to be disassembled completely and permanently from the main packaging unit ~~in order to access the product~~ , and that is typically discarded prior to and separately from the packaging unit;	(35) 'separate component' means a packaging component that is distinct from the main body of the packaging unit, which ~~may be~~ is of a different material, that needs to be disassembled completely and permanently from the main packaging unit in order to access the product, and that is typically discarded prior to and separately from the packaging unit, and covers packaging components that can be separated from each other simply through mechanical stress during transportation or sorting;	
Article 3, first paragraph, point (36)				
205	(36) 'unit of packaging' means a unit as a whole, including any integrated or separate components, which together serve a packaging function such as the containment, protection, handling, delivery, storage, transport and presentation of products, and including independent units of grouped or transport packaging where they are discarded prior to the point of sale;	(36) 'unit of packaging' means a unit as a whole, including any integrated or separate components, which together serve a packaging function such as the containment, protection, handling, delivery, storage, transport and presentation of products, and including independent units of grouped or transport packaging where they are discarded prior to the point of sale;	(36) 'unit of packaging' means a unit as a whole, including any integrated or separate components, which together serve a packaging function such as the containment, protection, handling, delivery, storage, transport and presentation of products, and including independent units of grouped or transport packaging where they are discarded prior to the point of sale;	
Article 3, first paragraph, point (37)				
206	(37) 'innovative packaging' means a form of packaging that is manufactured	(37) 'innovative packaging' means a form of packaging that is manufactured using	(37) 'innovative packaging' means a form of packaging that is manufactured using new	

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	using new materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery or presentation of products, and in demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the sole purpose of improved presentation of products and marketing;	new <u>and innovative</u> materials, design or production processes, resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery ~~or presentation~~ of products, and in demonstrable environmental benefits <u>overall</u> , with the exception of packaging that is the result of modification of existing packaging for the ~~sole~~ <u>main</u> purpose of improved presentation of products and marketing;	materials, ~~design or production processes~~ , resulting in a significant improvement in the functions of packaging, such as containment, protection, handling, delivery or presentation of products, and in demonstrable environmental benefits, with the exception of packaging that is the result of modification of existing packaging for the sole purpose of improved presentation of products and marketing;	
Article 3, first paragraph, point (38)				
207	(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes and can substitute primary raw materials;	(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes and <u>have undergone all necessary checking and sorting and</u> can substitute primary raw materials;	(38) ‘secondary raw materials’ means materials that have been obtained through recycling processes and that can substitute primary raw materials;	
Article 3, first paragraph, point (39)				
208	(39) ‘post-consumer plastic waste’ means plastic waste that is generated from plastic products that have been placed on the market;	(39) ‘post-consumer plastic waste’ means plastic waste that is generated from plastic products that have been placed on the market;	(39) ‘post-consumer plastic waste’ means plastic waste that is generated from plastic products that have been placed on the market;	
Article 3, first paragraph, point (40)				
209				

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	(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, or Directive 2008/68/EC;	(40) ‘contact sensitive packaging’ means packaging that is intended to be used in any packaging applications in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, <u>Directive 2002/46/EC of the European Parliament and of the Council</u> , or Directive 2008/68/EC; ^{1a} <u>1a. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).</u>	(40) ‘contact sensitive packaging’ means packaging that is intended to be ~~used in any packaging applications~~ applied to products in the scope of Regulations: (EC) No 1831/2003, (EC) No 1935/2004, (EC) No 767/2009, (EC) No 2009/1223, (EU) 2017/745, (EU) 2017/746, (EU) 2019/4, (EU) 2019/6, Directive 2001/83/EC, Directive 2008/68/EC or for products as defined in Article 1 and 2 of Commission Decision (EU) 2023/1809 or Directive 2008/68/EC;	
Article 3, first paragraph, point (41)				
210	(41) ‘compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article 47(4), and does not hinder the separate collection and the composting process or activity into which it is introduced in industrially controlled conditions;	(41) ~~“~~ compostable packaging’ means packaging capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, mineral salts, biomass and water, according to Article ~~47(4)~~ <u>47(8)</u> , and does not hinder the separate collection and the composting <u>or anaerobic digestion</u> process or activity into which it is introduced in industrially controlled conditions, <u>in accordance with the applicable requirements laid down in the</u>	(41) ‘compostable packaging’ means packaging ~~capable of undergoing physical, chemical, thermal or~~ that biodegrades or is capable of undergoing biological decomposition ~~such that most of the finished compost~~ only in industrially controlled conditions, including anaerobic digestion, resulting ultimately ~~decomposes in~~ conversion into carbon dioxide or in the absence of oxygen, methane, mineral salts, biomass and water, ~~according to Article 47(4);~~ and does not hinder or jeopardise the separate collection and the composting	

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		<u>harmonised European standards EN 13432;</u>	process or activity into which it is introduced in industrially controlled conditions and anaerobic digestion process;	
Article 3, first paragraph, point (41a)				
210 a		<u>(41a) 'home compostable packaging' means packaging that can also biodegrade in non-controlled conditions compared to industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.</u>	(41a) 'home compostable packaging' means packaging that can biodegrade in non-controlled conditions that are not industrial scale composting facilities and the composting process of which is performed by private individuals with the aim of producing compost for their own use.	
Article 3, first paragraph, point (41b)				
210 b		<u>(41b) 'bio-based plastic' means a plastic whose raw materials are made from biomass^{1a};</u> <u>1a. Communication for an EU policy framework on bio-based, biodegradable and compostable plastics, COM(2022), 682 final, 30/11/2022.</u>	(41b) 'biobased plastics' means plastics made, fully or partially, from biological resources such as biomass feedstock, organic waste or by-products. Biobased plastic can be both, biodegradable or non-biodegradable.	
Article 3, first paragraph, point (42)				
211	(42) 'single use plastic beverage bottles' means beverage bottles listed in Part F of the Annex to Directive (EU) 2019/904;	(42) 'single use plastic beverage bottles' means beverage bottles listed in Part F of the Annex to Directive (EU) 2019/904;	(42) 'single use plastic beverage bottles' means beverage bottles listed in Part F of the Annex to Directive (EU) 2019/904;	

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Article 3, first paragraph, point (43)				
212	(43) ‘plastic’ means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of packaging, with the exception of natural polymers that have not been chemically modified;	(43) ‘plastic’ means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of packaging, with the exception of natural polymers that have not been chemically modified;	(43) ‘plastic’ means a material consisting of a polymer within the meaning of Article ~~3(5)~~ 3, point 5 , of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of packaging, with the exception of natural polymers that have not been chemically modified;	
Article 3, first paragraph, point (44)				
213	(44) ‘plastic carrier bags’ means carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of products;	(44) ‘plastic carrier bags’ means carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of products;	(44) ‘plastic carrier bags’ means carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of products;	
Article 3, first paragraph, point (45)				
214	(45) ‘lightweight plastic carrier bags’ means plastic carrier bags with a wall thickness below 50 microns;	(45) ‘lightweight plastic carrier bags’ means plastic carrier bags with a wall thickness below 50 microns;	(45) ‘lightweight plastic carrier bags’ means plastic carrier bags with a wall thickness below 50 microns;	
Article 3, first paragraph, point (46)				
215	(46) ‘very lightweight plastic carrier	(46) ‘very lightweight plastic carrier bags’	(46) ‘very lightweight plastic carrier bags’	

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	bags' means plastic carrier bags with a wall thickness below 15 microns;	means plastic carrier bags with a wall thickness below 15 microns;	means plastic carrier bags with a wall thickness below 15 microns;	
Article 3, first paragraph, point (47)				
216	(47) 'thick plastic carrier bags' means plastic carrier bags with a wall thickness between 50 and 99 microns;	(47) 'thick plastic carrier bags' means plastic carrier bags with a wall thickness between 50 and 99 microns;	(47) 'thick plastic carrier bags' means plastic carrier bags with a wall thickness between 50 and 99 microns;	
Article 3, first paragraph, point (48)				
217	(48) 'very thick plastic carrier bags' means plastic carrier bags with a wall thickness above 99 microns;		(48) 'very thick plastic carrier bags' means plastic carrier bags with a wall thickness above 99 microns;	
Article 3, first paragraph, point (49)				
218	(49) 'waste receptacles' means containers, bins and bags used to store and collect waste;	(49) 'waste receptacles' means containers, bins and bags used to store and collect waste;	(49) 'waste receptacles' means ~~containers, bins and bags~~ receptacles used to store and collect waste, for example containers, bins and bags ;	
Article 3, first paragraph, point (50)				
219	(50) 'deposit' means a fixed sum of money, not being part of the price of a packaged or filled product that is	(50) 'deposit' means a ~~fixed~~ defined sum of money, not being part of the price of a packaged or filled product that is collected	(50) 'deposit' means a fixed sum of money, not being part of the price of a packaged or filled product, that is collected from the end	

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	collected from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user returns the deposit bearing packaging to a collection point established for that purpose;	from the end user when purchasing such packaged or filled product, covered by a deposit and return system in a given Member State and redeemable when the end user, <u>or any other person</u> , returns the deposit bearing packaging to a collection point established for that purpose;	user when purchasing such packaged or filled product, that is covered by a deposit and return system in a ~~given~~ Member State and redeemable when the ~~end user returns~~ the deposit bearing packaging is returned to a collection point established for that purpose in that Member State ;	
Article 3, first paragraph, point (51)				
220	(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose;	(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by this system, and redeemed to the end user when the deposit bearing packaging is returned to a collection point established for that purpose <u>or properly deposited in the type of waste receptacle provided for that purpose, at home or in public spaces</u> ;	(51) ‘deposit and return system’ means a system, in which a deposit is charged to the end user when purchasing a packaged or filled product covered by ~~this~~ that system, and redeemed ~~to the end user~~ when the deposit bearing packaging is returned to a collection point established for that purpose;	
Article 3, first paragraph, point (52)				
221	(52) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;	(52) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;	(52) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;	
Article 3, first paragraph, point (53)				
222				

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	(53) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c) of Regulation (EU) No 1025/2012;	(53) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c) of Regulation (EU) No 1025/2012;	(53) ‘harmonised standard’ means a standard as defined in Article ~~2(1)~~ ² , point (c) of Regulation (EU) No 1025/2012;	
Article 3, first paragraph, point (54)				
223	(54) ‘conformity assessment’ means the process demonstrating whether the sustainability, safety, labelling and information requirements of this Regulation, relating to a packaging, have been fulfilled;	(54) ‘conformity assessment’ means the process demonstrating whether the sustainability, safety, labelling and information requirements of this Regulation, relating to a packaging, have been fulfilled;	(54) ‘conformity assessment’ means the process demonstrating whether the sustainability, safety, labelling and information requirements of this Regulation, relating to a packaging, have been fulfilled;	
Article 3, first paragraph, point (55)				
224	(55) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	(55) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	(55) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	
Article 3, first paragraph, point (56)				
225	(56) ‘life-cycle’ means the consecutive and interlinked stages that packaging goes through, from raw material acquisition or generation from natural resources to final disposal.	(56) ‘life-cycle’ means the consecutive and interlinked stages that packaging goes through, from raw material acquisition or generation from natural resources to final disposal.	(56) ‘life-cycle’ means the consecutive and interlinked stages ~~that of a packaging’s life,~~ consisting of goes through, from raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, use,	

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			repair, re-use, and end-of-life; to final disposal.	
Article 3, first paragraph, point (57)				
226	(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment or other public interests protected by that requirement;	(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), may adversely affect the environment, <u>health</u> , or other public interests protected by that requirement;	(57) ‘packaging presenting a risk’ means a packaging that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 56(1), ~~may~~ might adversely affect the environment or other public interests protected by that requirement;	
Article 3, first paragraph, point (58)				
227	(58) ‘packaging presenting a serious risk’ means a packaging presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the non-compliance are not immediate;	(58) ‘packaging presenting a serious risk’ means a packaging presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the non-compliance are not immediate;	(58) ‘packaging presenting a serious risk’ means ~~a~~ -packaging presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the non-compliance are not immediate;	
Article 3, first paragraph, point (59)				
228	(59) ‘online platform’ means online platform as defined in Article 3 point (i) of Regulation (EU) 2022/2065;	(59) ‘online platform’ means online platform as defined in Article 3 point (i) of Regulation (EU) 2022/2065;	(59) ‘online platform’ means online platform as defined in Article 3 point (i) of Regulation (EU) 2022/2065;	

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Article 3, first paragraph, point (60)				
229	(60) ‘waste’ means waste as defined in Article 3 point (1) of Directive 2008/98/EC, with the exception of reusable packaging conveyed to reconditioning;	(60) ‘waste’ means waste as defined in Article 3 point (1) of Directive 2008/98/EC, with the exception of reusable packaging conveyed to reconditioning;	(60) ‘waste’ means waste as defined in Article 3, point (1), of Directive 2008/98/EC, ~~with the exception of reusable packaging conveyed to reconditioning.~~ Reusable packaging sent to reconditioning is not considered to be waste;	
Article 3, first paragraph, point (61)				
229 a			(61) ‘public contracts’ means public contracts as defined in Article 2, point (5), of Directive 2014/24/EU or as referred to in Directive 2014/25/EU;	
Article 3, second paragraph				
229 b			2. In addition to the definitions referred to in paragraph 1, the following definitions apply:	
Article 3, second paragraph				
230	The definitions of ‘substance of concern’ and ‘data carrier’ laid down in Article [2 points (28) and (30)] of Regulation [Ecodesign for sustainable products] shall	The definitions of ‘substance of concern’ and ‘data carrier’ laid down in Article [2 points (28) and (30)] of Regulation [Ecodesign for sustainable products] shall	Moved to row 232a [230 - 232a]	

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	apply;	apply;		
Article 3, second paragraph, point (a)				
231	The definitions of ‘waste management’, ‘collection’, ‘separate collection’, ‘extended producer responsibility scheme’, ‘preparing for re-use’, and ‘recycling’ laid down in Article 3 points (9), (10), (11), (21), (16) and (17) of Directive 2008/98/EC apply;	The definitions of ‘waste management’, ‘collection’, ‘separate collection’, ‘extended producer responsibility scheme’, ‘preparing for re-use’, and ‘recycling’ laid down in Article 3 points (9), (10), (11), (21), (16) and (17) of Directive 2008/98/EC apply;	(a) ~~The definitions of~~ ‘waste management’, ‘collection’, treatment , ‘separate collection’, ‘extended producer responsibility scheme’, ‘preparing for re-use’, and ‘recycling’, laid down in Article 3 ~~points (9), (10), (11), (21), (16) and (17)~~ of Directive 2008/98/EC ~~apply~~ ;	
Article 3, second paragraph, point (b)				
232	The definitions of ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘corrective action’, ‘recall’, ‘withdrawal’ and ‘risk’ laid down in Article 3 points (3), (4), (11), (16), (22), (23) and (18) of Regulation (EU) 2019/1020 apply.	The definitions of ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘corrective action’, ‘recall’, ‘withdrawal’ and ‘risk’ laid down in Article 3 points (3), (4), (11), (16), (22), (23) and (18) of Regulation (EU) 2019/1020 apply.	(b) ~~The definitions of~~ ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘corrective action’, ‘recall’, ‘withdrawal’ and ‘risk’, laid down in Article 3 ~~points (3), (4), (11), (16), (22), (23) and (18)~~ of Regulation (EU) 2019/1020 ~~apply~~ ;	
Article 3, second paragraph,				
232 a	The definitions of ‘substance of concern’ and ‘data carrier’ laid down in Article [2 points (28) and (30)] of Regulation [Ecodesign for sustainable products] shall		~~The definitions of ‘substance~~ ‘substances of concern’ and ‘data carrier’, laid down in Article ~~[2 points (28) and (30)]~~ 2 of Regulation [Ecodesign for sustainable	

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	apply; Moved reference text		products] shall apply. Moved from row 230 [230 - 232a]	
Article 3, third paragraph				
233	An indicative list of items falling within the definition of packaging in point (1) is set out in Annex I.	An indicative list of items falling within the definition of packaging in point (1) is set out in Annex I.	3. An indicative list of items falling within the definition of packaging in paragraph 1 , point (1), is set out in Annex I.	
Article 4				
234	Article 4 Free movement	Article 4 Free movement	Article 4 Free movement	
Article 4(1)				
235	1. Packaging shall only be placed on the market if it complies with this Regulation.	1. Packaging shall only be placed on the market if it complies with this Regulation.	1. Packaging shall only be placed on the market if it complies with this Regulation.	
Article 4(2)				
236	2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.	2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability requirements set out in Articles 5 to 10 of this Regulation.	2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability, labelling and information requirements set out in Articles 5 to 10 of ~~this Regulation~~ 11 .	
Article 4(3)				

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237	3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.	3. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the labelling and information requirements set out in Article 11 of this Regulation.	<i>deleted</i>	
Article 4(4)				
238	4. In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.	4. In case Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.	4. ~~In case~~ If Member States choose to maintain or introduce national sustainability requirements or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation ~~and the~~ . Member States shall not prohibit, restrict or impede the ~~placing~~ making available on the market for the first time within the territory of a Member State of packaging that complies with the requirements under this Regulation for reasons of non-compliance with those national requirements.	
Article 4(5)				
239	5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further	5. ~~In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements,~~	5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements,	

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	labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).	~~for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1)~~ <u>deleted</u>	for the purpose of identifying a deposit and return system or by means of standardised digital marking technology the extended producer responsibility scheme or a deposit and return system. Member States shall not prohibit the affixing of labels related to deposit and return system in place in other Member State ~~other than those referred to in Article 44(1).~~	
Article 4(6)				
240	6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.	6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.	6. At trade fairs, exhibitions or similar events, Member States shall not prevent the showing of packaging, which does not comply with this Regulation, provided that a visible sign clearly indicates that such packaging does not comply with this Regulation and that it is not for sale until it has been brought into conformity.	
Chapter II				
241	Chapter II Sustainability requirements	Chapter II Sustainability requirements	Chapter II Sustainability requirements	
Article 5				
242	Article 5 Requirements for substances in packaging	Article 5 Requirements for substances in packaging	Article 5 Requirements for substances in packaging	

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Article 5(1)				
243	1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.	1. Packaging shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal, <u>and the adverse impact on the environment due to micro-plastics.</u>	1. Packaging placed on the market shall be so manufactured that the presence and concentration of substances of concern as constituents of the packaging material or of any of the packaging components is minimised, including with regard to their presence in emissions and any outcomes of waste management, such as secondary raw materials, ashes or other material for final disposal.	
Article 5(1a)				
243 a			1a. By 31 December 2026, the Commission, assisted by the European Chemicals Agency, shall prepare a report on the presence of substances of concern in packaging and packaging components, to determine the extent to which they negatively affect the re-use and recycling of materials or impact chemical safety. The Commission shall submit the report to the European Parliament, to the Council and to the Committee referred to	

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			in Article 59 of this Regulation detailing its findings and shall consider appropriate follow-up measures, including: a) for substances of concern in packaging materials which primarily affect human health or the environment, the use of the procedures referred to in Article 68(1) and (2) of Regulation (EC) No 1907/2006 to adopt new restrictions; b) for substances of concern that negatively affect the re-use and recycling of materials in the packaging in which they are present, the establishment of restrictions as a part of design for recycling criteria in accordance with Article 6(4) of this Regulation. If a Member State considers that a substance negatively affects the re-use and recycling of materials in the packaging in which it is present it shall, by 31 December 2025, supply such information to the Commission and the European Chemicals Agency and, where available, refer to the relevant risk assessments or other relevant data.	
	Article 5(1b)			
243				

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b			1b. Member States may request the Commission to consider restricting the use of substances of concern that potentially negatively affect the re-use and recycling of materials in packaging in which they are present, for reasons other than those related primarily to their chemical safety, under the provision of Article 6(4)(a). Member States shall accompany such requests with a report documenting the identity and uses of the substance and a description of how the use of the substances in packaging hinders recycling, for reasons other than those related primarily to chemical safety. The Commission shall evaluate the request and present the results of this evaluation to the Committee referred to in Article 59 .	
Article 5(2)				
244	2. Without prejudice to the restrictions on chemicals set out in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, to the restrictions and specific measures on food contact packaging in Regulation (EC) No 1935/2004, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in	2. Without prejudice to the restrictions on chemicals set out in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, to the restrictions and specific measures on food contact packaging in Regulation (EC) No 1935/2004, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in	2. Without prejudice to the restrictions on chemicals set out in Annex XVII of Regulation (EC) No 1907/2006 or, where applicable, to the restrictions and specific measures on food contact packaging materials and articles in Regulation (EC) No 1935/2004, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging or packaging components shall not exceed 100 mg/kg.	packaging or packaging components shall not exceed 100 mg/kg.	from substances present in packaging or packaging components shall not exceed 100 mg/kg.	
Article 5(2a)				
244 a		<u>2a. Food contact packaging containing intentionally added per- and polyfluorinated alkyl substances (PFASs) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].</u>		
Article 5(2b)				
244 b		<u>2b. Food contact packaging containing intentionally added Bisphenol A (BPA, CAS 80-05-7) shall not be placed on the market from ... [OP: Please insert the date = 18 months from the date of entry into force of this Regulation].</u>		
Article 5(3)				
245	3. Compliance with the requirements set out in paragraph 2 shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.	3. Compliance with the requirements set out in ~~paragraph 2~~ <u>paragraphs 1, 2, 2a and 2b</u> shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.	3. Compliance with the requirements set out in paragraph 2 shall be demonstrated in the technical documentation drawn up in accordance with Annex VII.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(4)				
246	4. Recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons relating primarily to chemical safety. They shall address, as appropriate, substances of concern that negatively affect the re-use and recycling of materials in the packaging in which they are present, and shall, as appropriate, identify the specific substances concerned and their associated criteria and limitations.	4. <u>Without prejudice to paragraphs 2a and 2b,</u> recyclability requirements established in delegated acts adopted pursuant to Article 6(5) shall not restrict the presence of substances in packaging or packaging components for reasons ~~relating~~ primarily <u>related</u> to chemical safety, <u>unless there is an unacceptable risk to human health or to the environment arising from the use of a substance in the packaging at any stage of its life cycle.</u> They shall <u>also</u> address, ~~as appropriate,~~ substances of concern that ~~negatively affect~~ <u>have a negative impact on</u> the re-use, <u>sorting</u> and recycling of materials in the packaging in which they are present, and ~~shall, as appropriate,~~ identify the specific substances concerned and ~~their associated~~ <u>the</u> criteria and limitations <u>associated with them.</u>	deleted	
Article 5(4a), first subparagraph				
247	5. In order to take account of the scientific and technical progress, the Commission may adopt delegated acts in accordance with Article 58, to amend this	5. In order to take account of the scientific and technical progress, the Commission may adopt delegated acts in accordance with Article 58, to amend this Regulation in	~~54a.~~ In order to take account of ~~the~~ scientific and technical progress, the Commission may adopt delegated acts in accordance with Article 58, to amend this Regulation in order	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation in order to:	order to:	to: lower the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components referred to in paragraph 2;	
Article 5(4a), first subparagraph, point (a)				
248	(a) lower the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components referred to in paragraph 2;	(a) lower the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components referred to in paragraph 2;	<i>deleted</i>	
Article 5(4a), first subparagraph, 5a.				
249	(b) determine the conditions under which the concentration level referred to in paragraph 2 shall not apply to recycled materials and to product loops, which are in a closed and controlled chain, as well as to determine the types of packaging which shall be exempted from the requirements laid down in that paragraph. Such delegated acts shall be time-limited, provide for appropriate marking and information requirements, and contain requirements for regular reporting in order to ensure that the exemption is	(b) determine the conditions under which the concentration level referred to in paragraph 2 shall not apply to recycled materials and to product loops, which are in a closed and controlled chain, as well as to determine the types of packaging which shall be exempted from the requirements laid down in that paragraph. Such delegated acts shall be time-limited, provide for appropriate marking and information requirements, and contain requirements for regular reporting in order to ensure that the exemption is regularly reviewed.	~~(b)~~ 5a. In order to take account of scientific and technical progress, the Commission may adopt delegated acts in accordance with Article 58, to supplement this Regulation in order to determine the conditions under which the concentration level referred to in paragraph 2 shall not apply to recycled materials ~~and/or~~ to product loops, which are in a closed and controlled chain, as well as to determine the packaging types or formats of packaging, based on the packaging categories listed in Table 1 of Annex II, which shall be exempted from the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regularly reviewed.		requirements laid down in that paragraph. Such delegated acts shall be justified on the basis of a case by case analysis , time-limited, provide for appropriate marking and information requirements, and contain requirements for regular reporting in order to ensure that the exemption is regularly reviewed. Delegated acts adopted in accordance with this paragraph shall only be adopted to amend exemptions established in Commission Decisions 2001/171/EC and 2009/292/EC.	
Article 5(5b)				
249 a			5b. By ... [8 years from the date of application of this Regulation], the Commission shall carry out an evaluation to assess whether this Article and design for recycling criteria set out in accordance with Article 6(4) have contributed sufficiently to minimising the presence and concentration of substances of concern as constituents of packaging materials.	
Article 6				
250	Article 6 Recyclable packaging	Article 6 Recyclable packaging	Article 6 Recyclable packaging	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(1)				
251	1. All packaging shall be recyclable.	1. All packaging <u>placed on the market</u> shall be recyclable <u>in accordance with paragraph 2.</u>	1. All packaging placed on the market shall be recyclable.	
Article 6(2), first subparagraph				
252	2. Packaging shall be considered recyclable where it complies with the following:	2. Packaging shall be considered recyclable where it complies with the following:	2. Packaging shall be considered recyclable ~~where it complies with~~ if it fulfils the following conditions :	
Article 6(2), first subparagraph, point (a)				
253	(a) it is designed for recycling;	(a) it is designed for recycling, <u>as set out in the delegated acts adopted by the Commission pursuant to paragraph 4 ;</u>	(a) it is designed for material recycling; which enables the use of resulting secondary raw materials that are of sufficient quality when compared to the original material that it can be used to substitute primary raw materials , in accordance with paragraph 4 . Packaging that is in compliance with the implementing acts adopted pursuant to paragraph 4 shall be deemed to comply with this condition.	
Article 6(2), first subparagraph, point (b)				
254	(b) it is effectively and efficiently separately collected in accordance with	(b) it is effectively and efficiently separately collected in accordance with	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 43(1) and (2);	Article 43(1) and (2);		
<i>Article 6(2), first subparagraph, point (c)</i>				
255	(c) it is sorted into defined waste streams without affecting the recyclability of other waste streams;	(c) it is sorted into defined waste streams without affecting the recyclability of other waste streams;	<i>deleted</i>	
<i>Article 6(2), first subparagraph, point (d)</i>				
256	(d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute the primary raw materials;	(d) it can be recycled so that the resulting secondary raw materials are of sufficient quality to substitute ~~the~~ primary raw materials;	<i>deleted</i>	
<i>Article 6(2), first subparagraph(b)</i>				
257	(e) it can be recycled at scale.	(e) it ~~can be recycled~~ <u>is recyclable</u> at scale <u>in accordance with the methodology established in the delegated acts adopted by the Commission pursuant to paragraph 6.</u>	(e)(b) When it becomes waste, it can be separately collected in accordance with Article 43(1) and (2) ; and it can be sorted into specific waste streams without affecting the recyclability of other waste streams; and it can be recycled at scale, on the basis of the methodology set out in accordance with paragraph 6.	
<i>Article 6(2), second subparagraph</i>				
257 a			Packaging that is in compliance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			implementing acts adopted pursuant to paragraphs 4 and 6, shall be deemed to comply with both conditions set out in this paragraph.	
Article 6(2), second subparagraph				
258	Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.	~~Point (a)~~ <u>Points (a) to (d)</u> shall apply from ~~1 January 2030~~ <u>36 months after the date of publication of the delegated acts referred to in paragraph 4</u> and point (e) shall apply from ~~1 January 2035~~ <u>36 months after the date of publication of the delegated acts referred to in paragraph 6</u> .	2a. Paragraph 2 , point (a), shall apply from 1 January 2030 ~~and~~ two years after the date entry into force of the implementing act referred to in paragraph 4, whichever is the latest. Paragraph 2 , point ~~(e)~~ (b) , shall apply from 1 January 2035 or five years after the date entry into force of the implementing act referred to in paragraph 6, whichever is the latest.	
Article 6(3)				
259	3. 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	3. Recyclable packaging shall, ~~from 1 January 2030, :~~ <u>(a)</u> 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~~ <u>no later than 36 months after the date of publication of the delegated acts referred to in paragraph 4;</u> <u>and</u> <u>(b)</u> comply with the recyclability at	3. Recyclable packaging shall, ~~from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted~~ The manufacturer, in accordance with Article 13, shall assess packaging recyclability on the basis of the implementing acts pursuant to paragraph 4 and, from 1 January 2035, also with 6. Packaging recyclability	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to comply with paragraph 2, points (a) and (e).	scale requirements laid down in the delegated acts adopted pursuant to paragraph 6, ~~no later than 36 months after the date of publication of the delegated acts referred to in paragraph 6, in addition to point (a) of this paragraph.~~ Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).	~~shall be expressed in the recyclability at scale requirements laid down in the delegated acts adopted pursuant to~~ performance grades A, B or C described in Table 2 of Annex II. ~~Without prejudice to paragraph 6. Where such~~ 9, by 1 January 2030, packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e) shall not be placed on the market unless it is recyclable within grades A B or C.	
Article 6(3a)				
259 a		<u>3a. The criteria and requirements referred to in paragraph 3 shall establish:</u> <u>(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as set out in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable in accordance with paragraph 1;</u> <u>(b) detailed design for recycling criteria , including specific requirements for high quality recycling, where appropriate, for each packaging material and category listed in Table 1 of Annex II;</u> <u>(c) a description, for each packaging</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;</u> <u>(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;</u> <u>(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish updated recyclability performance grades.</u>		
	Article 6(4), first subparagraph			
260	4. The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance	4. <u>By 1 January 2027</u> the Commission ~~is empowered to~~ <u>shall, after consulting the Packaging Forum established under Article 12a and taking into consideration standards developed by the European Standards Organisations,</u> adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to : <u>(a) establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in ~~Table 2~~ Tables 2 and 2a of Annex II for packaging categories listed in Table 1 of that Annex;</u> <u>design-for-recycling criteria shall consider</u>	4. ~~The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.	<u>state-of-the-art collection, sorting and recycling processes and shall cover all packaging components;</u> (b) <u>establish</u> , ~~as well as~~ rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and ~~for plastic packaging where applicable~~ , the percentage of recycled content. ~~Design for recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components.~~	~~packaging, the percentage of recycled content. Design for recycling criteria~~ By 1 January 2028, the Commission shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components. adopt implementing acts to establish:	
Article 6(4), first subparagraph, point (a)				
260 a			(a) design for recycling criteria and recycling performance grades based on the parameters listed in Table 2a of Annex II for packaging categories listed in Table 1 of that Annex. Design for recycling criteria and recyclability performance grades shall: (i) take into account the ability of packaging waste to be separated into different material streams for recycling, sorted and recycled, so that the resulting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			secondary raw materials are of sufficient quality compared to the original material and can be used to substitute the primary raw materials for packaging or other applications where the quality of the recycled material is retained, where feasible. (ii) consider established collection, sorting and recycling processes proven in an operational environment and shall cover all packaging components ; (iii) as appropriate, identify substances of concern that negatively affect the re-use and recycling of materials in the packaging in which they are present; (iv) as appropriate, impose restrictions on the presence of such substances or groups of such substances, in packaging or packaging components for reasons not relating primarily to chemical safety;	
Article 6(4), first subparagraph, point (b)				
260 b			(b) provide how to perform recyclability performance assessment and express its result in recyclability performance grades per packaging unit, in terms of weighting, including material-specific criteria and sorting efficiency to determine whether packaging is recyclable under paragraph 2;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6(4), first subparagraph, point (c)			
260 c			(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;	
	Article 6(4), first subparagraph, point (d)			
260 d			(d) provide a framework concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grades.	
	Article 6(4), first subparagraph a			
260 e			When adopting the implementing acts referred to in the first subparagraph, the Commission shall take into account the results of the assessment, if any, carried out pursuant to Article (5)(1)(a). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(4), second subparagraph				
261	The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.	The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex <u>II</u> in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.	The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex II in order to adapt it to scientific and technical development in material and product design, and collection, sorting and recycling infrastructure. The Commission is empowered to adopt design for recycling criteria for additional packaging categories or to create sub-categories within the categories listed in Table 1 of Annex II. Economic operators shall comply with the new or updated design for recycling criteria at the latest by three years after the entry into force of the relevant delegated act.	
Article 6(5), first subparagraph				
262	5. From 1 January 2030, packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.	5. From ~~1 January 2030~~ <u>36 months after the date of publication of the delegated acts referred to in paragraph 4</u> , packaging shall not be considered recyclable if it corresponds to performance grade E under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		which the packaging belongs ~~;~~		
Article 6(5), first subparagraph a				
262 a		<u>From 96 months after the date of publication of the delegated acts referred to in paragraph 4, packaging shall not be considered recyclable if it corresponds to performance grade D or below under the design for recycling criteria established in the delegated act adopted pursuant to paragraph 4 for the packaging category, to which the packaging belongs.</u>		
Article 6(5), third subparagraph				
262 b		<u>From 36 months after the date of publication of the delegated acts referred to in paragraph 6, packaging shall not be considered recyclable if it does not comply with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6.</u>		
Article 6(5), second subparagraph				
263	These criteria shall be based at least on the parameters as listed in Table 2 of Annex II.	~~These criteria shall be based at least on the parameters as listed in Table 2 of Annex II.~~ <u>deleted</u>	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(6)				
264	6. The Commission shall, for each packaging type listed in Table 1 of Annex II, establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:	~~65a.~~ <u>No later than 60 months after the date of publication of the delegated acts referred to in paragraph 4</u> the Commission shall <u>adopt delegated acts in accordance with Article 58 to supplement this Regulation</u> , for each packaging type listed in Table 1 of Annex II, <u>in order to</u> establish the methodology to assess if packaging is recyclable at scale. That methodology shall be based at least on the following elements:	6. By 1 January 2030 , the Commission shall adopt implementing acts, establishing (a) the methodology for the recycled at scale assessment, per ~~for each packaging type~~ category listed in Table 1a of Annex II, ~~establish the methodology to assess if packaging is recyclable at scale to~~ supplement Table 2 of Annex II by establishing the thresholds for the recyclability performance grades and to update, if necessary, the overall recyclability performance grades. That methodology shall be based on at least ~~on~~ the following elements:	
Article 6(6)(i)				
265	(a) amounts of packaging placed on the market in the Union as a whole and in each Member State;	(a) amounts of packaging placed on the market in the Union as a whole and in each Member State;	~~(a)~~ (i) amounts quantities of packaging per packaging category listed in Table 1a of Annex II placed on the market in the Union as a whole and in each Member State;	
Article 6(6), point (b)				
266	(b) amounts of separately collected packaging waste, per packaging material	(b) amounts of separately collected packaging waste, per packaging material	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	listed in Table 1 of Annex II, in the Union as whole and in each Member State;	listed in Table 1 of Annex II, in the Union as whole and in each Member State, <u>taking into account Member States obligations under Article 43 of this Regulation</u> ;		
Article 6(6)(iii)				
267	(c) recycling rates of packaging waste per packaging type listed in Table 1 of Annex II, in the Union as a whole and in each Member State or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);	(c) recycling rates of packaging waste per packaging type listed in Table 1 of Annex II, in the Union as a whole and in each Member State or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);	~~(c)(iii) recycling rates of~~ quantities of recycled packaging waste at the calculation point in accordance with Decision 2005/270/EC per packaging type category listed in Table 1a of Annex II, in the Union as a whole and in each Member State ~~or, when such data on recycling rates for packaging waste per packaging type cannot be made available, assumptions made based on average loss rates as referred to in Article 47(3);.~~	
Article 6(6), point (d)				
268	(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II.	(d) installed infrastructure capacities for sorting and recycling in the Union as a whole for each packaging type listed in Table 1 of Annex II, <u>taking into account Member States' obligations under Article 43 of this Regulation</u> .	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 6(6), point (b)</i>				
268 a			(b) the chain of custody mechanism ensuring that packaging is recycled at scale. Such chain shall be based on at least the following elements: (i) technical documentation referring to the amount of collected packaging waste that are sent to sorting and recycling facilities. (ii) a verification process that allows manufacturers to obtain the necessary data from the downstream operators ensuring that packaging is recycled at scale. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
<i>Article 6(-a)</i>				
268 b			6 -a. The Commission shall assess the granularity of the recycled at scale data reporting. Where appropriate, the Commission shall adopt delegated acts in accordance with Article 58 to amend Table 1a of Annex II and Table 4 of Annex XII to adapt them to technical and scientific development.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(a)				
268 c			6a. By 2035, the Commission, on the basis of development of the recycling technologies, may review the minimum threshold to be considered recycled at scale as laid down in Article 3(1)(32) and, where necessary, present a legislative proposal to revise them.	
Article 6(aa)				
268 d			6aa. 18 months from the date of entry into force of the implementing acts adopted in accordance with paragraphs 4 and 6 of this Article, in order to increase the level of recyclability of packaging, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated according to the recyclability performance grades, as detailed in the delegated acts referred to in paragraphs 4 and 6 of this Article.	
Article 6(5a), second subparagraph				
268 e		<u>The data referred to in points (a) to (d) shall be available and easily accessible by</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the public.</u>		
Article 6(7)				
269	7. The criteria and requirements referred to in paragraph 3 shall establish:	7. ~~The criteria and requirements referred to in paragraph 3 shall establish;~~ <u>deleted</u>	deleted	
Article 6(7), point (a)				
270	(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;	(a) ~~the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;~~ <u>deleted</u>	deleted	
Article 6(7), point (b)				
271	(b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;	(b) ~~detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;~~ <u>deleted</u>	deleted	
Article 6(7), point (c)				
272	(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;	(c) ~~a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;~~ <u>deleted</u>	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 6(7), point (d)</i>				
273	(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;	(d) ~~the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;~~ <u>deleted</u>	deleted	
<i>Article 6(7), point (e)</i>				
274	(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.	(e) ~~the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades;~~ <u>deleted</u>	deleted	
<i>Article 6(7a)</i>				
274 a		<u>7a. Where proven to be environmentally beneficial and technically feasible, Member States may, especially through design of schemes established in compliance with Article 44, prioritise recycling of packaging so that it can be subsequently recycled and used in the same way or for a similar application, with</u>		

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		<u>minimal loss of quantity, quality or function, whereby producers obliged to meet recycled content targets can benefit from fair access to the material derived from the recycled packaging.</u>		
Article 6(8), first subparagraph				
275	8. Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.	8. Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII- <u>and take into consideration the following elements:</u>	8. Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.	
Article 6(8), second subparagraph				
276	Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.	<u>(a)</u> where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components-;	Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components. A separate assessment shall be carried out for integrated components that may separate from each other through mechanical stress during transportation or sorting.	
Article 6(8), third subparagraph				
277				

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	Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.	<u>(b) where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component; if an integrated component of the packaging unit is easily separable by hand and there are clear instructions for the consumer, the overall recyclability shall be a combination of the assessments for each individual component;</u>	Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be ~~done~~ carried out separately for each separate component.	
Article 6(8), fourth subparagraph				
278	All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.	<u>(c) All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.</u>	All components of a unit of packaging shall be compatible with the ~~state of the art~~ established collection, sorting and recycling processes proven in an operational environment and shall not hinder the recyclability of the main body of the unit of packaging.	
Article 6(9), first subparagraph				
279	9. From 1 January 2030, and by way of derogation from paragraphs 2 and 3, innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year	9. From ~~1 January 2030~~ <u>36 months after the date of publication of the delegated acts referred to in paragraph 4</u> , and by way of derogation from ~~paragraphs 2 and 3~~ <u>the requirements set out in this Article</u> ,	9. By derogation from paragraphs 2 and 3 , from 1 January 2030, ~~and by way of derogation from paragraphs 2 and 3,~~ innovative packaging that does not comply with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	when it has been placed on the market.	innovative packaging may be placed on the market for a maximum period of 5 years after the end of the calendar year when it has been placed on the market.	requirements under paragraph 2 may be placed on the market for a maximum period of ~~53~~ years after the end of the calendar year when it ~~has been~~ was first placed on the market.	
Article 6(9), first subparagraph a				
279 a		<i><u>The Commission shall constantly monitor the impact of the derogation referred to in the first subparagraph on the amount of packaging placed on the market. The Commission shall, where appropriate, adopt a legislative proposal with a view to amending the first subparagraph.</u></i>		
Article 6(9), second subparagraph				
280	Where use is made of this derogation, innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature and showing compliance with the definition in Article 3(34) of this Regulation.	~~Where use is made of this derogation,~~ Innovative packaging shall be accompanied by technical documentation, referred to in Annex VII, demonstrating its innovative nature, <u>its overall environmental benefit</u> and showing compliance with the definition in Article 3(~~34~~ <u>37</u>) of this Regulation.	Where use is made of this derogation, the economic operator shall notify the competent authority before the innovative packaging is placed on the market and include all technical details demonstrating that the packaging is innovative packaging That notification shall include a timeline to reach ‘at scale’ recyclability requirements in terms of collection and recycling of the innovative packaging. The information shall be accompanied by technical documentation, referred to in Annex VII, demonstrating	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			it made available to the Commission and the national authorities carrying out market surveillance. If the competent authority considers that the packaging is not innovative packaging, the economic operator shall comply with the existing design for recycling criteria. If the competent authority considers that the packaging is innovative packaging, it shall inform the Commission thereof. The Commission shall assess requests by competent authorities in relation to innovative nature of packaging and update or adopt new delegated acts under paragraph 4 and showing compliance with the definition in Article 3(34) of this Regulation. Article, as appropriate.	
Article 6(9), third subparagraph				
281	After the period referred to in the first sub-paragraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.	After the period referred to in the first sub-paragraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8 <u>and shall therefore be in compliance with the requirements set out in this Article. Member States shall continuously aim to improve collection and sorting infrastructures for innovative packaging with expected environmental benefits.</u>	After the period referred to in the first sub-paragraph, such packaging shall be accompanied by the technical documentation referred to in paragraph 8.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6(10)			
282	10. Until 31 December 2034, this Article shall not apply to the following:	10. Until ~~31 December 2034~~ <u>72 months after the date of publication of the delegated act referred to in paragraph 6</u> , this Article shall not apply to the following:	10. ~~Until 31 December 2034~~ , This Article shall not apply to the following:	
	Article 6(10), point (a)			
283	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6;	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6;	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6;	
	Article 6(10), point (b)			
284	(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;	(b) contact sensitive ~~plastic~~ packaging of medical devices covered by Regulation (EU) 2017/745;	(b) contact sensitive plastic packaging of medical devices ~~covered~~ cover I by Regulation (EU) 2017/745;	
	Article 6(10), point (c)			
285	(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.	(c) contact sensitive ~~plastic~~ packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746.	(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746-;	
	Article 6(10), point (ca)			
285				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
a		<u>(ca) contact sensitive packaging for infant formula and follow-on formula, processed cereal-based food and baby food, and food for special medical purposes as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013.</u>	(ca) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product;	
Article 6(10), point (cb)				
285 b			(cb) packaging used for the transport of dangerous goods under Directive 2008/68/EC.	
Article 6(10), point (cc)				
285 c			(cc) Sales packaging made from lightweight wood, cork, textile, rubber, ceramic or porcelain. However, paragraph 6aa shall apply to this packaging.	
Article 6(10), point (cd)				
285 d		<u>10a. Until the assessment of their status by the Commission pursuant to paragraph 10b of this Article, this Article shall not apply to wood packaging and wax packaging covered by Regulation (EC) 1935/2004.</u>	10a. By 1 January 2035, the Commission shall undertake a review of the exceptions under paragraph 10 and, on this basis, assess the appropriateness of their continuity and, where necessary, present a legislative proposal.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(10b)				
285 e		<u>10b. The Commission shall assess the need to extend the derogation established under paragraph 10. That assessment shall take into account the available scientific guidelines of the relevant regulatory authorities, the state of scientific and technical progress, and the availability and prices of recyclable materials. On that basis and after consultation with relevant stakeholders, the Commission shall present, if appropriate, a legislative proposal.</u>		
Article 6(11)				
286	11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).	11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6). <u>Financial contributions shall, in accordance with Article 8a of Directive 2008/98/EC, be</u>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>earmarked to finance the net cost of collection, sorting and recycling infrastructures of the packaging type it is paid for, following the categories set in Annex II, Table 1.</u>		
Article 6a				
286 a		<u>Article 6a</u> <u>Inert packaging</u>		
Article 6a(1)				
286 b		<u>1. By 1 January 2029, the Commission shall adopt delegated acts in accordance with Article 58 in order to supplement this Regulation where necessary to deal with any difficulties encountered in applying the provisions of this Regulation, in particular, to inert packaging materials placed on the market in very small quantities (i.e. approximately 0,1 % by weight) in the Union.</u> <u>Obligations under Article 6 shall not apply to this kind of packaging until those delegated acts are adopted.</u>		
Article 7				
287	Article 7 Minimum recycled content in plastic	Article 7 Minimum recycled content in plastic	Article 7 Minimum recycled content in plastic	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging	packaging	packaging	
Article 7(1)				
288	1. 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:	1. From 1 January 2030, the plastic part in packaging <u>placed on the market</u> shall, <u>unless this results in non-compliance with food safety requirements laid down at Union level</u> , contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per ~~unit of packaging~~ <u>packaging format as referred to in Table 1 of Annex II, calculated as an average per manufacturing plant, per year</u> :	1. ~~From~~ By 1 January 2030 or three years after the date into force of the implementing act referred to in paragraph 7, whichever is the latest, any ~~the~~ plastic part ~~in~~ of packaging placed on the market , shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per ~~unit of packaging~~ packaging type and format as referred to in Table 1 of Annex II, manufacturing plant and year :	
Article 7(1), point (a)				
289	(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;	(a) 30 % for contact sensitive packaging, <u>except single use beverage bottles</u> , made from polyethylene terephthalate (PET) as the major component;	(a) 30 % for contact sensitive packaging, except single use beverage bottles , made from polyethylene terephthalate (PET) as the major component;	
Article 7(1), point (b)				
290	(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;	(b) ~~10~~ <u>7,5</u> % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;	(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(1), point (c)				
291	(c) 30 % for single use plastic beverage bottles;	(c) 30 % for single use plastic beverage bottles;	(c) 30 % for single use plastic beverage bottles;	
Article 7(1), point (d)				
292	(d) 35 % for packaging other than those referred to in points (a), (b) and (c).	(d) 35 % for <u>plastic</u> packaging other than those referred to in points (a), (b) and (c).	(d) 35 % for packaging other than those referred to in points (a), (b) and (c).	
Article 7(2)				
293	2. 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:	2. 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~~ <u>packaging format as referred to in Table 1 of Annex II, per manufacturing plant, per year:</u>	2. ~~From~~ By 1 January 2040, ~~the any~~ plastic part ~~in of~~ packaging placed on the market shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per ~~unit of packaging~~ packaging type and format as referred to in Table 1 of Annex II, manufacturing plant and year :	
Article 7(2), point (a)				
294	(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;	(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;	(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;	
Article 7(2), point (aa)				
294				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
a		<u>(aa) 25% for contact sensitive packaging made from plastic materials other than PET.</u>		
Article 7(2), point (b)				
295	(b) 65 % for single use plastic beverage bottles;	(b) 65 % for single use plastic beverage bottles;	(b) 65 % for single use plastic beverage bottles;	
Article 7(2), point (c)				
296	(c) 65 % for plastic packaging other than those referred to in points (a) and (b);	(c) 65 % for plastic packaging other than those referred to in points (a) and (b);	(c) 65 % for plastic packaging other than those referred to in points (a) and (b);.	
Article 7(2a)				
296 a		<u>2a. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 1 and 2 if, during a calendar year, they fall within the definition of microenterprise set out in the Commission Recommendation 2003/361/EC^{1a}.</u> <u>1a. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(3)				
297	3. Paragraphs 1 and 2 shall not apply to the following:	3. Paragraphs 1 and 2 shall not apply to the following:	3. Paragraphs 1 and 2 shall not apply to the following:	
Article 7(3), point (a)				
298	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;	(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;	
Article 7(3), point (b)				
299	(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;	(b) contact sensitive plastic packaging of medical devices, <u>or devices exclusively destined for research use and investigational devices</u> covered by Regulation (EU) 2017/745;	(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;	
Article 7(3), point (c)				
300	(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;	(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;	(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;	
Article 7(3), point (d)				
301	(d) outer packaging as defined in Article	(d) outer packaging as defined in Article 1,	(d) outer packaging as defined in Article 1,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.	point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.	point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.;	
Article 7(3), point (e)				
301 a			(e) compostable plastic packaging;	
Article 7(3), point (ea)				
301 b			(ea) packaging used for the transport of dangerous goods provided for in Directive 2008/68/EC.	
Article 7(3), point (da)				
301 c		<i><u>(da) contact sensitive plastic packaging for food intended for infants and young children, food for special medical purposes and packaging for drinks and food typically used for young children as defined in Article 1, points (a), (b) and (c), of Regulation (EU) No 609/2013;</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(3), point (db)				
301 d		<u>(db) packaging of supplies, components, and immediate packaging components for the manufacturing of medicinal products under Directive 2001/83/EC and for veterinary medicinal products under Regulation (EU) 2019/6 where such packaging is needed to be in line with the quality standards of the medicinal product.</u>		
Article 7(4)				
302	4. Paragraphs 1 and 2 shall not apply to compostable plastic packaging.	4. Paragraphs 1 and 2 shall not apply to: <u>(a) compostable plastic packaging;</u> <u>(b) inks, adhesives, paints, varnishes and lacquers used on packaging;</u> <u>(c) any plastic part representing less than 5% of the total weight of the whole packaging unit.</u>	deleted	
Article 7(4a)				
302 a		<u>4a. Paragraphs 1 and 2 shall not apply to plastic packaging intended to come into contact with food in case the amount of recycled content poses a threat to human health and risks compromising the compliance requirement of products.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(4b)				
302 b		<u>4b. Member States shall ensure that comprehensive collection and sorting infrastructures are in place to facilitate recycling and to ensure availability plastic feedstock for recycling.</u>		
Article 7(5)				
303	5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	5. Compliance with the requirements set out in paragraphs 1 and 3 shall be demonstrated <u>by economic operators</u> in the technical information concerning the packaging referred to in Annex VII.	5. Compliance with the requirements set out in paragraphs 1 and ~~32~~ shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	
Article 7(6)				
304	6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated based on the percentage of recycled content used in the packaging.	6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated based on the percentage of recycled content used in the packaging.	<i>deleted</i>	
Article 7(7)				
305	7. By 31 December 2026, the	7. By 31 December 2026, the Commission	7. By 31 December 2026, the Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission is empowered to adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, per unit of plastic packaging, and the format for the technical documentation referred to in Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	~~is empowered to adopt implementing acts~~ <u>shall adopt delegated acts in accordance with Article 58 in order to supplement this Regulation by</u> establishing the methodology for the calculation and verification of the percentage of recycled content recovered from post-consumer plastic waste, ~~per unit of plastic packaging,~~ and the format for the technical documentation referred to in Annex VII. Those ~~implementing~~ <u>delegated</u> acts shall ~~be adopted in accordance with the examination procedure referred to in Article 59(3)~~ <u>take into account the environmental impact of the recycling process.</u>	~~is empowered to~~ shall adopt implementing acts establishing the methodology for the calculation and verification of the percentage of recycled content ~~recovered from post-consumer plastic waste, per unit of plastic packaging~~ referred to in paragraphs 1 and 2 of this Article , and the format for the technical documentation referred to in Annex VII. When adopting the implementing acts, the Commission shall assess, in view of the available recycling technologies, their economic and environmental performance, including the quality of the output, the availability of the waste, the energy needed and greenhouse gas emissions. On the basis of that assessment, the Commission may include sustainability criteria for the recycling technologies in the methodology established in the implementing act under the previous subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 7(7a)				
305 a			7a. The Commission shall request the European standardisation organisations to prepare a harmonised standards laying down the methodology to certify that the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			materials labelled and documented as recycled content placed on the Union market are indeed produced from recovered and recycled post-consumer materials and not virgin materials.	
Article 7(8)				
306	8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.	8. As of 1 January 2029, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply with the rules laid down in the ~~implementing~~ <u>delegated</u> act referred to in paragraph 7.	8. ~~As of~~ By 1 January 2029 or two years after the date into force of the implementing act referred to in paragraph 7, whichever the latest, the calculation and verification of the percentage of recycled content contained in packaging under paragraph 1 shall comply with the rules laid down in the implementing act referred to in paragraph 7.	
Article 7(9), first subparagraph				
307	9. By 1 January 2028, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.	9. By 1 January ~~2028~~ <u>2032</u> , the Commission shall assess the ~~need for derogations from the minimum percentage laid down in paragraph 1, points b and d, for specific~~ <u>situation regarding the use of recycled packaging materials in plastics, focusing on the lack of availability of recycled plastics or on adverse effects on human or animal health, security of food supply or the environment, where suitable</u>	9. By 1 January 2028, the Commission shall assess the need for derogations from the minimum percentage laid down in paragraph 1, points ~~b and d~~ (b) and (d) , for specific plastic packaging, or for the revision of the derogation established under paragraph 3 for specific plastic packaging.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>recycling technologies to recycle</u> plastic packaging, ~~or for the revision of the derogation established under paragraph 3 for specific plastic packaging~~ <u>are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice, or are not sufficiently resource and energy efficient.</u>		
Article 7(9), second subparagraph				
308	Based on this assessment, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:	Based on this assessment, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:	Based on ~~this~~ that assessment, where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice, taking into account any safety related requirements, especially concerning contact sensitive plastic packaging, including food packaging, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend this Regulation in order to:	
Article 7(9), second subparagraph, point (a)				
309	(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points b and d, for specific plastic	(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph ~~1, points b and d, for specific plastic packaging, and, as~~	(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points ~~b and d~~ (b) and (d) , for specific plastic packaging, ~~and, as~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging, and, as appropriate,	~~appropriate~~ ² ,	appropriate; ² and	
Article 7(9), second subparagraph, point (aa)				
309 a		<u>(aa) modify the targets established in paragraphs 1 and 2,</u>		
Article 7(9), second subparagraph, point (b)				
310	(b) revise the derogations established in paragraph 3,	(b) revise the derogations established in paragraph 3,	(b) ~~revise as appropriate,~~ amend the list of the derogations established in paragraph 3,	
Article 7(9), second subparagraph, first paragraph				
311	where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.	~~where suitable recycling technologies to recycle plastic packaging are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice.~~ <u>deleted</u>	deleted	
Article 7(10)				
312	10. Where justified by the lack of availability or excessive prices of specific recycled plastics that may have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content	10. ~~Where justified by the lack of availability or excessive prices of specific recycled plastics that may have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content set out in paragraphs 1~~	10. Where justified by the lack of availability or excessive prices of specific recycled plastics that ~~may~~ can have adverse effects on human or animal health, security of food supply or the environment, making compliance with the minimum percentages of recycled content set out in paragraphs 1	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	set out in paragraphs 1 and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best available evidence regarding the related risks to human or animal health, to the security of food supply or to the environment.	~~and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best available evidence regarding the related risks to human or animal health, to the security of food supply or to the environment.~~ ~~deleted~~	and 2 excessively difficult, the Commission shall be empowered to adopt a delegated act in accordance with Article 58 to amend paragraphs 1 and 2 by adjusting the minimum percentages accordingly. In evaluating the justification of such adjustment, the Commission shall assess requests from natural or legal persons to be accompanied by relevant information and data on the market situation for this post-consumer plastic waste and best available evidence regarding the related risks to human or animal health, to the security of food supply or to the environment. The Commission shall adopt the delegated act only in exceptional cases where there would be severe adverse effects for human or animal health, the security of food supply or the environment.	
Article 7(10a)				
312 a			10a. By 1 January 2034, taking into account the evolution of the state of the art of the technology and the practical experience gained by economic operators and Member States, the Commission shall present a report reviewing the implementation of the 2030 minimum percentage of recycled content set out in this Article, and evaluating to what extent these percentages lead to solutions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			fostering sustainable packaging that are effective and easy to implement, the feasibility of the achievement of percentages set for 2040 on the basis of the experience in achieving the 2030 percentages and the evolving circumstances, the relevance of maintaining the exemptions and derogations set out in this Article, and the necessity or pertinence of setting new minimum percentages of recycled content. This report shall, where appropriate, be accompanied by a legislative proposal amending this Article, in particular the 2040 minimum percentages of recycled content.	
Article 7(11)				
313	11. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding the use of recycled packaging materials in packaging other than plastics and, on this basis, assess the appropriateness of establishing measures, or setting targets, for increasing the use of recycled content in such other packaging, and where necessary present a legislative proposal.	11. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding the use of recycled packaging materials in packaging other than plastics and, on this basis, assess the appropriateness of establishing measures, or setting targets, for increasing the use of recycled content in such other packaging, and where necessary present a legislative proposal.	11. By ~~[OP: Please insert the date = ...]~~ 8 years from the date of entry into force of this Regulation ~~8 years after the date of entry into force of this Regulation~~ , the Commission shall review the situation regarding the use of recycled packaging materials in packaging other than plastics and, on this basis, assess the appropriateness of establishing measures, or setting targets, for increasing the use of recycled content in such other packaging, and where necessary present a legislative proposal.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(11a)				
313 a		<u>11a. By 31 December 2025, the Commission shall publish a report assessing the possibility of laying down targets for the use of bio-based plastic feedstock in packaging in order to meet the targets set out in of Article 7(1) and (2).</u> <u>Where appropriate and based on the report referred to in paragraph 1, the Commission shall present a legislative proposal in order to:</u> <u>(a) lay down targets for the use of bio-based plastic feedstock in packaging;</u> <u>(b) lay down sustainability requirements for bio-based plastic feedstock to become eligible to contribute to the targets, considering the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001;</u> <u>(c) introduce the possibility to meet up to a maximum of 50% of the targets set out in Article 7(1) and (2) by using bio-based plastic feedstock.</u>	11a. By ... [6 years from the date of entry into force of this Regulation], the Commission shall review the state of technological development and environmental performance of bio-based plastic packaging. Based on that assessment, the Commission shall, where appropriate, present a legislative proposal where necessary, setting out targets to increase the use of biobased plastic in packaging through a hierarchical approach, where recycled content should be the first choice and biobased plastic the second choice.	
Article 7a				
313 b		<u>Article 7a</u>		

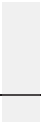
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Bio-based feedstock in plastic packaging</u>		
Article 7a(1)				
313 c		<u>1. By 31 December 2025, the Commission shall publish a report assessing the possibility of laying down targets for the use of bio-based feedstock in plastic packaging. Where appropriate, and based on that report, the Commission shall present a legislative proposal in order to:</u> <u>(a) lay down sustainability requirements for bio-based feedstock in plastic packaging, taking into consideration the existing sustainable criteria laid down in Article 29 of Directive (EU) 2018/2001;</u> <u>(b) lay down targets for the use of bio-based feedstock in plastic packaging.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8				
314	Article 8 Compostable packaging	Article 8 Compostable packaging	Article 8 Compostable packaging	
Article 8(1)				
315	1. By [OP: please insert the date = 24 months from the entry into force of this Regulation], packaging referred to in Article 3(1), points (f) and (g), sticky labels attached to fruit and vegetables and very lightweight plastic carrier bags shall be compostable in industrially controlled conditions in bio-waste treatment facilities.	1. By [OP: please insert the date = ~~24~~ ³⁶ months from the entry into force of this Regulation], packaging referred to in Article 3(1), ~~points (f) and (g)~~ <u>point (f)</u> , sticky labels attached to fruit and vegetables ~~and very lightweight plastic carrier bags shall be compostable~~ <u>shall be compostable to home composting standards or</u> in industrially controlled conditions in bio-waste treatment facilities.	1. By [~~OP: please insert the date =~~ way of derogation from Article 6(1), by [24 months from the date of entry into force of this Regulation]], packaging placed on the market referred to in Article 3(1), points (f) and (g), 3 (1), point 1 (f) and sticky labels attached to fruit and vegetables ~~and very lightweight plastic carrier bags shall be compostable in~~ <u>industrially controlled conditions in bio-waste treatment facilities.</u>	
Article 8(1a)				
315 a		<u>1a. By ... [OP: please insert the date = 36 months from the entry into force of this Regulation], very lightweight plastic carrier bags required for loose food for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage, shall be compostable in industrially controlled</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>conditions in bio-waste treatment facilities and therefore allowed to be collected in bio-waste receptacles.</u>		
Article 8(2)				
316	2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States are empowered to require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags have been entirely manufactured from biodegradable plastic polymers, which are compostable in industrially controlled conditions.	2. Where appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 enters the organic waste management stream, Member States ~~are empowered to~~ <u>having implemented Article 22 of Directive 2008/98/EC may</u> require that lightweight plastic carrier bags shall be made available on their market for the first time only if it can be demonstrated that those lightweight plastic carrier bags ~~have been entirely manufactured from biodegradable plastic polymers, which are compostable in industrially controlled conditions.~~	2. By way of derogation from Article 6(1), where Member States allow waste with similar biodegradability and compostability properties to be collected together with bio-waste pursuant to article 22 (1) of Directive (UE) 2008/98 and appropriate waste collection schemes and waste treatment infrastructure are available to ensure that packaging referred to in paragraph 1 – compostable packaging enters the organic waste management stream, Member States are empowered to may require that lightweight plastic carrier bags the following packaging shall be made available on their market for the first time only if it can be demonstrated that those they are compostable: i) packaging referred to in Article 3 (1), point (1)(g) composed of material other than metal, very lightweight plastic carrier bags have been entirely manufactured from biodegradable plastic polymers, and lightweight plastic carrier bags,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			ii) packaging other than those mentioned in paragraph i) for which are compostable in industrially controlled conditions the Member State already required that they be compostable before 1 January 2025.	
Article 8(3)				
317	3. By [OP: Please insert the date = 24 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers, shall allow material recycling without affecting the recyclability of other waste streams.	3. By ... [OP: Please insert the date = ~~24~~ 36 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers <u>and other biodegradable materials</u> , shall allow material recycling, <u>in accordance with Article 6, and</u> without affecting the recyclability of other waste streams.	3. By [OP: Please insert the date = ...] 24 months from the date of entry into force of this Regulation 24 months from the date of entry into force of this Regulation], packaging other than that referred to in paragraphs 1 and 2, including packaging made of biodegradable plastic polymers and other biodegradable materials , shall allow material recycling, in accordance with Article 6, and without affecting the recyclability of other waste streams.	
Article 8(3a)				
317 a		<u>3a. By way of derogation from Article 8(3), Member States are empowered to require that those packaging that are compostable in their territory may be processed under the bio-waste stream process.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(4)				
318	4. Compliance with the requirements set out in paragraphs 1 to 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	4. Compliance with the requirements set out in paragraphs 1 to 3 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	4. Compliance with the requirements set out in paragraphs 1 to 3 shall be demonstrated in the technical information concerning the packaging, referred to in Annex VII.	
Article 8(5)				
319	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments impacting the disposal of compostable packaging and under the conditions set out in Annex III.	5. <u>After consulting expert groups,</u> the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1, <u>1a</u> and 2 of this Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is justified and appropriate due to technological and regulatory developments, <u>including on labelling of compostability,</u> impacting the disposal of compostable packaging and under the conditions set out in Annex III.	5. The Commission may analyse whether other packaging should be included in ~~shall be empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 and 2 of this~~ 8(1) or Article by adding other types of packaging to the types of packaging covered by those paragraphs when it is 8 (2) (i) when justified and appropriate due to technological and regulatory developments ~~impacting the disposal~~ affecting the elimination of compostable packaging and ~~under~~ in the conditions ~~set out~~ established in Annex III, and, where appropriate, present a legislative proposal.	
Article 8(5a)				
319 a		<u>5a. By 31 May 2025, the Commission shall request the European</u>	5a. By 12 months from the date of entry into force of this Regulation, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>standardisation organisations to update the harmonised standard (EN 13432) on the "Requirements for packaging recoverable through composting and biodegradation - testing schemes and evaluation criteria".</u> <u>By 31 May 2025, the Commission shall also request the European standardisation organisations to prepare harmonised standards laying down the detailed technical specifications of the requirements on home compostable packaging in this Article.</u>	Commission shall request the European standardisation organisations to prepare or update harmonised standards laying down the detailed technical specifications of the requirements on compostable packaging. When doing so, the Commission shall request that, in line with the latest scientific and technological developments, parameters such as retention times, temperatures and stirring, which reflect the actual conditions in home composts and in bio-waste treatment facilities, including anaerobic digestion processes, are taken into account. The Commission shall request that those standards include verification that the compostable packaging undergoing the biological decomposition subject to the specified parameters, results ultimately in conversion into carbon dioxide or, in absence of oxygen, methane, mineral salts, biomass and water. If necessary, the Commission may request the European standardisation organisations to prepare harmonised standard laying down the detailed technical specifications of the requirements on home compostable packaging.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9				
320	Article 9 Packaging minimisation	Article 9 Packaging minimisation	Article 9 Packaging minimisation	
Article 9(1)				
321	1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.	1. <u>By 1 January 2030</u> , packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its ~~functionality~~ <u>functions, as listed in Annex IV, part 1, and the purpose of the product</u> , taking account of <u>the shape and</u> the material that the packaging is made of.	1. The manufacturer or importer shall ensure that the packaging shall be placed on the market is designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.	
Article 9(2)				
322	2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.	2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV, and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin ~~protected~~ under Union legislation <u>or it is subject to legal protection under Regulation (EC) No</u>	2. ~~Packaging not necessary to comply with any of~~ The manufacturer or importer shall ensure that packaging which does not comply with the performance criteria set out in Annex IV-; and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, is not placed , ~~shall not be placed~~ on the market, unless the packaging design is protected by a Community design under Council	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		6/2002.	Regulation (EC) 6/2002, design rights falling under the scope of applications of Directive 98/71/EC, including international agreements having effect in one of the Member States, or its shape is a trademark falling under the scope of Regulation (EU) 2017/1001, or Directive (EU) 2015/2436, including trademarks registered under international agreements having effect in one of the Member States, or the packaged product or beverage belongs to geographical indications subject to geographical indications of origin protected under Union legislation including Regulation (EU) No 1308/2013 for wine and Regulation (EU) 2019/787 for spirit drinks or covered by a quality schemes as referred to in Regulation (EU) No 1151/2012. The exemption in the subparagraph above applies only to design rights and trademarks protected by [date of entry into force of this Regulation], and only in case the application of the requirements under this Article affects (i) the packaging design in a way that it alters its novelty or its individual character, or (ii) the trademark in a way that the trademark is not capable anymore to distinguish the marked good from those of other undertakings.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2a)				
322 a		<u>2a. By ... [OP: Please insert the date = 36 months from the date of entry into force of this Regulation], the Commission shall request the European standardisation organisations, as appropriate, to prepare or update harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For most common packaging types and formats such standards should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space.</u>		
Article 9(3), first subparagraph				
323	3. Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:	3. Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:	deleted	
Article 9(3), first subparagraph, point (a)				
324	(a) for sales packaging, in relation to the total volume of the packaged product and	(a) for sales packaging, in relation to the total volume of the packaged product and	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	its characteristics;	its characteristics;		
<i>Article 9(3), first subparagraph, point (b)</i>				
325	(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;	(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;	<i>deleted</i>	
<i>Article 9(3), second subparagraph</i>				
326	For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.	For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.	<i>deleted</i>	
<i>Article 9(4), first subparagraph</i>				
327	4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:	4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:	4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(4), first subparagraph, point (a)				
328	(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;	(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;	(a) an explanation of the technical specifications, standards, and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;	
Article 9(4), first subparagraph, point (b)				
329	(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;	(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;	(b) the identification of the design requirements which prevent further reduction of the packaging weight or volume, for each of these performance criteria;	
Article 9(4), first subparagraph, point (c)				
330	(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.	(c) any test results, studies or other relevant sources, <u>such as modelling and simulation</u> , used to assess the minimum necessary volume or weight of the packaging.	(c) any test results, studies or other relevant sources such as modelling and simulation studies used to assess the minimum necessary volume or weight of the packaging.	
Article 9(4), second subparagraph				
331	For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the	For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the	For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	function of reusable packaging as referred to in Article 10.	function of reusable packaging as referred to in Article 10.	function of reusable packaging as referred to in Article 10, and in the first place the requirements set out thereof.	
Article 9(4a)				
331 a			4a. By ... [12 months from the entry into force of this Regulation] the Commission shall request the European standardisation organisations to prepare or update, as appropriate, harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For certain most common packaging types and formats the Commission shall request that those standards should specify maximum adequate weight and volume limits, and, if appropriate, wall thickness and maximum empty space.	
Article 9(4), second subparagraph a				
331 b		<u>Micro-companies referred to in Article 22(3) shall be exempted from the obligation set out in this paragraph.</u>		

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Article 10				
332	Article 10 Reusable packaging	Article 10 Reusable packaging	Article 10 Reusable packaging	
Article 10(1)				
333	1. Packaging shall be considered reusable where it fulfils the following conditions:	1. Packaging <u>placed on the market</u> shall be considered reusable where it fulfils the following conditions:	1. Packaging placed on the market from [the date of entry into force of this Regulation] shall be ~~considered~~ deemed to be reusable where it fulfils the following conditions:	
Article 10(1), point (a)				
334	(a) it has been conceived, designed and placed on the market with the objective to be re-used or refilled;	(a) it has been conceived, designed and placed on the market with the objective to be re-used ~~or refilled~~ <u>for multiple times</u> ;	(a) it has been conceived, designed and placed on the market with the objective to be re-used or refilled;	
Article 10(1), point (b)				
335	(b) it has been conceived and designed to accomplish as many trips or rotations as possible in normally predictable conditions of use;	(b) it has been conceived and designed to accomplish as many ~~trips or~~ rotations as possible in normally predictable conditions of use;	(b) it has been conceived and designed to accomplish as many trips or rotations as possible in normally predictable conditions of use, but no less than 5 for packaging made of cardboard and 10 for any other materials ;	
Article 10(1), point (ba)				

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335 a		<u>(ba) it fulfils the requirements regarding consumer health, safety and hygiene.</u>		
Article 10(1), point (c)				
336	(c) it can be emptied or unloaded without damage to the packaging, which prevents its re-use;	(c) it can be emptied or unloaded without damage to the packaging, which prevents its re-use;	(c) it can be emptied or unloaded without causing damage to the packaging, which prevents its further function and re-use ; re-use;	
Article 10(1), point (d)				
337	(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;	(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements;	(d) it is capable of being emptied, unloaded, refilled or reloaded while ensuring compliance with the applicable safety and hygiene requirements, including those on food safety ;	
Article 10(1), point (e)				
338	(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;	(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;	(e) it is capable of being reconditioned in accordance with Part B of Annex VI, whilst maintaining its ability to perform its intended function;	
Article 10(1), point (f)				

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339	(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;	(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;	(f) it can be emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and allowing for the attachment of labelling, and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;	
Article 10(1), point (g)				
340	(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;	(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so;	(g) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so; and	
Article 10(1), point (h)				
341	(h) it fulfils the requirements specific to recyclable packaging when it becomes waste set out in Article 6.	(h) it fulfils the requirements specific to recyclable packaging when it becomes waste set out in Article 6.	(h) it fulfils the requirements specific to recyclable packaging ~~when it becomes waste~~ set out in Article 6: when it becomes waste;	
Article 10(1a)				
341 a		<u><i>1a. By ... [OP: please insert the date 24 months after the entry into force of this Regulation], the Commission shall adopt delegated act setting a minimum number</i></u>		

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		<u>for the rotations referred to in paragraph 1, point (b), for reusable packaging in different and relevant material and packaging categories.</u>		
Article 10(2)				
342	2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	2. Compliance with the requirements set out in paragraph 1 shall be demonstrated in the technical information concerning the packaging referred to in Annex VII.	
Article 10(2a)				
342 a			2a. By ... [12 months from the entry into force of this Regulation]the Commission shall request the European standardisation organisations, to prepare harmonised standards which define different reusable packaging formats, based on the assessment of the most frequently used reusable packaging formats and the need for standardisation of those reusable packaging formats in view of the targets set out in Article 26. The Commission shall request that those standards set a specific minimum number of trips or rotations as well as any hygiene	

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			or other requirements, such as logistics, for each of the different packaging formats, as well as the methodology for calculating and verifying the number of such trips and rotations, including through a standardised, open, digital carrier. The number of trips or rotations for each of the different packaging formats shall not be fewer than 10.	
Article 10a				
342 b		<u>Article 10a</u> <u>Just Transition</u>		
Article 10a(1)				
342 c		<u>1. Member States shall, every two years from 2025 onwards, carry out Employment Impact Assessments (EIA) that evaluate the impact of the obligations laid down in this Regulation on the number of jobs created, transformed, and eliminated, as well as on skills and competences anticipation, working conditions, including health and safety at work, and gender equality both at national and regional levels in all sectors covered by this Regulation and submit them to the Commission and the European Parliament. EIAs shall lay down how the</u>		

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		<u>Member State intends to address its findings with legislative and non-legislative measures, including public and private investments. Before submitting the EIAs to the Commission and the European Parliament, Member States shall inform and consult national social partners representing workers and employers in the sectors covered by this Regulation on the EIAs.</u>		
Chapter III				
343	Chapter III Labelling, marking and information requirements	Chapter III Labelling, marking and information requirements	Chapter III Labelling, marking and information requirements	
Article 11				
344	Article 11 Labelling of packaging	Article 11 Labelling of packaging	Article 11 Labelling of packaging	
Article 11(1), first subparagraph				
345	1. 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.	1. From [OP: Please insert the date = ~~42~~ ²⁴ months after the ~~entry into force of this Regulation~~ <u>adoption of the implementing acts referred to in paragraph 5 and 6</u>], packaging <u>placed on the market</u> shall be marked with a label containing information	1. From ... [OP: Please insert 42 months from the date = ~~42~~ ²⁴ of the entry into force of this Regulation] or 24 months after the ~~entry into force of this Regulation~~ <u>the implementing act referred to in paragraph 5 and 6, whichever is the</u>	

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	However, it applies to e-commerce packaging.	on its material composition <u>in order to facilitate consumer sorting. The label shall be exclusively based on pictograms and be easily understandable, including for persons with disabilities.</u> This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.	latest, packaging placed on the market shall be marked with a label containing information on its material composition. For the packaging referred to in Article 8 (1) and, where applicable, 8(2), the label shall indicate that the material is compostable, it is not suitable for home-composting, and compostable packaging shall not be thrown away in nature. With the exception of e-commerce packaging, this obligation does not apply to transport packaging. ~~However, it applies to e-commerce packaging or packaging part of a deposit and return system.~~	
Article 11(1), first subparagraph a				
345 a		<u>The label may be accompanied by a QR code or other type of digital data carrier placed on the packaging that contains information on the destination of each separate component of the packaging in order to facilitate consumer sorting.</u>		
Article 11(1), second subparagraph				
346	Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first subparagraph, be marked with a	Packaging subject to deposit and return systems referred to in Article 44(1) shall, ~~in addition to the labelling referred to in the first subparagraph,~~ be marked with a	Packaging subject to deposit and return systems ~~referred to in Article 44(1) shall, in addition to the labelling~~ established after the entry into forced of this Regulation	

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	harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.	<u>colour</u> harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.	referred to in the first subparagraph Article 44(2) shall , be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.	
Article 11(1a)				
346 a		<u>Labels of deposit and return systems established before the entry into force of this Regulation may be used together with the harmonised label until 36 months after the adoption of the implementing act pursuant to paragraph 5.</u>		
Article 11(2)				
347	2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from	2. From [OP: Please insert the date = ~~48~~ ³⁰ months after the ~~date of~~ entry into force of ~~this Regulation~~ <u>the implementing act referred to in paragraph 5</u>], <u>reusable</u> packaging <u>placed on the market</u> shall bear a label on packaging reusability. <u>Further information on reusability may be made available through</u> ~~and~~ a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the	2. From [OP: Please insert the date = Reusable packaging placed on the market from ... [48 months after ~~from~~ the date of entry into force of this Regulation] or 24 months from the date of entry into force of the implementing act referred to in paragraph 5, whichever is the latest ,, packaging shall bear a label ~~on~~ informing users that the packaging reusability is reusable and a QR code or other type of standardised, open, digital data carrier that provides further information on packaging reusability including the availability of a	

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	single use packaging at the point of sale.	packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.	local, national or EU-wide system for re-use and ~~of~~ information on collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations, or an average estimation if that calculation is not feasible. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.	
Article 11(2a)				
347 a			2a. By way of derogation from paragraph 2, the requirement to bear a label and a QR code or other type of digital data carrier shall not apply to open loop systems which do not have a system operator in accordance with Annex VI.	
Article 11(3)				
348	3. Where a unit of packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where a unit of plastic	3. Where ~~a unit of~~ packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label <u>and, where applicable, the QR code or other type of digital data carrier</u> shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to	3. ~~Where~~ If a unit of packaging covered by Article 7 is placed on the market from [42 months from the date of entry into force of this Regulation] or 24 months from the date of entry into force of the implementing act referred to in paragraph 5, whichever is the latest and is marked with a label containing information on the share of recycled content in the plastic part,	

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	packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).	Article 7(7). Where ~~a unit of plastic~~ packaging is marked with a label containing information on the share of ~~biobased~~ <u>bio-based</u> plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).	that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to ~~Article 11(5)~~ paragraph (5) and shall be based on the methodology pursuant to Article 7(7). ~~Where~~ If a unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to ~~Article 11(5)~~ paragraph 5 .	
Article 11(4), first subparagraph				
349	4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.	4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and ~~indelibly~~ <u>firmly</u> on the packaging, <u>so that it cannot be easily erased</u> . Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging. <u>Where this is not possible or not warranted on account of the nature and size of the packaging or where it is relevant to provide for non-discriminatory</u>	4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly and legibly on the packaging and the information shall be available to end-users before the purchase of the product in on line sales The information contained in the labels referred to in paragraphs 1 to 3 and QR code or other type of digital data carrier ~~and indelibly on the packaging.~~ ~~Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>access to information for vulnerable groups, particularly visually impaired persons, labels referred to in paragraphs 1 and 3 shall be provided via a single electronically readable code or other type of data carrier.</u>	~~grouped~~ made available in one or more languages which can be easily understood by end users as determined by the Member State in which the packaging is to be made available on the market.	
Article 11(4), first subparagraph a				
349 a		<u>Where information is provided by electronic means in accordance with paragraphs 2 to 3, the following requirements shall apply:</u> <u>(a) adequate, relevant personal data is collected only for the limited purpose of giving the user access to relevant compliance information referred to in paragraphs 2 to 3 of this Article in respect of Article 5(1) of Regulation 2016/679/EU</u> <u>(b) the information is not displayed with other information intended for sales or marketing purposes.</u>		
Article 11(4), second subparagraph				
350	Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the	Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged	Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged	

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	packaged product and the packaging.	product and the packaging.	product and for the packaging, and both of them shall be easily distinguishable.	
Article 11(5)				
351	5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	5. By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats, <u>including when provided through digital means</u> , for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	5. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation] ~~OP: Please insert the date = 18 months after the date of entry into force of this Regulation~~ , the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste receptacles. The Commission shall take into account the specificities of composite packaging when developing the implementing act. When developing the harmonised label for packaging subject to deposit and return systems referred to in Article 1244(2), the Commission shall take into consideration any variation which exists in the deposit charged by Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 11(6)				
352				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	6. By [OP: Please insert the date = ~~24~~ ¹⁸ months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	6. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation] ~~OP: Please insert the date = 24 months after the date of entry into force of this Regulation~~ , the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of standardised, open, digital marking technologies, including for composite packaging and integrated or separate components of packaging. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3). The identification of substances of concern by means of standardised, open, digital technologies shall also be included and shall include at least the name and concentration of the substance of concern present in each material in a packaging unit. The packaging placed on the market containing substances of concern shall be marked using the technologies referred to in the first subparagraph by 2030.	
Article 11(7)				
353	7. Without prejudice to requirements concerning other harmonised EU labels,	7. Without prejudice to requirements concerning other harmonised EU labels,	7. Without prejudice to requirements concerning other harmonised EU labels,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.	economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation. <u><i>From ... [OP: Please insert the date = 24 months after the entry into force of this Regulation], the Commission shall adopt guidelines in order to clarify aspects that are likely to mislead or confuse consumers or other end users.</i></u>	economic operators shall not provide or display labels, marks, symbols or inscriptions, that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.	
Article 11(8)				
354	8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.	8. Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.	8. By [two years after entry into force of this Regulation], packaging included in an extended producer responsibility scheme ~~or covered by a deposit and return system other than that referred to in Article 44(1) may be identified~~ may be identified throughout the territory of the Member States in which that scheme or system applies only by means of a corresponding symbol ~~throughout the territory in which that scheme or system applies~~ in a QR code or other standardised digital marking technology in order to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			signify that the producer fulfils its extended producer responsibility obligations . That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.	
Article 11(8a)				
354 a		<u>8a. Packaging as referred to in paragraphs 1, 2 and 3, that is manufactured or imported before the deadlines referred in those paragraphs, may be marketed until 36 months after the date of entry into force of the labelling requirements laid down in paragraphs 1, 2 and 3.</u>	8a. Packaging covered by a deposit and return system referred to in Article 44(2) established after entry into force of this Regulation shall be labelled with the harmonised label in accordance with paragraph 1, except for the information on its material composition. Member States may, by virtue of national law, require that such harmonised label shall be marked on packaging subject to deposit and return systems established by virtue of national law before the entry into force of this Regulation. under the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States, . Packaging covered by a deposit and return system other than that referred to in Article 44(2) may, by virtue of national law, be identified by means of a corresponding symbol throughout the territory in which that scheme or system	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users about the packaging recyclability and reusability in the Member States where it shall be returned.	
Article 11(8b)				
354 b			8b. This Article shall not apply to the immediate and outer packaging as defined in Directive 2001/83/EC and in Regulation (EU) 2019/6, in Regulation (EU) 2017/745 and in Regulation (EU) 2017/746, if there is no space on the packaging due to other labelling requirements as defined in the legislation mentioned above, or if the labelling of the packaging could jeopardise the safe use of medicinal products for human use and veterinary medicinal products.	
Article 12				
355	Article 12 Labelling of waste receptacles for the collection of packaging waste	Article 12 Labelling of waste receptacles for the collection of packaging waste	Article 12 Labelling of waste receptacles for the collection of packaging waste	
Article 12, first paragraph				
356				

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	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~~ , <u>[OP: Please insert the date = 30 months after the adoption of the implementing acts referred to in paragraph 5 and 6]</u> 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.	~~1a. By 1 January 2028~~ , 42 months from the date of entry into force of this Regulation, or 24 months after the entry into force of the implementing acts referred to in paragraph 1b, whichever is the latest, Member States shall ensure that harmonised 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. A receptacle for packaging waste may bear more than one label. This obligation does not apply to receptacles covered by a deposit and return system.	
Article 12, first paragraph a				
356 a			1b. By ... [18 months from the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish harmonised labels and specifications for the labelling requirements and formats for the labelling of the receptacles referred to in paragraph 1a. When developing the implementing act, the Commission shall take into account the specificities of the collection systems established in the Member States	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			as well as the specificities of composite packaging. The labelling for receptacles shall correspond to the labelling for packaging as referred to in Article 11(5) with the exception of labelling for packaging covered by deposit and return systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 12a				
356 b		<u>Article 12a</u> <u>Packaging forum</u>		
Article 12a, first paragraph				
356 c		<u>The Commission shall ensure that, when conducting its activities, there is a balanced participation of Member States' representatives and all interested parties involved with the packaging industry, including waste treatment industry representatives, manufacturers and packaging suppliers, distributors, retailers, importers, SMEs, environmental protection groups and consumer organisations. Those parties shall be consulted in particular to prepare the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>delegated and implementing acts provided for in this Regulation to develop and further detail the sustainability requirements and examining the effectiveness of the established market surveillance mechanisms. To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Packaging Forum'.</u></i>		
Article 12b				
356 d		<i><u>Article 12b Claims</u></i>		
Article 12b(1)				
356 e		<i><u>1. Environmental claims as defined in Article 2, point (o), of Directive 2005/29/EC may be made in relation to packaging placed on the market only if they comply with the following requirements: (a) they are substantiated in accordance with [Article 3 of Directive on Green Claims]; in particular, they shall specify whether they relate to the packaging unit, part of the packaging unit or to all packaging placed on the market by the producer;</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>(b) they are made for packaging properties exceeding the applicable minimum requirements set out in this Regulation. Compliance with the requirements set out in point (b) of this Article shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.</u></i>		
Chapter IV				
357	Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII	Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII	Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII	
Article 13				
358	Article 13 Obligations of manufacturers	Article 13 Obligations of manufacturers	Article 13 Obligations of manufacturers	
Article 13(1)				
359	1. When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following:	1. When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following:	1. ~~When placing packaging on the market, manufacturers shall ensure that the packaging complies with the following:~~ Manufacturers shall only place on the market; packaging which is in conformity with the requirements set out in Articles 5 to 11.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(1), point (a)				
360	(a) it has been designed and manufactured in accordance with the applicable requirements set out in Articles 5 to 10;	(a) it has been designed and manufactured in accordance with the applicable requirements set out in Articles 5 to 10;	<i>deleted</i>	
Article 13(1), point (b)				
361	(b) it is labelled in accordance with the applicable requirements set out in Article 11.	(b) it is labelled in accordance with the applicable requirements set out in Article 11.	<i>deleted</i>	
Article 13(1), point (ba)				
361 a		<u>(ba) it complies with the applicable requirements regarding food hygiene and the safety of consumers.</u>		
Article 13(2), first subparagraph				
362	2. Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.	2. Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.	2. Before placing packaging on the market, manufacturers shall carry out the relevant conformity assessment procedure referred to in Article 33, or have it carried out on their behalf, and draw up the technical documentation referred to in Annex VII.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(2), second subparagraph				
363	Where compliance of packaging with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in Article 33, manufacturers shall draw up an EU declaration of conformity in accordance with Article 34.	Where compliance of packaging with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in Article 33, manufacturers shall draw up an EU declaration of conformity in accordance with Article 34.	Where compliance of packaging with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in Article 33, manufacturers shall draw up an EU declaration of conformity in accordance with Article 34.	
Article 13(3)				
364	3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market.	3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 10 years after the packaging has been placed on the market.	3. Manufacturers shall keep the technical documentation referred to in Annex VII and the EU declaration of conformity for 5 years after single-use packaging has been placed on the market, and 10 years after ~~the reusable~~ packaging has been placed on the market.	
Article 13(4)				
365	4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical	4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical specifications by reference to	4. Manufacturers shall ensure that procedures are in place for series production of packaging to remain in conformity with this Regulation. Manufacturers shall adequately take into account changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	specifications by reference to which conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers. In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.	which conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers. In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.	technical specifications by reference to which conformity is declared or by application of which its conformity is verified, ~~shall be adequately taken into account by manufacturers.~~ In case the manufacturers finds that the packaging's conformity may be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure specified in Article 33 and Annex VII, or have it carried out on their behalf.	
Article 13(5)				
366	5. 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.	5. 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.	5. 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.	
Article 13(6)				
367	6. 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,	6. 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	6. Manufacturers shall indicate on the packaging or on a QR code or another data carrier their name, registered trade name or registered ~~trade mark~~ trademark as well as the postal address, and where available, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 or other type of digital data carrier 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.~~	
Article 13(6a)				
367 a		<u><i>6a. For medicinal products, as defined in Directive 2001/83/EC, the marketing authorisation holder shall be responsible for the information provided.</i></u>		
Article 13(7)				
368	7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.	7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged product.	7. Manufacturers shall ensure that information provided in accordance with paragraphs 5 and 6 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union ~~legislation~~ law on the labelling of the packaged product.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(8)				
369	8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market <u>from the date of entry into force of this Regulation</u> is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	8. Manufacturers who consider or have reason to believe that packaging which they have placed on the market is not in conformity with one or more of the applicable requirements set out in Articles 5 to 11 shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate. Manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	
Article 13(8a)				
369 a		<u>8a. By way of derogation from paragraph 8, the obligation to bring into conformity, withdraw or recall packaging which is believed not to be in conformity with applicable requirements shall not apply to reusable packaging placed on the market before the entry into force of this Regulation.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(9)				
370	9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.	9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in ~~either paper or~~ electronic form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.	9. Manufacturers shall, further to a reasoned request from a national authority, provide all the information and documentation necessary to demonstrate the conformity of the packaging, including the technical documentation in a language, or languages, which can be easily understood by that authority. That information and documentation shall be provided in ~~either paper or electronic~~ electronic form and, on request, in paper form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority. Manufacturers shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 10.	
Article 13(9a)				
370 a		<u>9a. Paragraphs 1 to 6 shall not apply to custom-made transport packaging for configurable medical devices and medical systems that are to be used in industrial and healthcare environments.</u>		
Article 14				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
371	Article 14 Information obligations of suppliers of packaging or packaging materials	Article 14 Information obligations of suppliers of packaging or packaging materials	Article 14 Information obligations of suppliers of packaging or packaging materials	
Article 14(1)				
372	1. Any supplier of packaging or packaging materials shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials with this Regulation, including the technical documentation referred to in Annex VII and required under Articles 5 to 10, in a language or languages, which can be easily understood by the manufacturer. That information and documentation shall be provided in either paper or electronic form.	1. Any supplier of packaging or packaging materials shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials with this Regulation, including the technical documentation referred to in Annex VII and required under Articles 5 to 10, in a language or languages, which can be easily understood by the manufacturer. That information and documentation shall be provided in either paper or electronic form.	1. Any supplier of packaging or packaging materials shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials with this Regulation, including the technical documentation referred to in Annex VII and required under Articles 5 to 10, in a language or languages, which can be easily understood by the manufacturer. That information and documentation shall be provided in either paper or electronic form.	
Article 14(2)				
373	2. Where appropriate, the documentation and information provided for in legislation applicable to contact sensitive packaging shall be part of the information and documentation to be provided to the	2. Where appropriate, the documentation and information provided for in legislation applicable to contact sensitive packaging shall be part of the information and documentation to be provided to the	2. Where appropriate, the documentation and information provided for in legislation applicable to contact sensitive packaging shall be part of the information and documentation to be provided to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	manufacturer pursuant to paragraph 1.	manufacturer pursuant to paragraph 1.	manufacturer pursuant to paragraph 1.	
Article 15				
374	Article 15 Obligations of authorised representative	Article 15 Obligations of authorised representative	Article 15 Obligations of authorised representative	
Article 15(1), first subparagraph				
375	1. A manufacturer may, by a written mandate, appoint an authorised representative.	1. A manufacturer may, by a written mandate, appoint an authorised representative.	1. A manufacturer may, by a written mandate, appoint an authorised representative.	
Article 15(1), second subparagraph				
376	The obligations laid down in Article 13(1) and the obligation to draw up technical documentation referred to in Annex VII and required under Articles 5 to 10 shall not form part of the authorised representative's mandate.	The obligations laid down in Article 13(1) and the obligation to draw up technical documentation referred to in Annex VII and required under Articles 5 to 10 shall not form part of the authorised representative's mandate.	The obligations laid down in Article 13(1) and the obligation to draw up technical documentation as referred to in Annex VII and as required under Articles 5 to 10 shall not form part of the authorised representative's mandate.	
Article 15(2)				
377	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(2), point (a)				
378	(a) keep the EU declaration of conformity and the technical documentation at the disposal of the national market surveillance authorities for 10 years after the packaging has been placed on the market;	(a) keep the EU declaration of conformity and the technical documentation at the disposal of the national market surveillance authorities for 10 years after the packaging has been placed on the market;	(a) keep the EU declaration of conformity and the technical documentation at the disposal of the national market surveillance authorities for 5 years after single-use packaging has been placed on the market, and 10 years after reusable packaging has been placed on the market;	
Article 15(2), point (b)				
379	(b) cooperate with the national authorities, at their request, on any measures taken with regard to non-compliances of the packaging covered by the authorised representative's mandate;	(b) cooperate with the national authorities, at their request, on any measures taken with regard to non-compliances of the packaging covered by the authorised representative's mandate;	(b) cooperate with the national authorities, at their request, on any measures taken with regard to non-compliances of the packaging covered by the authorised representative's mandate;	
Article 15(2), point (c)				
380	(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging in a language or languages, which can be easily understood by that authority;	(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging in a language or languages, which can be easily understood by that authority;	(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging in a language or languages, which can be easily understood by that authority;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(2), point (d)				
381	(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request;	(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request;	(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request;	
Article 15(2), point (e)				
382	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.	
Article 16				
383	Article 16 Obligations of importers	Article 16 Obligations of importers	Article 16 Obligations of importers	
Article 16(1)				
384	1. Importers shall only place on the market packaging which is compliant with the requirements of Articles 5 to 11.	1. Importers shall only place on the market packaging which is compliant with the requirements of Articles 5 to 11.	1. Importers shall only place on the market packaging which is ~~compliant~~ in conformity with the requirements of Articles 5 to 11.	
Article 16(2), first subparagraph				
385	2. Before placing packaging on the market, importers shall ensure the following:	2. Before placing packaging on the market, importers shall ensure the following:	2. Before placing packaging on the market, importers shall ensure the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(2), first subparagraph, point (a)				
386	(a) the appropriate conformity assessment procedure, referred to in Article 33 has been carried out and the technical documentation, referred to in Annex VII and required under Articles 5 to 10, has been drawn up by the manufacturer;	(a) the appropriate conformity assessment procedure, referred to in Article 33 has been carried out and the technical documentation, referred to in Annex VII and required under Articles 5 to 10, has been drawn up by the manufacturer;	(a) the appropriate conformity assessment procedure, referred to in Article 33 has been carried out and the technical documentation, referred to in Annex VII and required under Articles 5 to 10, has been drawn up by the manufacturer;	
Article 16(2), first subparagraph, point (b)				
387	(b) the packaging is labelled in accordance with Article 11,	(b) the packaging is labelled in accordance with Article 11,	(b) the packaging is labelled in accordance with Article 11,	
Article 16(2), first subparagraph, point (c)				
388	(c) the packaging is accompanied by the required documents;	(c) the packaging is accompanied by the required documents;	(c) the packaging is accompanied by the required documents;	
Article 16(2), first subparagraph, point (d)				
389	(d) the manufacturer has complied with the requirements set out in Article 13(5) and (6).	(d) the manufacturer has complied with the requirements set out in Article 13(5) and (6).	(d) the manufacturer has complied with the requirements set out in Article 13(5) and (6).	
Article 16(2), second subparagraph				
390	Where an importer considers or has	Where an importer considers or has reason	Where an importer considers or has reason to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reason to believe that packaging is not in conformity with the applicable requirements set out in Articles 5 to 11, the importer shall not place the packaging on the market until it has been brought into conformity.	to believe that packaging is not in conformity with the applicable requirements set out in Articles 5 to 11, the importer shall not place the packaging on the market until it has been brought into conformity.	believe that packaging is not in conformity with the applicable requirements set out in Articles 5 to 11, the importer shall not place the packaging on the market until it has been brought into conformity.	
Article 16(3)				
391	3. 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.	3. 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.	3. 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.	
Article 16(4)				
392	4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of	4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged	4. Importers shall ensure that information provided in accordance with paragraph 3 is clear, understandable and legible, and does not replace, obscure or can be confused with information required by other Union legislation on the labelling of the packaged	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the packaged product.	product.	product.	
Article 16(5)				
393	5. Importers shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable requirements set out in Articles 5 to 11.	5. Importers shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable requirements set out in Articles 5 to 11.	5. Importers shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the applicable requirements set out in Articles 5 to 11.	
Article 16(6)				
394	6. Importers who consider or have reason to believe that packaging, which they have placed on the market, is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate.	6. Importers who consider or have reason to believe that packaging, which they have placed on the market, is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate.	6. Importers who consider or have reason to believe that packaging, which they have placed on the market, is not in conformity with the applicable requirements set out in Articles 5 to 11, shall immediately take the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate.	
Article 16(7)				
395	7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective	7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures	7. Importers shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures taken.	taken.	taken.	
Article 16(8)				
396	8. Importers shall, for 10 years after the packaging has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation referred to in Annex VII and required under Articles 5 to 10 can be made available to those authorities, upon request.	8. Importers shall, for 10 years after the packaging has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation referred to in Annex VII and required under Articles 5 to 10 can be made available to those authorities, upon request.	8. Importers shall, for 5 years after single-use packaging has been placed on the market, and 10 years after ~~thereusable~~ packaging has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation referred to in Annex VII and required under Articles 5 to 10 can be made available to those authorities, upon request.	
Article 16(9)				
397	9. Importers shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging, including technical documentation, with the applicable requirements set out in Articles 5 to 11, in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided either in paper or electronic	9. Importers shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging, including technical documentation, with the applicable requirements set out in Articles 5 to 11, in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided either in paper or electronic	9. Importers shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of packaging, including technical documentation, with the applicable requirements set out in Articles 5 to 11, in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided in electronic form and, on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority.	form. The relevant documents shall be made available within 10 days of receipt of the request from the national authority.	request, in paper ~~either in paper or electronic form.~~ The relevant documents shall be made available within 10 days of receipt of the request from the national authority.	
Article 16(10)				
398	10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	10. Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	
Article 16(10a)				
398 a		<u><i>10a. In order to meet the obligations laid down in this Article, Member States may provide tools to support economic operators importing products into the territory of the Union.</i></u>		
Article 17				
399	Article 17 Obligations of distributors	Article 17 Obligations of distributors	Article 17 Obligations of distributors	
Article 17(1)				
400	1. When making packaging available on	1. When making packaging available on	1. When making packaging available on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the market, distributors shall act with due care in relation to the requirements of this Regulation.	the market, distributors shall act with due care in relation to the requirements of this Regulation.	market, distributors shall act with due care in relation to the requirements of this Regulation.	
Article 17(2)				
401	2. Before making packaging available on the market, distributors shall verify the following:	2. Before making packaging available on the market, distributors shall verify the following:	2. Before making packaging available on the market, distributors shall verify the following:	
Article 17(2), point (a)				
402	(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article 40;	(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article ~~40~~ ³⁹ ;	(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article ~~40~~ ³⁹ ;	
Article 17(2), point (b)				
403	(b) the packaging is labelled in accordance with Article 11;	(b) the packaging is labelled in accordance with Article 11;	(b) the packaging is labelled in accordance with Article 11;	
Article 17(2), point (c)				
404	(c) the manufacturer and the importer have complied with the requirements set	(c) the manufacturer and the importer have complied with the requirements set out in	(c) the manufacturer and the importer have complied with the requirements set out in	

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	out in Article 13(5) and (6) and Article 16(3) respectively.	Article 13(5) and (6) and Article 16(3) respectively.	Article 13(5) and (6) and Article 16(3) respectively.	
Article 17(3), first subparagraph				
405	3. Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.	3. Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.	3. Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer or importer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.	
Article 17(3), second subparagraph				
406	Distributors shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Articles 5 to 11.	Distributors shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Articles 5 to 11.	Distributors shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Articles 5 to 11.	
Article 17(3), second subparagraph a				
406 a		<u>Information disclosed by the producer shall not be used by the distributor for any purpose other than to verify compliance</u>		

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		<u>with applicable requirements. The misuse of such information by distributors for commercial purposes shall be prohibited.</u>		

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Article 17(4), first subparagraph				
407	4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken.	4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken.	4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken.	
Article 17(4), second subparagraph				
408	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected non-compliance and of any corrective measures taken.	
Article 17(5), first subparagraph				
409	5. Distributors shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a packaging with the	5. Distributors shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a packaging with the	5. Distributors shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a packaging with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicable requirements set out in Articles 5 to 11 in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided in paper or electronic form.	applicable requirements set out in Articles 5 to 11 in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided in paper or electronic form.	applicable requirements set out in Articles 5 to 11 in a language or languages, which can be easily understood by that authority. That information and documentation shall be provided in electronic form and, on request, in paper ~~paper or electronic~~ form.	
Article 17(5), second subparagraph				
410	Distributors shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	Distributors shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	Distributors shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.	
Article 18				
411	Article 18 Obligations of fulfilment service providers	Article 18 Obligations of fulfilment service providers	Article 18 Obligations of fulfilment service providers	
Article 18(1)				
411 a			1. Producers offering packaging to consumers located in the Union shall provide fulfilment service providers with the information referred to in Article 40(3), points (a) and (b) at the moment of the conclusion of the contract between the provider and the producer for any of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020.	
Article 18 (1a)				
411 b			1a. Upon receiving the information referred to in paragraph 1 and at the moment of the conclusion of the contract between the provider and the producer for any of the services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020, the fulfilment service provider shall, through the use of any freely accessible official online database or online interface made available by a Member State or the Union or the publicly available registration list under Article 39(10) or through requests to the producer to provide supporting documents from reliable sources, make best efforts to assess whether the information referred to in paragraph 1 is reliable and complete. For the purpose of this Regulation, producers shall be liable for the accuracy of the information provided.	
Article 18, third paragraph				
411 c			Where the fulfilment service provider	

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			obtains sufficient indications or has reason to believe that any item of information referred to in paragraph 1 obtained from the producer concerned is inaccurate, incomplete or not up-to-date, that provider shall request that the producer remedies that situation without delay or within the period set by Union and national law.	
Article 18, fourth paragraph				
411 d			Where the producer fails to correct or complete that information, the fulfilment service provider shall swiftly suspend the provision of its service to that producer in relation to the offering of packaging to consumers located in the Union until the request has been fully complied with. The fulfilment service provider shall provide the producer with the reasons for the suspension.	
Article 18, fifth paragraph				
411 e			1b. Without prejudice to Article 4 of Regulation (EU) 2019/1150, if a fulfilment service provider suspends the provision of its service pursuant to paragraph 1a of this Article, producer concerned shall	

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			have the right to challenge the decision of the fulfilment service provider before a court of the Member States where the fulfilment service provider is established.	
Article 18, first paragraph				
412	Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.	Fulfilment service providers <u>and online platforms</u> shall ensure that for packaging that they handle <u>or offer on their online platforms</u> , the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the <u>applicable</u> requirements set out in Articles 5 to 11.	2. Fulfilment service providers shall ensure that for packaging that they handle, the conditions during warehousing, handling and packing, addressing or dispatching, do not jeopardise the packaging's compliance with the requirements set out in Articles 5 to 11.	
Article 18a				
412 a		<u>Article 18a</u> <u>Obligations of providers of online platforms</u>		
Article 18a, first paragraph				
412 b		<u>Providers of online platforms shall comply without undue delay with the relevant requirements of Regulation (EU) 2022/2065 and shall ensure that they have internal processes in place for compliance.</u>		

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Article 19				
413	Article 19 Case in which obligations of manufacturers apply to importers and distributors	Article 19 Case in which obligations of manufacturers apply to importers and distributors	Article 19 Case in which obligations of manufacturers apply to importers and distributors	
Article 19, first paragraph				
414	An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 14, where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.	An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article ~~14~~ ¹³ , where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.	An importer or a distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article ~~14~~ ¹³ , where they place packaging on the market under their own name or trademark or modify packaging already placed on the market in a way that may affect compliance with the relevant requirements of this Regulation.	
Article 20				
415	Article 20 Identification of economic operators	Article 20 Identification of economic operators	Article 20 Identification of economic operators	
Article 20(1)				
416	1. Economic operators shall, upon request, provide information to the market	1. Economic operators shall, upon request, provide information to the market	1. Economic operators shall, upon request, provide information to the market	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	surveillance authorities on the following:	surveillance authorities on the following:	surveillance authorities on the following:	
Article 20(1), point (a)				
417	(a) the identity of any economic operator that has supplied them with packaging;	(a) the identity of any economic operator that has supplied them with packaging;	(a) the identity of any economic operator that has supplied them with packaging;	
Article 20(1), point (b)				
418	(b) the identity of any economic operator to which they have supplied packaging.	(b) the identity of any economic operator to which they have supplied packaging.	(b) the identity of any economic operator to which they have supplied packaging.	
Article 20(2)				
419	2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the packaging and for 10 years after they have supplied the packaging.	2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the packaging and for 10 years after they have supplied the packaging.	2. Economic operators shall be able to provide the information referred to in paragraph 1, point (a), for 5 years after they have been supplied with the single-use packaging and ~~for 10 years after they have been supplied with the~~ a reusable packaging. Economic operators shall be able to provide the information referred to in paragraph 1, point (b), 5 years after they have supplied the single-use packaging and for 10 years after they have supplied the reusable packaging.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a				
419 a			Article 20a Information obligations of packaging waste management operators	
Article 20a, first paragraph				
419 b			Packaging waste management operators shall provide annually the competent authorities the information on packaging waste listed in Table 4 of Annex XII through the electronic registry or registries, in accordance with Article 35(1) of Directive (UE) 2008/98. The packaging waste management operators shall provide annually the producers in the case of individual fulfilment of extended producer responsibility obligations, or the entrusted producer responsibility organisation in the case of collective fulfilment of extended producer responsibility obligations, with all the information necessary to comply with the information obligations as referred to in Article 39(7c). By virtue of national law, Member States may provide that, when public authorities are responsible for the organisation of the management of packaging waste, packaging waste management operators	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			provide annually such public authorities with all the information necessary to comply with the information obligations as referred to in Article 39(7c), or through other means to supplement the electronic registry or registries, in accordance with Article 35(1) of Directive 2008/98/EC.	
Chapter IVa				
419 c			Chapter IV Obligations of economic operators other than the obligations in Chapter VII	
Article 21				
420	Article 21 Obligation related to excessive packaging	Article 21 Obligation related to excessive packaging	Article 21 Obligation related to excessive packaging	
Article 21(1)				
421	1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.	1. <u>By 1 January 2030</u> , economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is ~~maximum 40 %~~ <u>minimised in line with the provisions laid down in Part 1 of Annex IV, unless it is required to protect and transport fragile goods or it would lead to an increased amount of packaging</u>	1. ~~Economic operators who supply products to a final distributor or an end user~~ By 1 January 2030, or 36 months after the entry into force of the delegated acts adopted pursuant to the second subparagraph, whichever is the latest, economic operators who fills the packaging in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>material due to the specific shape of the product or sales packaging.</u>	maximum 50 %. By 3 years after the entry into force of this Regulation, the Commission is empowered to adopt implementing acts in accordance with Article 58 to establish the methodology for the calculation of the empty space ration set out in paragraph 1. The methodology shall take into account the special characteristics of packaging which needs to be placed in an empty space large enough to comply with applicable legal requirements or to protect the product, in particular concerning packaged products of irregular shapes, packaging containing more than one sales packaging or product, packaging containing liquid products, packaged products the content of which can easily be damaged, packaged products that can be damaged by larger products due to their small dimensions, and the minimum space on the transport packaging to enable attachment of the shipment labels 40 %.	
Article 21(2), first subparagraph				
422	2. For the purpose of this calculation:	2. For the purpose of this calculation:	2. For the purpose of this calculation:	
Article 21(2), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
423	(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;	(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;	(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;	
Article 21(2), first subparagraph, point (b)				
424	(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.	(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.	(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.	
Article 21(2), second subparagraph				
425	Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.	Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.	Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips or other filling materials , shall be considered as empty space.	
Article 21(2a)				
425 a			2a. By ... [36 months from the date of entry into force of this Regulation], the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			economic operator who fills the sales packaging shall ensure that empty space is reduced to the minimum necessary for ensuring the packaging functionality, including product protection. Empty space ratio for sales packaging shall mean the difference between the total packaging internal volume and the volume of the packaged product. For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space. Sales packaging for products that are subject to settlement during transportation or where headspace is required to protect the food product, or others that presents these characteristics, compliance with this paragraph , shall be assessed as the pack-fill level at the point of filling. Air between or within packed foodstuff or protective gases shall not be considered as empty space.	
	Article 21(3)			
426				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements in Article 9.	3. Economic operators using sales packaging as e-commerce packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements in Article 9.	3. Economic operators using sales packaging as e-commerce packaging or using reusable packaging shall be exempted from the obligation laid down in paragraph 1. They shall nevertheless ensure that such sales packaging complies with the requirements set out in Article 9.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(3a)				
426 a		<u>3a. Economic operators using reusable packaging within a system of reuse shall be exempted from the obligation laid down in paragraph 1.</u>	3a. By ... [8 years from the date of entry into force of this Regulation], the Commission shall review the empty space ratio in paragraph 1 as well as the exemptions in paragraph 3, and assess the possibility of establishing empty space ratios for sales packaging, particularly for toys, cosmetics, Do-It-Yourself kits and electronic products.	
Article 22				
427	Article 22 Restrictions on use of certain packaging formats	Article 22 Restrictions on use of certain packaging formats	Article 22 Restrictions on use of certain packaging formats	
Article 22(1)				
428	1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.	1. <u>From 1 January 2030</u> , economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V <u>unless:</u> <u>(a) such placing on the market is in line with Article 4(2) of Directive 2008/98/EC;</u> <u>and</u> <u>(b) the economic operators can show effective collection for recycling of these packaging formats, on the basis of the</u>	1. By ... [three years from the date of entry into force of this Regulation], economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>predominant packaging material, at least 85 % by weight by 2028 and every year thereafter.</i></u>		
Article 22(1a)				
428 a		<u><i>1a. The provision laid down in paragraph 1 shall be without prejudice to Article 8(3a).</i></u>	1a. Member States may maintain restrictions adopted before 1 January 2024 on the placing on the market of packaging in the formats and for the purposes listed in Annex V but made from materials not listed in Annex V.	
Article 22(2)				
429	2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.	2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030 <u><i>unless they can demonstrate that at least 85 %, by weight, of the packaging waste they place on the market for immediate consumption is separately collected for recycling at the point of sale, based on the predominant packaging material.</i></u> <u><i>Economic operators subject to the obligation referred to in the first subparagraph shall report on a yearly basis to the Member States the weight of</i></u>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>separately collected packaging waste per material. Each Member State shall provide aggregated data per separately collected packaging material to the Commission.</u>		
Article 22(3)				
430	3. Member States may exempt economic operators from point 3 of Annex V if they comply 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], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.	3. ~~Member States may exempt economic operators from~~ <u>Economic operators shall be exempted from the application of</u> point 3 of Annex V if they ~~comply with~~ <u>meet</u> the definition of <u>a</u> 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]. <u>In addition, Member States shall grant an exemption, and</u> where it <u>has been demonstrated that it</u> is not technically feasible not to use packaging or to obtain access to ~~infrastructure that is the~~ <u>infrastructure</u> necessary for the functioning of a reuse system.	3. Member States may exempt economic operators micro-enterprises as defined in Commission Recommendation 2003/361/EC , from point 3 of Annex V if ~~they comply 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 =~~ , as publicly available on [the date of entry into force of this Regulation] ~~the date of entry into force of this Regulation]~~ , where it has been demonstrated that and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.	
Article 22(4)				
431	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific	4. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress~~	4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review Annex V ~~The Commission shall be~~	

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	progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.	~~with the objective to reducing packaging waste. When adopting those delegated acts~~ By ... <u>[OP: please insert the date = 5 years after the date of entry into force of this Regulation]</u> , the Commission shall ~~consider the potential of~~ <u>review</u> the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product. <u>To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.</u>	empowered to adopt delegated acts in accordance with Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. ~~When adopting those delegated acts, the Commission shall consider the potential of the~~ and, on this basis, assess the appropriateness of establishing new restrictions on the use of specific packaging formats ~~to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product,~~ and where necessary present a legislative proposal.	
Article 22(4a)				
431 a			4a. By ...[24 months from the date of entry into force of this Regulation], the Commission shall publish guidelines, in consultation with Member States, explaining in more detail Annex V, including examples of the packaging formats in scope, any exemptions to the restrictions, and providing an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			exemplificative list of fruits and vegetables excluded from point 2 of Annex V.	
Article 22a				
431 b		<u>Article 22a</u> <u>Restriction on the use of certain very lightweight plastic bags packaging</u>		
Article 22a(1)				
431 c		<u>1. Economic operators shall not place very lightweight plastic carrier bags on the market.</u>		
Article 22a(2)				
431 d		<u>2. Without prejudice to Article 8(1a), paragraph 1 of this Article shall not apply to very lightweight plastic carrier bags required for hygiene reasons or provided as primary packaging for loose food when this helps to prevent food wastage.</u>		
Article 23				
432	Article 23 Obligations in relation to reusable	Article 23 Obligations in relation to reusable	Article 23 Obligations in relation to reusable packaging	

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	packaging	packaging		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(1)				
433	1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.	1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, <u>including an incentive to ensure collection,</u> which meets the requirements laid down in Article 24 and Annex VI. <u>This paragraph shall be considered fulfilled by existing systems for reuse already in place in the Member States.</u>	1. The economic operators who make a ~~place~~ reusable packaging ~~on the market~~ available within the territory of a Member State for the first time shall ensure that a system for re-use of such packaging is in place in that Member State , which meets the requirements laid down in Article 24 and Annex VI.	
Article 23(2)				
434	2. The description of the system's compliance with those requirements shall be drawn up as part of the technical documentation on reusable packaging to be provided pursuant to Article 10(2). For that purpose, the manufacturer shall request the relevant written confirmations from system participants set out in Annex VI.	2. The description of the system's compliance with those requirements shall be drawn up as part of the technical documentation on reusable packaging to be provided pursuant to Article 10(2). For that purpose, the manufacturer shall request the relevant written confirmations from system participants set out in Annex VI.	2. The description of the system's compliance with those requirements shall be drawn up as part of the technical documentation on reusable packaging to be provided pursuant to Article 10(2). For that purpose, the manufacturer shall request the relevant written confirmations from system participants set out in Annex VI.	
Article 24				
435	Article 24 Obligation related to systems for re-use	Article 24 Obligation related to systems for re-use	Article 24 Obligation related to systems for re-use	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1)				
436	1. Economic operators making use of reusable packaging shall participate in one or more systems for re-use and shall ensure that the systems for re-use, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.	1. Economic operators making use of reusable packaging shall participate in one or more systems for re-use and shall ensure that the systems for re-use, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.	1. Economic operators making use of reusable packaging shall participate in one or more systems for re-use and shall ensure that the systems for re-use, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.	
Article 24(2)				
437	2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.	2. Economic operators making use of reusable packaging shall recondition such packaging in compliance with Part B of Annex VI, prior to offering it again for use by end users.	2. Economic operators making use of reusable packaging shall ~~recondition~~ ensure that such packaging is reconditioned in compliance with Part B of Annex VI, prior to offering it again for use by end users.	
Article 24(2a)				
437 a		<u>2a. Economic operators making use of reusable packaging may designate third parties responsible of one or more mutualised systems for re-use. The appointed third parties shall ensure that the systems for reuse, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.</u>	2a. Economic operators making use of reusable packaging in close loop systems as defined in Annex VI shall be required to return the packaging to the collection point(s) identified by the system participants and approved by the system operator.	

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		<i><u>Where economic operators have appointed a third party as referred in paragraph 2a, the obligations set out in this Article shall be met by the third parties on their behalf.</u></i>		
Article 25				
438	Article 25 Obligations related to refill	Article 25 Obligations related to refill	Article 25 Obligations related to refill	
Article 25(1), first subparagraph				
439	1. Where economic operators offer the possibility to purchase products through refill, they shall inform end users of the following:	1. Where economic operators offer the possibility to purchase products through refill, they shall inform end users of the following:	1. Where economic operators offer the possibility to purchase products through refill, they shall inform end users of the following:	
Article 25(1), first subparagraph, point (a)				
440	(a) the types of containers that may be used to purchase the products on offer through refill;	(a) the types of containers that may be used to purchase the products on offer through refill;	(a) the types of containers that may be used to purchase the products on offer through refill;	
Article 25(1), first subparagraph, point (b)				
441	(b) the hygiene standards for refill,	(b) the hygiene standards for refill,	(b) the hygiene standards for refill,	
Article 25(1), first subparagraph, point (c)				

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442	(c) the responsibility of the end user in relation to the health and safety regarding the use of the containers referred to in point (a).	(c) the responsibility of the end user in relation to the health and safety regarding the use of the containers referred to in point (a).	(c) the responsibility of the end user in relation to the health and safety regarding the use of the containers referred to in point (a).	
Article 25(1), second subparagraph				
443	This information shall be regularly updated and either clearly displayed on the premises or otherwise provided to end users.	This information shall be regularly updated and either clearly displayed on the premises or otherwise provided to end users.	This information shall be regularly updated and either clearly displayed on the premises or otherwise provided to end users.	
Article 25(2)				
444	2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.	2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.	2. Economic operators enabling refill shall ensure that refill stations comply with the requirements laid down in Part C of Annex VI and with any requirements set in other Union legislation for the sale of products through refill.	
Article 25(3)				
445	3. Economic operators enabling refill shall ensure that packaging offered to the end users at the refill stations is not provided free of charge or is provided as a part of a deposit and return system.	3. Economic operators enabling refill shall ensure that <i>if a</i> packaging <i>is</i> offered to the end users at the refill stations, <i>it</i> is not provided free of charge or is provided as a part of a deposit and return system.	3. Economic operators enabling refill shall ensure that packaging and containers offered to the end users at the refill stations ~~is~~ are not provided free of charge if the packaging does not meet requirements under Annex VI , or is provided as a part of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			a deposit and return system.	
Article 25(4)				
446	4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1.	4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1, <u>in particular if they deem it unhygienic or unsuitable for the food or drink being sold.</u> <u>Economic operators shall bear no liability for hygiene or food safety issues that may arise from the use of containers provided by the end user.</u>	4. Economic operators may refuse to refill a container provided by the end user, if the end user does not abide with the requirements communicated by the economic operator in accordance with paragraph 1.	
Article 25(4a)				
446 a		<u>4a. From 1 January 2030, final distributors with an area, excluding all storage and dispatch areas, of more than 400m² shall endeavour to dedicate 10% of their sales area to refill stations for both food and non-food products.</u>		
Article 26				
447	Article 26 Re-use and refill targets	Article 26 Re-use ~~and refill~~ targets	Article 26 Re-use and refill targets	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 26(1)				
448	1. From 1 January 2030, economic operators making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that 90 % of those products are made available in reusable transport packaging within a system for re-use.	1. ~~From 1 January 2030~~<u>Economic operators, including online platforms,</u> ~~economic operators~~ making large household appliances listed in point ~~2~~<u>1</u> of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State : <u>(a) shall ensure that 90 % from 1 January 2030, 50% of those products are made available in reusable transport packaging, excluding cardboard, within a system for reuse;</u> <u>(b) shall aim to ensure that from 1 January 2040, 90% of those products are made available in reusable transport packaging, excluding cardboard, within a system for reuse.</u> <u>Protective packaging which is designed to protect fragile and/or heavy goods and which is custom-designed to protect specific appliances shall be exempt from the re-use requirement</u>~~re-use~~.	1. ~~From 1 January 2030,~~The economic operators making large household appliances listed in point ~~2~~1 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall ensure that: (a) from 1 January 2030, at least 10 90 % of those products are made available in reusable transport packaging within a system for re-use; (b) from 1 January 2040, at least 50 % of those products are made available in reusable packaging within a system for re-use.	
Article 26(2)				
449				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:	2. ~~The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:~~ <u>deleted</u>	2. The final distributor making available on the market within the territory of a Member State ~~in sales packaging~~ cold or hot beverages filled in take-away packaging or into a container at the point of sale for take-away shall ensure that:	
Article 26(2), point (a)				
450	(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;	(a) ~~from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;~~ <u>deleted</u>	(a) from 1 January 2030, at least 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;	
Article 26(2), point (b)				
451	(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.	(b) ~~from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.~~ <u>deleted</u>	(b) from 1 January 2040, at least 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.	
Article 26(3)				
452	3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any	3. ~~A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation;~~	3. ~~A~~ The final distributor ~~that is conducting its business activity in the HORECA sector and that is~~ making available on the market within the territory of a Member State ~~in~~ sales take-away packaging ~~take-away~~ containing ready-prepared food; ~~intended for immediate consumption without~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	further preparation, and typically consumed from the receptacle, shall ensure that:	~~and typically consumed from the receptacle, shall ensure that:~~ <u>deleted</u>	~~the need of any further preparation, and typically consumed from the receptacle, shall ensure that:~~	
Article 26(3), point (a)				
453	(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	(a) ~~from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ <u>deleted</u>	(a) from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	
Article 26(3), point (b)				
454	(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	(b) ~~from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ <u>deleted</u>	(b) from 1 January 2040, at least 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	
Article 26(3a)				
454 a		<u>3a. Where a final distributor makes non-alcoholic beverages, with the exception of milk, in sales packaging available on the market: (a) it shall ensure that, within the territory of a Member State from 1 January 2030, at least 20 % of those products are made available in reusable packaging within a system for re-use; (b) it shall aim to ensure that from 1 January</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>2040, at least 35 % of those products are made available in reusable packaging within a system for re-use.</u>		
Article 26(3b)				
454 b		<u>3b. Where a final distributor makes alcoholic beverages, with the exception of wine and sparkling wines, in sales packaging available on the market within the territory of a Member State :</u> <u>(a) it shall ensure that from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use;</u> <u>(b) it shall aim to ensure that from 1 January 2040, at least 25 % of those products are made available in reusable packaging within a system for re-use;</u> <u>(c) shall meet the targets referred to in points (a) and (b) of this paragraph in a manner that other alcoholic beverage category, as defined in Council Directive 92/83/EEC, fairly contributes to the re-use target;</u> <u>(d) it shall ensure that brands owned by the final distributor contribute fairly to the re-use target;</u> <u>(e) it shall allow manufacturers the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>flexibility to achieve reuse targets across their portfolio.</i></u>		
Article 26(4)				
455	4. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:	4. ~~The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:~~ <u>deleted</u>	4. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging - alcoholic beverages in the form of and non-alcoholic beer, - carbonated alcoholic beverages, - fermented alcoholic fermented beverages other than wine, sparkling wine, liqueur wine, aromatised wine products and fruit wine, - products based on spirit drinks, wine or other fermented alcoholic beverages mixed with non-alcoholic beverages, , - non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea which are immediately ready to drink, pure juice, juice or must of fruits or vegetables, fruit nectar and fruit ~~soda, cider or juice~~ drink nectar, - smoothies without milk and - non-alcoholic beverages containing milk fraction -shall ensure that:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 26(4), point (a)			
456	(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	(a) ~~from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ <u>deleted</u>	(a) from 1 January 2030, at least 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	
	Article 26(4), point (b)			
457	(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	(b) ~~from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ <u>deleted</u>	(b) from 1 January 2040, ~~25~~ at least 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	
	Article 26(4), point (ba)			
457 a			The targets laid down in this paragraph shall not apply to beverages which are to be considered perishable under Article 24 of Regulation (EU) No 1169/2011.	
	Article 26(5)			
458	5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the	5. ~~The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of~~	~~deleted~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	exception of sparkling wine, shall ensure that:	~~sparkling wine, shall ensure that:~~ ~~deleted~~		
Article 26(5), point (a)				
459	(a) from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	(a) ~~from 1 January 2030, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ ~~deleted~~	deleted	
Article 26(5), point (b)				
460	(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	(b) ~~from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.~~ ~~deleted~~	deleted	
Article 26(6)				
461	6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk	6. ~~The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-~~	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and non-alcoholic beverages containing milk fat, shall ensure that:	~~alcoholic beverages containing milk fat, shall ensure that:~~ ~~deleted~~		
<i>Article 26(6), point (a)</i>				
462	(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;	(a) ~~from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ ~~deleted~~	deleted	
<i>Article 26(6), point (b)</i>				
463	(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.	(b) ~~from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;~~ ~~deleted~~	deleted	
<i>Article 26(6a)</i>				
463 a		<u>6a. Member States shall exempt economic operators from the obligation under paragraphs 3a, point (a), and 3b, point (a), of this Article when the rate of recycling as reported by the Member States to the Commission under Article 50(2), point (c), is above 85 % by weight of such packaging material placed on the market of that Member State in the calendar years 2026 and 2027.</u> <u>Where such reporting shows that the rate</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>of recycling of the respective packaging material is below 85 %, the Member State shall submit an implementation plan to the Commission showing a strategy with concrete actions, including a timeline, that ensure the achievement of the 85 % recycling rate by weight of the respective packaging material within two years.</i>		
Article 26(7)				
464	7. 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:	7. Economic operators using transport packaging <i>or sales packaging only used for transportation within the territory of the Union</i> in the form of pallets, plastic crates, foldable plastic boxes, pails ~~and/or~~ drums for the conveyance or packaging of products in conditions other than provided for under paragraphs ~~12 and 13 shall ensure that~~ <i>5 and 6</i> :	7. Economic operators using transport packaging or sales packaging used for transportation 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:	
Article 26(7), point (a)				
465	(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;	(a) <i>shall ensure that</i> from 1 January 2030, <i>at least</i> 30 % of such packaging used is reusable packaging within a system for re-use;	(a) from 1 January 2030, at least 30 % of such packaging used is reusable packaging within a system for re-use;	
Article 26(7), point (b)				
466				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) from 1 January 2040, 90 % 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.~~ <u>deleted</u>	(b) from 1 January 2040, at least 90 % of such packaging used is reusable packaging within a system for re-use.	
Article 26(7), point (ba)				
466 a			The targets under the first subparagraph do not apply for transport packaging or sales packaging used for the transportation of dangerous goods as set by Directive 2008/68/EC and for large-scale machinery and equipment that are produced to fit the individual requirements of the ordering economic operator.	
Article 26(8)				
467	8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:	8. Economic operators using transport packaging <u>within the territory of the Union</u> for the transport and delivery of non-food items made available on the market for the first time via e-commerce ~~shall ensure that:~~	8. Economic operators using transport packaging or sales packaging used for transportation , for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:	
Article 26(8), point (a)				
468	(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;	(a) <u>shall ensure that</u> from 1 January 2030, <u>at least</u> 10 % of such packaging used is reusable packaging within a system for re-	(a) from 1 January 2030, at least 10 % of such packaging used is reusable packaging within a system for re-use;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		use;		
Article 26(8), point (b)				
469	(b) from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;	(b) ~~from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;~~ <u>deleted</u>	(b) from 1 January 2040, at least 50 % of such packaging used is reusable packaging within a system for re-use;	
Article 26(9)				
470	9. 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:	9. Economic operators using transport packaging ~~in the form of pallet wrappings and straps~~ <u>within the territory of the Union</u> for stabilization and protection of products put on pallets during transport, <u>including, but not limited to, pallet wrappings or straps</u> ~~shall ensure that:~~	9. Economic operators using transport packaging ~~in the form of pallet wrappings and straps for stabilization~~ for stabilisation and protection of products put on pallets during transport, including pallet wrappings or straps , shall ensure that:	
Article 26(9), point (a)				
471	(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;	(a) <u>shall ensure that</u> from 1 January 2030, <u>at least</u> 10 % of such packaging used is reusable packaging within a system for re-use;	(a) from 1 January 2030, at least 10 % of packaging for stabilisation and protection during such transports ~~10 % of such packaging used is reusable packaging within a system for re-use;~~	
Article 26(9), point (b)				
472	(b) from 1 January 2040, 30 % of such	(b) ~~from 1 January 2040, 30 % of such~~	(b) from 1 January 2040, at least 30 % of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging used for transport is reusable packaging within a system for re-use;	~~packaging used for transport is reusable packaging within a system for re-use;~~ ~~deleted~~	packaging for stabilisation and protection during such transports 30 % of such ~~packaging used for transport~~ is reusable packaging within a system for re-use;	
Article 26(10)				
473	10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:	10. Economic operators, <u>including online platforms,</u> using grouped packaging <u>within the territory of the Union</u> in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping ~~unit~~ <u>shall ensure that or distribution unit:</u>	10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:	
Article 26(10), point (a)				
474	(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;	(a) <u>shall ensure that</u> from 1 January 2030, <u>at least</u> 10 % of such packaging used is reusable packaging within a system for re-use;	(a) from 1 January 2030, at least 10 % of such packaging used is reusable packaging within a system for re-use;	
Article 26(10), point (b)				
475	(b) from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.	(b) ~~from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.~~ ~~deleted~~	(b) from 1 January 2040, at least 25 % of such packaging ~~they~~ used is reusable packaging within a system for re-use.	
Article 26(10a)				

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475 a		<u>10a. The targets laid down in paragraphs 3a and 3b may also be achieved by enabling refill.</u>		
Article 26(11)				
476	11. Targets laid down in paragraphs 1 to 10 shall be calculated for the period of a calendar year.	11. Targets laid down in ~~paragraphs 1 to 10~~ <u>this Article</u> shall be calculated for the period of a calendar year.	11. Targets laid down in paragraphs 1 to 10 shall be calculated for the period of a calendar year.	
Article 26(12), first subparagraph				
477	12. Transport packaging used by an economic operator shall be reusable where it is used for transporting products:	12. <u>From 1 January 2030, 95% of the</u> transport packaging used by an economic operator shall be reusable where it is used for transporting products:	12. Transport packaging used by an Economic operator shall be reusable where it ~~is~~ operators using transport packaging or sales packaging used for transporting products:	
Article 26(12), first subparagraph,				
478	(a) between different sites, on which the operator performs its activity; or	(a) between different sites, on which the operator performs its activity; or	~~(a)~~ between different sites, on which the operator performs its activity; or	
Article 26(12), first subparagraph,				
479	(b) between any of the sites on which the operator performs its activity and the sites	(b) between any of the sites on which the operator performs its activity and the sites	~~(b)~~ between any of the sites on which the operator performs its activity and the sites of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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].	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].	any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Commission Recommendation 2003/361, as applicable on ~~[in the version publicly available on [OP: Please insert the date = the date of entry into force of this Regulation]~~ OP: Please insert the date = the date of entry into force of this Regulation]-, shall ensure that such packaging is reusable within a system for re-use	
Article 26(12), second subparagraph				
480	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.	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.	~~This~~ The obligation applies referred to in the first subparagraph shall apply to pallets, boxes, excluding cardboard , trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats except flexible transport packaging formats in direct contact with food. The obligation shall not apply to transport packaging or sales packaging used for the transportation of dangerous goods as set by Directive 2008/68/EC and for large-scale machinery and equipment that are produced to fit the individual requirements of the ordering economic operator.	
Article 26(13), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
481	13. 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.	13. <i>From 1 January 2030,</i> economic operators, <i>including online platforms,</i> 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.	13. Economic operators delivering using transport packaging or sales packaging used for transportation to deliver products to another economic operator within the same Member State shall ~~use only reusable transport~~ ensure that such packaging for the purpose of the transportation of such products is reusable within a system for re-use.	
Article 26(13), second subparagraph				
482	This obligation applies to pallets, boxes, excluding cardboard, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.	This obligation applies to pallets, boxes, excluding cardboard, plastic crates intermediate bulk containers, and drums, of all sizes and materials, including flexible formats.	~~This~~ The obligation applies referred to in the first subparagraph shall apply to pallets, boxes, excluding cardboard,- plastic crates, intermediate bulk containers, drums and canisters ~~and drums~~ , of all sizes and materials, including flexible formats except flexible transport packaging formats in direct contact with food. The obligation shall not apply to transport packaging or sales packaging used for the transportation of dangerous goods as set by Directive 2008/68/EC and for large-scale machinery and equipment that are produced to fit the individual requirements of the ordering economic operator.	
Article 26(13), second subparagraph a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
482 a		<u>13b. The targets laid down in this Article shall not apply to in sales packaging of highly perishable drinks and beverages as defined in Regulation (EU) No 1169/2011.</u>	13b. Final distributors, under paragraphs 2 to 4, with a sales area above 100 m ² shall take back, free of charge, all reusable packaging of the same type, form and size as the packaging made available on the market by them, within that specific system of reuse at the point of sale, ensuring their recovery and return through the entire distribution chain. The end users shall be able to return the packaging at the location where the actual handover of such packaging takes place or in its immediate proximity. The final distributor shall fully redeem associated deposits or take measures to notify the return of the packaging according to the governance rules of the specific system of reuse, which may mean redemption of associated deposits.	
Article 26(13a)				
482 b		<u>13a. Economic operators shall be exempted from the obligation to meet targets in this Article, when the rate of recycling of the predominant packaging material as reported by the Member States to the Commission under Article 50(2), point (c), or when the rate of recycling of packaging formats - such as PET bottles</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>or aluminium cans - is above 85 % by weight of such packaging placed on the market on the territory of that Member State in the calendar year 2027 or any calendar year thereafter.</i>		
Article 26(13c)				
482 c		<i>13c. The targets laid down in this Article shall not apply to in sales packaging of wine, sparkling wine, aromatised wine products and spirituous beverages as defined by nomenclature codes 2208.</i>		
Article 26(14)				
483	14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 10 if, during a calendar year, they:	14. Economic operators shall be exempted from the obligation to meet the targets in ~~paragraphs 2 to 10~~ <i>this Article</i> if, during a calendar year, they:	14. Economic operators shall be exempted from the obligation to meet the targets in paragraphs 2 to 10 if, during a calendar year, they:	
Article 26(14), point (a)				
484	(a) placed not more than 1000 kg of packaging on the market; or	(a) placed not more than 1000 kg of packaging on the market; or	(a) ~~placed~~ made not more than 1000 kg of packaging available on the market within the territory of a Member State; and ~~or~~	
Article 26(14), point (b)				

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485	(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].	(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].	(b) complied with the definition of ~~micro-company~~ micro-enterprise in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on ~~in the version publicly available on [OP: Please insert the date = the date of entry into force of this Regulation]~~ in the version publicly available on [OP: Please insert the date = the date of entry into force of this Regulation] .	
Article 26(14)				
485 a			On the basis of the special conditions of final distribution and some manufacturing sectors, even at national level, the Commission is empowered to adopt delegated acts in accordance with Article 58, to modify the thresholds under point a.	
Article 26(14a)				
485 b		<u>14a. By ... [OP: please insert date two years from the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 58 regarding the requirements for the preparation of a life cycle assessment to justify an exemption under this Article. Economic operators shall be exempted</u>		

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		<i>from the obligation to meet the targets in this Article if reuse is not the option that delivers the best overall environmental outcome on the basis of such a life cycle assessment.</i>		
Article 26(15)				
486	15. 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.	15. Economic operators shall be exempted from the obligation to meet the targets in ~~paragraphs 2 to 6 if, during a calendar year, this Article if:~~ (a) they have a sales area of not more than ~~100~~ 200 m ² , including also all storage and dispatch areas; (b) <i>reuse is not the option that delivers the best overall environmental outcome on the basis of a life cycle assessment, in line with the waste hierarchy as defined in Article 4 of Directive 2008/98/EC, and without prejudice to requirements on health, hygiene and safety.</i>	15. ~~Economic operators~~ Final distributors shall be exempted from the obligation to meet the targets in paragraphs 2 to ~~6~~ 4 if, during a calendar year, they have a sales area of not more than 100 m ² , including also all storage and dispatch areas ~~m²~~ . On the basis of the special conditions of final distribution and some manufacturing sectors, even at national level, the Commission is empowered to adopt delegated acts in accordance with Article 58, to modify the sales area threshold.	
Article 26(15 -a)				
486 a			15 -a. Members states may allow that economic operators form pools for the purpose of meeting their obligations under para 4. These pools may consist of up to 3 manufactures or up to 3 final distributors	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and may cover one of the beverage categories mentioned in paragraph 4. If Member States grant the possibility under this paragraph, the information provided for by the pool to the authority of the Member State must consist, at a minimum, of: (a) the economic operators included in the pool, and (b) the economic operator nominated as pool manager who will be the contact point. Member states shall set further information requirements that are necessary for the enforcement of economic operators. Economic operators part of a pool shall report to the competent authorities which are the arrangements between them in contributing to reach the targets under paragraph 4 and how the allocations of tasks are within the pool. [By 1 January 2028], the Commission shall adopt delegated acts supplementing this Regulation to establish and specify the detailed conditions and reporting requirements to be applied to these pooling arrangements, taking into account the type and quantity of packaging each operator places on the market each calendar year and the place where the economic operators are located.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 26(15a)			
486 b		<u>15a. Economic operators shall be exempted from the obligations under this Article if the rate of separate collection, as required under Article 43(3), (4) and (4b), of the respective packaging material, as reported to the Commission under Article 50(1) point (c), is above 85 % by weight of such packaging placed on the market on the territory of the Member State in which they operate in the calendar years 2026 and 2027.</u> <u>Where such reporting shows that the rate of separate collection of the respective packaging material is below 85 %, the Member State shall submit an implementation plan showing a strategy with concrete actions, including a timeline that ensures the achievement of the 85 % separate collection rate by weight of the respective packaging material within two years.</u>	15a. Under the conditions set out in Article 45, Member States may set targets for economic operators going beyond the minimum targets set out in: (i) paragraphs 2 and 3 of this Article in relation to packaging within the scope of Directive (EU) 2019/904; (ii) paragraphs 1, 4 to 10 of this Article to the extent that higher targets are necessary for the Member State to achieve one or more of the targets in Article 38.	
	Article 26(15aa)			
486 c			15aa. Under the conditions set out in Article 45, Member States may set targets for economic operators covering	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			beverages made available in sales packaging which do not fall under paragraph 4 of this Article to the extent that those additional targets are necessary for the Member State to achieve one or more of the targets in Article 38.	
Article 26(15ab)				
486 d			15ab. Member States may exempt final distributors from the obligation to meet the targets in paragraphs 2 to 4 if their sales area is located on an island with a population of less than 2000 inhabitants. In that case, if the final distributor has more than one sales area, and only one or some of those areas are located on such an island, the relevant beverages and products made available on the market within a territory of a Member State in those sales area shall not be calculated for the purpose of meeting the targets under paragraphs 2 to 4.	
Article 26(15b)				
486 e		<u>15b. Economic operators shall be exempted from the obligation to meet the targets laid down in paragraphs 7, 12 and 13 of this Article for all transport</u>	15b. Based on a substantiated request from an economic operator, competent authorities of the Member States may request the Commission to assess whether	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>packaging that is in direct contact with food as defined in Regulation (EC) No 178/2002 and feed.</i></u>	there are unforeseen and exceptional economic circumstances that prevent the ability of an economic operator to comply with one or more targets laid down under paragraphs 1 to 10 of this Article by the deadlines provided therein. Economic operator shall provide substantiated evidence as to (i) the existence of those circumstances and how this may affect the ability of the economic operators concerned to attain the targets, specifying which of the targets listed in paragraphs 1 to 10 are concerned; and (ii) by when, on the basis of the market development and the unforeseen and exceptional circumstances, it is reasonable to expect that the economic operator will be able to achieve those targets. In its assessment, the Commission shall take into account, in addition to the evidence provided by the economic operator, the specific conditions of the category of economic operators to which the economic operator belongs to, the need to reduce obstacle to competition and trade, and the need to ensure a high level of reuse and packaging waste prevention throughout the Union market. Based on this assessment, if the Commission concludes that there is a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			substantial risk for the economic operator concerned will not achieve the reuse and refill targets concerned, the Commission is empowered to adopt delegated acts in accordance with Article 58 to amend paragraphs 1 to 10 of this Article in order to insert a deadline up to 5 years later than the one provided in Article 26 of this Regulation for one or more categories of economic operators, or to address a specific decision to the economic operator concerned exempting it from the obligation for a maximum period of 5 years.	
Article 26(15c)				
486 f		<u>15c. Economic operators shall be exempted from the obligation to meet the targets laid down in this Article for all products subject to geographical indications of origin protected under Union legislation.</u>	15c. By [24 months from the date of entry into force of this Regulation], the Commission shall publish guidelines, in consultation with Member States, explaining in more detail the products in the scope of paragraph 4.	
Article 26(16)				
487	16. The Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:	16. <u>In order to take account of the latest scientific and economic data and developments, and improving the overall environmental outcome, which may</u>	16. In order to take account of the latest scientific and economic data and developments, the Commission isThe Commission shall be empowered to adopt	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>require specific waste streams departing from the hierarchy where this is justified by an independent and peer reviewed life-cycle assessment</u> , the Commission shall be empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:	delegated acts in accordance with Article 58 to supplement this Regulation in order to establish:	
Article 26(16), point (a)				
488	(a) targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),	(a) ~~targets for other products than those covered by paragraphs 1 to 6 of this Article and other packaging formats than those in paragraphs 7 to 10, based on the positive experiences with measures taken by Member States under Article 45(2),~~ <u>deleted</u>	deleted	
Article 26(16), point (b)				
489	(b) exemptions for economic operators additional to those listed in points (a) to (c) of paragraph 14 of this Article,	(b) exemptions for economic operators additional to those listed in ~~points (a) to (c) of paragraph 14 of this Article~~ , <u>due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in</u> this Article,	(b) exemptions for economic operators additional to those listed in points (a) ~~and (b) to (c)~~ of paragraph 14 of this Article, due to particular economic constraints encountered in a specific sector related to the compliance with targets set out in this Article,	
Article 26(16), point (c)				
490	(c) exemptions for specific packaging	(c) exemptions for specific packaging	(c) exemptions for specific packaging	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or environmental issues preventing the achievement of those targets.	formats covered by the targets laid down in paragraphs 2 to 6 of this Article in case of hygiene, food safety or ~~environmental issues preventing the achievement of those targets~~ <u>hazardous nature of the product preventing reuse.</u>	formats covered by the targets laid down in paragraphs 2 to ~~6~~ 4 of this Article in case of hygiene, ~~and food safety or environmental issues~~ preventing the achievement of those targets,	
Article 26(16), point (ca)				
490 a		<u>(ca) requirements for the preparation of a life cycle assessment to justify an exemption under paragraph 15, point (b).</u>	(ca) exemptions for specific packaging formats covered by the targets laid down in paragraphs 2 to 10, of this Article in case of environmental issues preventing the achievement of those targets.	
Article 26(17)				
491	17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging and, on this basis, assess the appropriateness of establishing measures, reviewing the targets laid down in this Article, and setting new targets for the reuse and refill of packaging, and where necessary present a legislative proposal.	17. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the situation regarding reuse of packaging. <u>When assessing the impact of the packaging reuse targets, the Commission shall at least evaluate the packaging waste reduction obtained by the reuse 2030 targets, CO₂ emission reduction, food waste reduction, reduction of the volumes of virgin raw material used, water and energy use, water contamination and the use of detergents and disinfectants based</u>	17. By [~~OP: Please insert the date = 8 years after the date of entry into force of this Regulation~~] 1 January 2034, taking into account the evolution of the state of the art of the technology and the practical experience gained by economic operators and Member States , the Commission shall ~~review the situation regarding reuse of~~ present a report reviewing the implementation of the 2030 targets set out in this Article, and evaluating to what extent these targets lead to solutions fostering sustainable packaging that are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>on an independent and peer reviewed life-cycle assessment. The Commission shall also ~~and, on this basis,~~ assess the appropriateness of establishing measures, reviewing the development of cardboard packaging waste and its environmental impacts and material substitution effects that might occur due to material exemptions in Article 22, in combination with Annex V, and due to Article 26(7), (10), (12) and (13). On the basis of that review, the Commission shall, where appropriate, present a legislative proposal: (a) modifying or confirming the 2040 targets laid down in this Article, and (b), if necessary, setting new targets for the reuse and refill of packaging, and where necessary present a legislative proposal in other sectors and for other packaging formats and materials.</u>	effective and easy to implement, the feasibility of the achievement of targets set for 2040 on the ~~and, on this basis,~~ assess the appropriateness of establishing measures, reviewing the targets laid down of the experience in achieving the 2030 targets and the evolving circumstances, the relevance of maintaining the exemptions and derogations set out in this Article, life-cycle assessment of single-use and reuse packaging, and the necessity or pertinence of ~~and setting new targets for the reuse~~ and refill of other packaging categories. This report shall, where appropriate be accompanied by, and where necessary present a legislative proposal amending this Article, in particular the 2040 targets.	
Article 26(17a)				
491 a		<u>17a. From 1 January 2030, all reusable packaging formats issued by distributors in the territory of a Member State in accordance with paragraphs 3a and 3b, shall be taken back by that end distributor.</u>		
Article 27				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
492	Article 27 Rules on the calculation of the attainment of the re-use and refill targets	Article 27 Rules on the calculation of the attainment of the re-use ~~and refill~~ targets	Article 27 Rules on the calculation of the attainment of the re-use and refill targets	
Article 27(1)				
493	1. For the purpose of demonstrating the attainment of the targets laid down in Article 26(1), the economic operator making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall calculate the following:	1. For the purpose of demonstrating the attainment of the targets laid down in Article 26(1), the economic operator making large household appliances listed in point 2 of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall calculate the following:	1. For the purpose of demonstrating the attainment of the targets laid down in Article 26(1), the economic operator making large household appliances listed in point ~~21~~ of Annex II to Directive 2012/19/EU available on the market for the first time within the territory of a Member State shall calculate the following:	
Article 27(1), point (a)				
494	(a) the number of units of sales of those appliances in reusable packaging within a system for re-use made available on the market for the first time within the territory of a Member State in a calendar year;	(a) the number of units of sales of those appliances in reusable packaging within a system for re-use made available on the market for the first time within the territory of a Member State in a calendar year;	(a) the number of units of sales of those appliances in reusable packaging within a system for re-use made available on the market for the first time within the territory of a Member State in a calendar year;	
Article 27(1), point (b)				
495	(b) the number of units of sales of those appliances in packaging other than	(b) the number of units of sales of those appliances in packaging other than reusable	(b) the number of units of sales of those appliances in packaging other than reusable	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reusable packaging as referred to in point (a) made available on the market for the first time within the territory of a Member State in a calendar year.	packaging as referred to in point (a) made available on the market for the first time within the territory of a Member State in a calendar year.	packaging as referred to in point (a) made available on the market for the first time within the territory of a Member State in a calendar year.	
Article 27(2)				
496	2. For the purpose of demonstrating the attainment of the targets laid down in Article 26(2) to (6), the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:	2. For the purpose of demonstrating the attainment of the targets laid down in Article ~~26(2) to (6)~~ 26(3a) and (3b) , the final distributor, or manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:	2. For the purpose of demonstrating the attainment of the targets laid down in ~~Article 26(2) to (6)~~ Articles 26(2) , 26(4) and 26(5) , the final distributor, ~~or and~~ manufacturer, as appropriate, making available on the market such products within the territory of a Member State shall calculate, for each target separately, the following:	
Article 27(2), point (a)				
497	(a) the number of units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;	(a) the number of equivalent units of sales of beverages and food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;	(a) the total number of units of sales or total volume of beverages ~~and food~~ in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;	
Article 27(2), point (b)				
498	(b) the number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through refill;	(b) ~~the number of units of sales of beverages and food made available on the market within the territory of a Member State in a calendar year through~~	(b) the total number of units of sales, refills, or total volume of beverages ~~of beverages and food~~ made available on the market within the territory of a Member State in a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~refill~~ ; <u>deleted</u>	calendar year through refill;	
Article 27(2), point (c)				
499	(c) the number of units of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in points (a) and (b) in a calendar year.	(c) the number of <u>equivalent</u> units <u>of sales</u> of sales of beverages and food made available on the market within the territory of a Member State by other means than those referred to in ~~points (a) and (b)~~ <u>point (a)</u> in a calendar year.	(c) the total number of units of sales or total volume of beverages ~~and food~~ made available on the market within the territory of a Member State by other means than those referred to in points (a) and (b) in a calendar year.	
Article 27(2a)				
499 a			2a. For the purpose of demonstrating the attainment of the targets laid down in Article 26(3), the final distributor making available on the market such products within the territory of a Member State shall calculate the following:	
Article 27(2a), point (a)				
499 b			(a) the total number of units of sales or total weight of food in reusable packaging within a system for re-use made available on the market within the territory of a Member State in a calendar year;	
Article 27(2a), point (b)				

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499 c			(b) the total number of units of sales, refills, or total weight of food made available on the market within the territory of a Member State in a calendar year through refill;	
Article 27(2a), point (c)				
499 d			(c) the total number of units of sales or total weight of food made available on the market within the territory of a Member State by other means than those referred to in points (a) and (b) in a calendar year.	
Article 27(3)				
500	3. 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:	3. 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:	3. 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:	
Article 27(3), point (a)				
501	(a) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) constituting reusable	(a) the number of equivalent units of each of the packaging formats listed in Article ~~26(7) to (10)~~ <u>26(6) and (7)</u> constituting	(a) the number of equivalent units of each of the packaging formats listed in Article 26(7) to (10) constituting reusable packaging	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging within a system for re-use they used in a calendar year;	reusable packaging within a system for re-use they used in a calendar year;	within a system for re-use they used in a calendar year;	
Article 27(3), point (b)				
502	(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.	(b) the number of equivalent units of each of the packaging formats listed in Article ~~26(7) to (10)~~ <u>26(6) and (7)</u> , other than those indicated in point (a), that 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.	
Article 27(4), first subparagraph				
503	4. By 31 December 2028, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.	4. By 31 December ~~2028~~ <u>2026</u> , the Commission shall adopt ~~implementing~~ <u>delegated</u> acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.	4. By ~~31 December~~ <u>1 January</u> 2028, the Commission shall adopt implementing acts establishing detailed calculation rules and methodology regarding the targets set out in Article 26.	
Article 27(4), second subparagraph				
504	The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	~~The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).~~ <u>deleted</u>	The implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 27(4), second subparagraph a				
504 a		<u>The obligation to demonstrate the attainment of the targets laid down in</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 26 shall apply from 1 January 2030 or [18 months] after the date of entry into force of the delegated acts referred to in subparagraph 1, whichever is later.</u>		
Article 28				
505	Article 28 Reporting to the competent authorities on re-use and refill targets	Article 28 Reporting to the competent authorities on re-use ~~and refill~~ targets	Article 28 Reporting to the competent authorities on re-use and refill targets	
Article 28(1)				
506	1. 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.	1. 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.	1. 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.	
Article 28(2)				
507	2. The report referred to in paragraph 1 shall be submitted within six months after the end of the reporting year for which the data are collected.	2. The report referred to in paragraph 1 shall be submitted within six months after the end of the reporting year for which the data are collected.	2. The report referred to in paragraph 1 shall be submitted within six months after the end of the reporting year for which the data are collected.	
Article 28(3)				
508	3. The first reporting period shall concern	3. The first reporting period shall concern	3. The first reporting period shall concern	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the calendar year starting on 1 January 2030.	the calendar year starting on 1 January 2030.	the calendar year starting on 1 January 2030.	
Article 28(4)				
509	4. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used.	4. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used.	4. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used.	
Article 28(5)				
510	5. Competent authorities may request any additional information necessary to ensure the reliability of the data reported.	5. Competent authorities may request any additional information necessary to ensure the reliability of the data reported.	5. Competent authorities may request any additional information necessary to ensure the reliability of the data reported.	
Article 28(6)				
511	6. Member States shall make public the results of the reports referred to in paragraph 1.	6. Member States shall make public the results of the reports referred to in paragraph 1.	6. Member States shall make public the results of the reports referred to in paragraph 1.	
Article 28(6a)				
511 a		<u>6a. By ... [OP: please insert the date = 24 months from the entry into force of this Regulation], the Commission shall establish a European observatory on re-use. The observatory shall be responsible</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>for monitoring the implementation of the measures laid down in this Regulation, collecting data on re-use practices, and contributing to the development of best practices in the field of re-use.</u>		
Article 28a				
511 b		<u>Article 28a</u> <u>Refill obligation for the takeaway sector</u>		
Article 28a(1)				
511 c		<u>1. 1. By ... [OP: Please insert the date = 24 months from the date of entry into force of this Regulation]:</u> <u>(a) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide a system for consumers to bring their own container to be filled;</u> <u>(b) the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall provide a system for consumers to bring their own container to be filled.</u> <u>2. The final distributors referred to in points (a) and (b) shall offer the goods filled in the container brought by the consumer at a lower price and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.</u> <u>The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in a refillable container provided by the consumer.</u>		
Article 28b				
511 d		<u>Article 28b</u> <u>Reuse offer for the takeaway beverage sector</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 28b(1)				
511 e		<u>1. 1. By ... [OP: Please insert the date = 36 months after the date of entry into force of this Regulation] the final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall provide to the consumers the option of packaging within a system for re-use.</u> <u>2. The final distributors shall inform the end consumers at the point of sale, through clearly visible and readable information boards or signs, about the possibility of obtaining the goods in reusable packaging.</u> <u>3. The final distributors shall offer the goods filled in reusable packaging at no higher costs, and in no less favourable conditions than the sales unit consisting of the same goods and single use packaging.</u> <u>4. The final distributors shall be exempted from the application of this Article if they fall within the definition of a micro enterprise set out in Commission Recommendation 2003/361/EC.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Chapter V				
512	Chapter V Plastic carrier bags	Chapter V Plastic carrier bags	Chapter V Plastic carrier bags	
Article 29				
513	Article 29 Plastic carrier bags	Article 29 Plastic carrier bags	Article 29 Plastic carrier bags	
Article 29(1), first subparagraph				
514	1. Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory.	1. Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory.	1. Member States shall take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags ~~on~~ in their territory.	
Article 29(1), second subparagraph				
515	A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.	A sustained reduction is achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.	A sustained reduction is considered to be achieved if the annual consumption does not exceed 40 lightweight plastic carrier bags per person, or the equivalent target in weight, by 31 December 2025, and subsequently by 31 December in each year thereafter.	
Article 29(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
516	2. Measures to be taken by Member States to meet the target set out in paragraph 1 may vary depending on the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.	2. Measures to be taken by Member States to meet the target set out in paragraph 1 ~~may vary depending on~~ <u>shall take into consideration</u> the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include marketing restrictions, provided that they are proportionate and non-discriminatory.	2. Measures to be taken by Member States to meet the target set out in paragraph 1 may vary depending on the environmental impact of lightweight plastic carrier bags when they are manufactured, recycled or disposed of, and their composting properties, durability or specific intended use. Such measures may, by way of derogation from Article 4, include the banning of lightweight plastic carrier bags or other marketing restrictions, provided that they are proportionate and non-discriminatory. Provided that the objectives set out in Article 29 are achieved, Member States may implement the measures referred to in paragraph 1 by means of agreements between the competent authorities and the economic sectors concerned.	
Article 29(3)				
517	3. Member States may take measures, such as economic instruments and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.	3. Member States may take measures, such as economic instruments and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.	3. In addition to the measures under paragraphs 1 and 2 above, Member States may take measures, such as economic instruments, and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness, in accordance with the obligations arising from the Treaty.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(3a)				
517 a			3a. In case a Member State adopts national reduction targets concerning certain plastic carrier bags, it can introduce measures to achieve such targets, which may, by way of derogation from Article 4, include the banning of such carrier bags or other marketing restrictions, provided that such measures are proportionate and non-discriminatory. If the measures take the form of bans, Member States shall monitor the effects and revoke the measures immediately in case there is an indication that the end users are likely to replace the use of banned carrier bags with a packaging or product having a more detrimental impact on the environment.	
Article 29(4)				
518	4. Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.	4. Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.	4. Member States may exclude very lightweight plastic carrier bags, which are required for hygiene purposes or provided as sales packaging for loose food to prevent food wastage from the obligations set out in paragraph 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(4a)				
518 a		<u>4a. By 31 December 2027, the Commission shall prepare a report on the need and feasibility of reducing the use of paper carrier bags and, where appropriate, submit a legislative proposal setting out targets for a paper carrier bags reduction and measures to achieve these targets.</u>		
Chapter VI				
519	Chapter VI Conformity of packaging	Chapter VI Conformity of packaging	Chapter VI Conformity of packaging	
Article 30				
520	Article 30 Test, measurement and calculation methods	Article 30 Test, measurement and calculation methods	Article 30 Test, measurement and calculation methods	
Article 30, first paragraph				
521	For the purposes of compliance and verification of compliance of packaging with the requirements set out in Articles 5 to 11 and 24 of this Regulation, tests, measurements and calculations shall be made using reliable, accurate and	For the purposes of compliance and verification of compliance of packaging with the requirements set out in Articles 5 to 11 and 24 of this Regulation, tests, measurements and calculations shall be made using reliable, accurate and	For the purposes of compliance and verification of compliance of packaging with the requirements set out in Articles 5 to 11, 21 and 24- of this Regulation, tests, measurements and calculations shall be made using reliable, accurate and reproducible	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reproducible methods, which take into account the generally recognised state-of-the art methods, and whose results are deemed to be of low uncertainty.	reproducible methods, which take into account the generally recognised state-of-the art methods, and whose results are deemed to be of low uncertainty.	methods, which take into account the generally recognised state-of-the art methods, and whose results are deemed to be of low uncertainty.	
Article 31				
522	Article 31 Presumption of conformity	Article 31 Presumption of conformity	Article 31 Presumption of conformity	
Article 31(1)				
523	1. Tests, measurements or calculation methods referred to in Article 30 which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in that Article.	1. Tests, measurements or calculation methods referred to in Article 30 which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in that Article.	1. Tests, measurements or calculation methods referred to in Article 30 which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union ~~Official Journal of the European Union~~ , shall be presumed to be in conformity with the requirements covered by those standards or parts thereof set out in that Article.	
Article 31(1a)				
523 a			1a. Where tests, measurements or calculation methods as mentioned in paragraph 1 are performed by conformity assessment bodies under accreditation in accordance with Regulation 765/2008,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			they shall be presumed to be in conformity with the requirements under paragraph 1 and are part of the accreditation scope.	
Article 31(2)				
524	2. Packaging which is in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements, or parts thereof, covered by those standards set out in Articles 5 to 11 and 24.	2. Packaging which is in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements, or parts thereof, covered by those standards set out in Articles 5 to 11 and 24.	2. Packaging which is in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements, ~~or parts thereof~~ , covered by those standards or parts thereof set out in Articles 5 to 11, 21 and 24.	
Article 32				
525	Article 32 Common technical specifications	Article 32 Common technical specifications	Article 32 Common ~~technical~~ specifications	
Article 32(1)				
526	1. Packaging which is in conformity with common technical specifications referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the requirements set out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common technical specifications or parts	1. Packaging which is in conformity with common technical specifications referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the requirements set out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common technical specifications or parts thereof.	1. Packaging which is in conformity with common ~~technical~~ specifications referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the requirements set out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common ~~technical~~ specifications or parts thereof.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	thereof.			
Article 32(2), first subparagraph				
527	2. The Commission may, by means of implementing acts, establish common technical specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:	2. The Commission may, by means of implementing acts, establish common technical specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:	2. The Commission may, by means of implementing acts, establish common ~~technical~~ specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:	
Article 32(2), first subparagraph, point (a)				
528	(a) there is no harmonised standard covering the relevant requirements the reference of which is published in the Official Journal of the European Union or the standard does not satisfy the requirements it aims to cover;	(a) there is no harmonised standard covering the relevant requirements the reference of which is published in the Official Journal of the European Union or the standard does not satisfy the requirements it aims to cover;	(a) ~~there is no~~ no reference to harmonised ~~standards~~ standards covering the relevant requirements ~~the reference of which is set out in Articles 5 to 11 and Article 24 has been~~ published in the <i>Official Journal of the European Union</i> in accordance with Regulation (EU) No 1025/2012 and no such reference is expected to be published within a reasonable period, ~~Official Journal of the European Union or the existing~~ standard does not satisfy the requirements the request it aims to cover; and	
Article 32(2), first subparagraph, point (b)				
529	(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European	(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European	(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	standardisation organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and either of the following conditions are fulfilled:	standardisation organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and either of the following conditions are fulfilled:	organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and ~~either of the following conditions are fulfilled:~~	
Article 32(2), first subparagraph, point (b)(i)				
530	(i) the request has not been accepted by any of the European standardisation organisations to which the request was addressed;	(i) the request has not been accepted by any of the European standardisation organisations to which the request was addressed;	(i) the request has not been accepted by ~~any of the European standardisation organisations to which the request was addressed;~~ or	
Article 32(2), first subparagraph, point (b)(ii)				
531	(ii) the request has been accepted by at least one of the European standardisation organisations to which the request was addressed, but the standards requested:	(ii) the request has been accepted by at least one of the European standardisation organisations to which the request was addressed, but the standards requested:	(ii) the request has been accepted by ~~at least one of the European standardisation organisations to which the request was addressed, but the,~~ but the requested harmonised standards requested:	
Article 32(2), first subparagraph, point (b)(ii), first indent				
532	- are not adopted within the deadline set in the request;	- are not adopted within the deadline set in the request;	- are not adopted within the deadline set in the request;	
Article 32(2), first subparagraph, point (b)(ii), second indent				
533	- do not comply with the request;	- do not comply with the request;	- do not comply with the request; or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(2), first subparagraph, point (b)(ii), third indent				
534	- are not fully in line with the requirements they aim to cover.	- are not fully in line with the requirements they aim to cover.	- are not fully in line with the requirements they aim to cover.	
Article 32(2), second subparagraph				
535	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 32(2a)				
535 a			2a. Before preparing the draft implementing act, the Commission shall inform the committee referred to in Article 22 of Regulation (EU) No 1025/2012 that it considers that the conditions in paragraph 2 have been fulfilled.	
Article 32(3)				
536	3. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall assess whether	3. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall assess whether	3. Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the publication of its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing acts referred to in paragraph 2, or parts thereof which cover the same requirements set out in Articles 5 to 11 and Article 24 need to be repealed or amended.	implementing acts referred to in paragraph 2, or parts thereof which cover the same requirements set out in Articles 5 to 11 and Article 24 need to be repealed or amended.	reference in the Official Journal of the European Union, the Commission shall assess the harmonised standard in accordance with Regulation 1025/2012. When reference ~~When references of a~~ harmonised standard ~~are~~ ^{is} published in the <i>Official Journal of the European Union</i> ~~Official Journal of the European Union~~ , the Commission shall assess whether implementing acts referred to in paragraph 2, or parts thereof which cover the same requirements set out in Articles 5 to 11 and Article 24 need to be repealed or amended.	
Article 32(3a)				
536 a			3a. When a Member State considers that a common specification does not entirely satisfy the requirements set out in Article 5 to 11 and Article 24, it shall inform the Commission thereof by submitting a detailed explanation. The Commission shall assess that detailed explanation and may, if appropriate, amend the implementing act establishing the common specification in question.	
Article 33				
537	Article 33	Article 33	Article 33	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Conformity assessment procedure	Conformity assessment procedure	Conformity assessment procedure	
Article 33, first paragraph				
538	Conformity assessment of packaging with the requirements set out in Articles 5 to 11 shall be carried out in accordance with the procedure set out in Annex VII.	Conformity assessment of packaging with the requirements set out in Articles 5 to 11 shall be carried out in accordance with the procedure set out in Annex VII.	Conformity assessment of packaging with the requirements set out in Articles 5 to 11 shall be carried out in accordance with the procedure set out in Annex VII.	
Article 34				
539	Article 34 EU declaration of conformity	Article 34 EU declaration of conformity	Article 34 EU declaration of conformity	
Article 34(1)				
540	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Articles 5 to 11 has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Articles 5 to 11 has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Articles 5 to 11 has been demonstrated.	
Article 34(2)				
541	2. The EU declaration of conformity shall have the model structure set out in Annex VIII, shall contain the elements specified in the module set out in Annex VII and	2. The EU declaration of conformity shall have the model structure set out in Annex VIII, shall contain the elements specified in the module set out in Annex VII and shall	2. The EU declaration of conformity shall have the model structure set out in Annex VIII, shall contain the elements specified in the module set out in Annex VII and shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the packaging is placed on the market or made available on the market.	be continuously updated. It shall be translated into the language or languages required by the Member State in which the packaging is placed on the market or made available on the market.	continuously updated. It shall be translated into the language or languages required by the Member State in which the packaging is placed on the market or made available on the market.	
Article 34(3)				
542	3. Where packaging or the packaged product are subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	3. Where packaging or the packaged product are subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	3. Where packaging or the packaged product are subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall, where appropriate , be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	
Article 34(4)				
543	4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation.	4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation.	4. By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the packaging with the requirements laid down in this Regulation.	
Article 34(4a)				
543 a		<u>4a. By 31 December 2025, the Commission shall develop a methodology</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>to certify that materials labelled and documented as recycled content placed on the Union market are indeed produced from recovered and recycled materials and not virgin materials. The Commission shall ensure that this methodology is taken into account in the checks performed pursuant to this Article.</u></i>		
Article 34(4b)				
543 b		<i><u>4b. Competent authorities shall control the accuracy of at least 10 % of the declarations of conformity per year, assessed on a random basis and shall take the necessary measures to address non-compliance, such as the withdrawal of non-compliant products from the market. Without prejudice to the checks pursuant to paragraph 1 that are planned in advance, competent authorities shall conduct checks when they obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties concerning a potential non-compliance with this Regulation.</u></i> <i><u>The checks shall be carried out without prior warning to the economic operator, except where prior notification of the operator or trader is necessary in order to</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>ensure the effectiveness of those checks. The competent authorities shall keep records of the checks, indicating in particular their nature and results, as well as on the measures taken in the event of non-compliance. Records of all checks shall be kept for at least ten years. Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purposes of Directive 2003/4/EC of the European Parliament and of the Council^{1a} and shall be made publicly available.</u> <u>1a. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).</u>		
Chapter VII				
544	Chapter VII Management of packaging and of packaging waste	Chapter VII Management of packaging and of packaging waste	Chapter VII Management of packaging and of packaging waste	
SECTION 1				
545	SECTION 1 General provisions	SECTION 1 General provisions	SECTION 1 General provisions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35				
546	Article 35 Competent authority	Article 35 Competent authority	Article 35 Competent authority	
Article 35(1)				
547	1. Member States shall designate one or more competent authorities responsible for implementation and enforcement of the obligations set out in this Chapter and in Article 26(1) to (10), Article 27, Article 28 and Article 29.	1. Member States shall designate one or more competent authorities responsible for implementation and enforcement of the obligations set out in this Chapter and in Article 26(1) to (10), Article 27, Article 28 and Article 29.	1. Member States shall designate one or more competent authorities responsible for implementation and enforcement of the obligations set out in this Chapter and in Article 6(9) , 26(1) to (10), Article 27, Article 28 and Article 29.	
Article 35(2)				
548	2. Member States shall lay down the details of the organisation and operation of the competent authority or competent authorities, including administrative and procedural rules governing:	2. Member States shall lay down the details of the organisation and operation of the competent authority or competent authorities, including administrative and procedural rules governing:	2. Member States shall lay down the details of the organisation and operation of the competent authority or competent authorities, including administrative and procedural rules governing:	
Article 35(2), point (a)				
549	(a) the registration of producers in accordance with Article 39;	(a) the registration of producers in accordance with Article 39;	(a) the registration of producers in accordance with Article 39;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(2), point (b)				
550	(b) the organisation and monitoring of reporting requirements under Article 39(7);	(b) the organisation and monitoring of reporting requirements under Article 39(7);	(b) the organisation and monitoring of reporting requirements under Article ~~39(7)~~ 39(7 and 7a) ;	
Article 35(2), point (c)				
551	(c) the oversight of the implementation of the extended producer responsibility obligations in accordance with Article 40;	(c) the oversight of the implementation of the extended producer responsibility obligations in accordance with Article 40;	(c) the oversight of the implementation of the extended producer responsibility obligations in accordance with Article 40;	
Article 35(2), point (ca)				
551 a			(ca) the authorisation on fulfilment of extended producer responsibility in accordance with Article 42;	
Article 35(2), point (d)				
552	(d) the making available of information in accordance with Article 50.	(d) the making available of information in accordance with Article 50.	(d) the making available of information in accordance with Article 50.	
Article 35(3)				
553	3. By [OP: Please insert the date = 3 months after the date of entry into force of	3. By [OP: Please insert the date = 3 months after the date of entry into force of	3. By [OP: Please insert the date = 6 months after the date of entry into force of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation], Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.	this Regulation], Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.	~~this Regulation~~ ^{OP: Please insert the date – 3 months after the date of entry into force of this Regulation}], Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.	
Article 36				
554	Article 36 Early warning report	Article 36 Early warning report	Article 36 Early warning report	
Article 36(1)				
555	1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Articles 38 and 46 at the latest three years before each of the deadlines laid down in those Articles.	1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Articles 38 and 46 at the latest three years before each of the deadlines laid down in those Articles.	1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Articles 38 and 46 at the latest three years before each of the deadlines laid down in those Articles.	
Article 36(2)				
556	2. The reports referred to in paragraph 1 shall include the following:	2. The reports referred to in paragraph 1 shall include the following:	2. The reports referred to in paragraph 1 shall include the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36(2), point (a)				
557	(a) an estimation of the attainment of the targets by each Member State;	(a) an estimation of the attainment of the targets by each Member State;	(a) an estimation of the attainment of the targets by each Member State;	
Article 36(2), point (b)				
558	(b) a list of Member States at risk of not attaining the targets within the respective deadlines, accompanied by appropriate recommendations for the Member States concerned;	(b) a list of Member States at risk of not attaining the targets within the respective deadlines, accompanied by appropriate recommendations for the Member States concerned;	(b) a list of Member States at risk of not attaining the targets within the respective deadlines, accompanied by appropriate recommendations for the Member States concerned;	
Article 36(2), point (c)				
559	(c) examples of best practices that are used throughout the Union which could provide guidance for progressing towards attaining the targets.	(c) examples of best practices that are used throughout the Union which could provide guidance for progressing towards attaining the targets.	(c) examples of best practices that are used throughout the Union which could provide guidance for progressing towards attaining the targets.	
Article 37				
560	Article 37 Waste management plans	Article 37 Waste management plans	Article 37 Waste management plans and waste prevention programmes	
Article 37(1)				
561	Member States shall include in the waste	Member States shall include in the waste	1. Member States shall include in the waste	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	management plans required pursuant to Article 28 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 38 and 45 of this Regulation.	management plans required pursuant to Article 28 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 38 and 45 of this Regulation.	management plans required pursuant to Article 28 of Directive 2008/98/EC a dedicated chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles ~~38 and 45~~ 43, 44 and 46 of this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 37(1a)				
561 a			1a. Member States shall include in the waste prevention programmes required pursuant to Article 29 of Directive 2008/98/EC a dedicated chapter on the prevention of packaging and packaging waste and littering, including measures taken pursuant to Articles 38 and 45 of this Regulation.	
SECTION 2				
562	SECTION 2 Waste prevention	SECTION 2 Waste prevention	SECTION 2 Waste prevention	
Article 38				
563	Article 38 Prevention of packaging waste	Article 38 Prevention of packaging waste	Article 38 Prevention of packaging waste	
Article 38(1)				
564	1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by	1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by	1. Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission in accordance with Decision 2005/270/EC, by at least	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 38(1), point (a)			
565	(a) 5 % by 2030;	(a) 5 % by 2030;	(a) 5 % by 2030;	
	Article 38(1), point (b)			
566	(b) 10 % by 2035;	(b) 10 % by 2035;	(b) 10 % by 2035;	
	Article 38(1), point (c)			
567	(c) 15 % by 2040.	(c) 15 % by 2040.	(c) 15 % by 2040.	
	Article 38(1), point (ca)			
567 a		<u>1a. Each Member State shall reduce the plastic packaging waste generated per capita, as compared to the plastic packaging waste generated per capita in 2018 as reported to the Commission in accordance with Commission Decision 2005/270/EC, by:</u> <u>(a) 10 % by 2030;</u> <u>(b) 15 % by 2035;</u> <u>(c) 20 % by 2040.</u>	(ca) In order to support Member States in achieving the packaging waste prevention targets of paragraph 1, by [24 months from the date of entry into force of this regulation], the Commission by means of implementing acts, shall adopt a correction factor to account for the increase or decrease in tourism in relation to the base year. This correction factor shall be based on the rate of packaging waste generation per tourist and the variation of tourists in relation to the reference year and take the packaging waste reduction potential in tourism into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			account.	
Article 38(1b)				
567 b		<i><u>1b. Without prejudice to paragraphs 1 and 1a, Member States that have established a dual system for the management of packaging waste, one system for household packaging waste and the other for industrial and commercial packaging waste, may have the opportunity to retain their specificity.</u></i>		
Article 38(2)				
568	2. Member States shall implement measures aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging.	2. Member States shall implement ~~measures aiming to prevent the generation of~~ <i><u>and take the necessary additional sustainability measures to achieve an ambitious and sustained reduction of the</u></i> packaging waste <i><u>generated per capita, in line with the overall objectives of the Union's waste policy, in particular waste prevention and in order to reach the targets set out in this Article</u></i> ~~and to minimise the environmental impact of packaging.~~	2. Member States shall implement measures aiming to prevent the generation of packaging waste and to minimise the environmental impact of packaging. Such measures may include the use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			prevention plans. They shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty. Such measures shall not lead to a shift to lighter packaging material fulfilling the goal of waste minimisation.	
Article 38(2a)				
568 a		<u>2a. For the purpose of paragraph 2, Member States shall ensure that customers in restaurants, canteens, bars, cafés and catering services may request to be served tap water for free or for a low service fee.</u>		
Article 38(3)				
569	3. For the purpose of paragraph 2, Member States may use economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and requirements	3. For the purpose of paragraph 2, Member States may <u>introduce measures that may include, but are not limited to, the use of</u> ~~use~~ economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended	3. For the purpose of paragraph 2, Member States may ~~use economic instruments and other~~ introduce packaging waste prevention measures to provide incentives for the application of the waste hierarchy, such as measures referred to in Annexes IV and IVa to Directive 2008/98/EC, or other appropriate instruments and measures, including incentives through extended producer responsibility schemes and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.	producer responsibility schemes and requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty <u>and with Article 4 of this Regulation</u> .	~~requirements on producers or producer responsibility organisations to adopt waste prevention plans. Such measures shall be proportionate and non-discriminatory and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.~~ that exceed the minimum targets set out in paragraph 1, while complying with the provisions set out in this Regulation.	
Article 38(3a)				
569 a			3a. By way of derogation from paragraph 1, Member States may by [2028] request to the Commission to use another base year than 2018 for the calculations of the targets under paragraph 1. Without prejudice to paragraph 2 and 3 of this Article, the Commission may allow Member States to use the requested base year when calculating the targets under paragraph 1 under the condition that the Member State provide substantiated evidence (i) of a significant increase of packaging waste during the year to be used for base as calculation of the targets under paragraph 1 (ii) that such increase is due to changes in the reporting procedures only,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(iii) the increase is not due to an increased consumption, and (iv) of better comparability of data between the Member States.	
Article 38(4)				
570	4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in paragraph 1. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.	4. By [OP: Please insert the date = ~~8~~ ⁵ years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in ~~paragraph~~ ⁴ <u>paragraphs 1 and 1a and assess the need to include specific targets for paper and cardboard, glass, metal and composite material</u> . To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.	~~4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation]~~ ^{OP: Please insert the date = 8 years after the date of entry into force of this Regulation} , the Commission shall review the targets laid down in paragraph 1. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.	
Article 38(5)				
571	5. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.	5. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.	deleted	

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<i>SECTION 3</i>				
572	<i>SECTION 3</i> Register of producers and extended producer responsibility	<i>SECTION 3</i> Register of producers and extended producer responsibility	<i>SECTION 3</i> Register of producers and extended producer responsibility	
Article 39				
573	Article 39 Register of producers	Article 39 Register of producers	Article 39 Register of producers	
Article 39(1), first subparagraph				
574	1. Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.	1. Member States shall establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.	1. Member States shall, by 18 months from the entry into force of the implementing acts referred to in Article 39(11) , establish a register which shall serve to monitor compliance of producers of packaging with the requirements set out in this Chapter.	
Article 39(1), second subparagraph				
575	The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or appointed representatives for the extended producer	The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or ~~appointed~~ <u>authorised</u> representatives for the extended producer	The register shall provide links to other national registers of producers' websites to facilitate, in all Member States, registration of producers or ~~appointed~~ <u>authorised</u> representatives for the extended producer	

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	responsibility.	responsibility. <u>The register shall be easily accessible and free of charge to the public online.</u>	responsibility.	
Article 39(2)				
576	2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless otherwise specified by the Member State in which the register is established.	2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has appointed a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, ~~unless otherwise specified by the Member State in which the register is established.~~ <u>Micro enterprises shall be exempt from the obligations of this paragraph, unless they have appointed a producer responsibility organisation.</u>	2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall, to that end, submit an application for registration in each Member State where they make packaging available on the market for the first time. Where a producer has ~~appointed~~ entrusted a producer responsibility organisation as referred to in Article 41(1), the obligations set out in this Article shall be met by that organisation, unless otherwise specified by the Member State in which the register is established.	
Article 39(3)				
577	3. The obligations set out in this Article may, on the producer's behalf, be met by an appointed representative for the extended producer responsibility.	3. The obligations set out in this Article may, on the producer's behalf, be met by an appointed representative for the extended producer responsibility.	3. Member States may provide that the obligations set out in this Article may, on ~~the producer's~~ behalf of producers by written mandate , be met by an ~~appointed~~ authorised representative for the extended	

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			producer responsibility.	
Article 39(4)				
578	4. Producers shall not make available packaging on the market, if they or, where applicable, their appointed representatives for the extended producer responsibility, are not registered in such Member State.	4. Producers shall not make available packaging on the market, if they or, where applicable, <u>in accordance with Article 40</u> , their ~~appointed~~ <u>authorised</u> representatives for the extended producer responsibility, are not registered in such Member State.	4. Producers shall not make available packaging on the market of a Member State , if they or, where applicable, their ~~appointed~~ authorised representatives for the extended producer responsibility, are not registered in ~~such~~ that Member State.	
Article 39(5)				
579	5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if it is necessary for an efficient use of the register.	5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if it is necessary for an efficient use of the register.	5. The application for registration shall include the information to be provided in accordance with Part A of Annex IX. Member States may request additional information or documents if ~~it is~~ such information or documents are necessary for an efficient use of the register to monitor and to ensure compliance with this Regulation and the rules adopted by a Member State pursuant to Article 35(2).	
Article 39(6)				
580	6. Where an appointed representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to paragraph 5, provide	6. Where an ~~appointed~~ <u>authorised</u> representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to	6. Where an ~~appointed~~ authorised representative for the extended producer responsibility represents more than one producer, it shall in addition to the information to be provided pursuant to	

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	the name and the contact details of each one of the represented producers separately.	paragraph 5, provide the name and the contact details of each one of the represented producers separately.	paragraph 5, provide the name and the contact details of each one of the represented producers separately.	
Article 39(7)				
581	7. The producer or, where applicable, the producer's appointed representative for the extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, by 1 March for each full preceding calendar year, the information set out in Part B of Annex IX.	7. The producer or, where applicable, the producer's appointed representative for the extended producer responsibility or the producer responsibility organisation shall report to the competent authority responsible for the register, by 1 March for each full preceding calendar year, the information set out in Part B of Annex IX.	7. The producer or, where applicable, the producer's ~~appointed~~ authorised representative for the extended producer responsibility or the producer responsibility organisation, as stipulated by national law according to paragraph 2 of this Article , shall report to the competent authority responsible for the register, ~~by 1 March~~ by 1 June for each full preceding calendar year, the information set out in Part B of Annex IX. Member States may require the reporting to be audited and certified by independent auditors under the supervision of the competent authorities referred to in Article 35 (1), on the basis, if any, of national standards.	
Article 39(7a)				
581 a			7a. Producers, who have placed on the market within the territory of the Member State an amount of packaging lower than 10 tons during one calendar year or, where applicable, the producer's	

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			authorised representative for the extended producer responsibility or the producer responsibility organisation, as stipulated by national law according to paragraph 2 of this Article, shall report to the competent authority responsible for the register, by 1 June, for each full preceding calendar year, the information set out in Part C of Annex IX. Member States may provide that, for a specific calendar year, producers and, where applicable, the producer's authorised representatives or the producer responsibility organisation, are allowed to report on the basis of the subparagraph above only if they place an amount of packaging, the maximum threshold of which is lower than 10 tonnes during one calendar year, under the conditions that otherwise the Member State concerned will not have sufficient accurate data for (i) complying with the reporting obligations under Article 50, paragraphs 1 and 2, in that calendar year, and (ii) ensuring that the database under Article 51 are complete and provide the data under Article 50, paragraph 2, letter a).	
Article 39(7b)				
581				

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b			7b. In the case of a state-run producer responsibility organisation, the Member State concerned may require the producer to report the information set out in Part B and C of Annex IX to the competent authority responsible for the register under this Article on a quarterly basis.	
Article 39(7c)				
581 c			7c. Producers in the case of individual fulfilment of extended producer responsibility obligations, the entrusted producer responsibility organisation in the case of collective fulfilment of extended producer responsibility obligations, or the reuse system operators, in the case where reuse systems are fulfilling the extended producer responsibility obligations, shall report annually to the competent authority for each preceding calendar year the information set out in Part D of Annex IX. By virtue of national law, Member States may provide that, when public authorities are responsible for the organisation of the management of packaging waste, such authorities shall report the information set out in Part D of Annex IX.	
Article 39(8)				

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582	8. The competent authority responsible for the register:	8. The competent authority responsible for the register:	8. The competent authority responsible for the register:	
Article 39(8), point (a)				
583	(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;	(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;	(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system, the details of which shall be made available on the competent authorities' website;	
Article 39(8), point (b)				
584	(b) shall grant registrations and provide a registration number within a maximum period of twelve weeks from the moment that all the information laid down in paragraphs 5 and 6 is provided;	(b) shall grant registrations and provide a registration number within a maximum period of twelve weeks from the moment that all the information laid down in paragraphs 5 and 6 is provided;	(b) shall grant registrations and provide a registration number within a maximum period of ~~twelve~~ 12 weeks from the moment that all the information laid down in paragraphs 5 and 6 is provided;	
Article 39(8), point (c)				
585	(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6;	(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6;	(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 5 and 6;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 39(8), point (d)				
586	(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;	(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;	(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2;	
Article 39(8), point (e)				
587	(e) shall receive and monitor the reporting referred to in paragraph 7.	(e) shall receive and monitor the reporting referred to in paragraph 7.	(e) shall receive and monitor the reporting referred to in ~~paragraph 7~~ paragraphs 7 and 7a.	
Article 39(9)				
588	9. The producer, or, where applicable, the producer's appointed representative for the extended producer responsibility or the producer responsibility organisation shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register if the producer has ceased to exist.	9. The producer, or, where applicable, the producer's appointed representative for the extended producer responsibility or the producer responsibility organisation shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register if the producer has ceased to exist.	9. The producer, or, where applicable, the producer's ~~appointed~~ authorised representative for the extended producer responsibility or the producer responsibility organisation shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation of the making available on the market within the territory of the Member State of the packaging referred to in the registration. A producer shall be excluded from the register three years after the end of the calendar year in which the producer's registration	

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			ends if the producer has ceased to exist as a producer.	
Article 39(10)				
589	10. Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.	10. ~~Where~~ The information in the register of producers ~~is not~~ <u>shall be</u> publicly accessible. Member States shall ensure that <u>fulfilment service providers and</u> providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, <u>including online access</u> , free of charge, to the information in the register, <u>including through digital register extracts. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. The list of registered producers shall be machine readable, sortable and searchable, respecting open standards for third party use.</u>	10. ~~Where the information in the register of~~ Member States shall ensure that the list of registered producers ~~is not~~ shall be publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with available free of charge. However, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved. The list of registered producers are granted access, free of charge, to the information in the registers shall be machine readable, sortable and searchable, respecting open standards for third party use. .	
Article 39(11), first subparagraph				
590	11. The Commission shall adopt implementing acts establishing the format for registration in, and reporting to, the register and specifying the granularity of data to be reported and the packaging	11. The Commission shall adopt implementing acts establishing the format for registration in, and reporting to, the register and specifying the granularity of data to be reported and the packaging types	11. The Commission shall, by no later than [12 months after the date of entry into force of this Regulation] , adopt implementing acts establishing the format for registration in, and reporting to, the register	

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	types and material categories to be covered by the reporting.	and material categories to be covered by the reporting.	and specifying the granularity of data to be reported and the packaging types and material categories to be covered by the reporting.	
Article 39(11), second subparagraph				
591	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	The format for reporting shall be interoperable, based on open standards and machine-readable data, and shall be transferable through an interoperable data exchange network without vendor lock-in. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 40				
592	Article 40 Extended Producer Responsibility	Article 40 Extended Producer Responsibility	Article 40 Extended Producer Responsibility	
Article 40(1)				
593	1. Producers of packaging shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the	1. Producers ~~of packaging~~ shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that	1. Producers ~~of packaging~~ shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging that	

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	packaging that they make available on the market for the first time within the territory of a Member State.	they make available on the market for the first time within the territory of a Member State.	they make available on the market for the first time within the territory of a Member State.	
Article 40(1a)				
593 a			1a. In addition to the costs referred to in Article 8a, paragraph 4 (a) of Directive 2008/98/EC, the financial contributions paid by the producer shall cover the following costs: (a) costs of labelling waste receptacles for the collection of packaging waste as referred to in Article 12; and (b) costs of carrying out compositional surveys of collected mixed municipal waste under Commission Implementing Regulation (EU) 2023/595 and under the implementing acts to be adopted pursuant to Article 50 paragraph 7 (a) of this Regulation in case those implementing acts provide for an obligation to carry out such surveys.	
Article 40(2)				
594	2. A producer shall appoint, by written mandate, an appointed representative for the extended producer responsibility in each Member State other than the	2. A producer shall appoint, by written mandate, an ~~appointed~~ <u>authorised</u> representative for the extended producer responsibility in each Member State other	2. A producer as defined in Article 3, point (10) (iii) shall appoint, by written mandate, an ~~appointed~~ authorised representative for the extended producer responsibility in each	

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	Member State where it is established where it makes packaging available for the first time.	than the Member State where it is established where it makes packaging available for the first time.	Member State other than the Member State where it is established where it makes packaging available for the first time. Member States may provide that producers established in third countries shall appoint, by written mandate, an authorised representative for the extended producer responsibility when making packaged products available on their territory for the first time.	
Article 40(2a)(3)				
595	3. Providers of online platforms, falling within the scope of Section 4 of Chapter 3 of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers shall obtain the following information from producers offering packaging to consumers located in the Union:	3. Providers of online platforms, falling ~~within the scope of~~ <u>under</u> Section 4 of Chapter 3 of Regulation (EU) ~~2022/2065~~ <u>No 2022/2065</u> , allowing consumers to conclude distance contracts with producers, <u>as well as fulfilment service providers</u> , shall ~~obtain the following information from~~ <u>be required to comply with the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article, unless they can prove that</u> producers offering packaging to consumers located in the Union, <u>comply with those requirements by obtaining:</u>	3. For the purpose of compliance with Article 30, paragraph 1, points (d) and (e), of Regulation (EU) 2022/2065 , providers of online platforms, falling within the scope of Section 4 of Chapter- ~~3~~ III of Regulation (EU) 2022/2065, allowing consumers to conclude distance contracts with producers shall obtain the following information from producers offering packaging to consumers located in the Union, prior to allowing them to use their services:	
Article 40(3a)(new)				
595				

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a		<u>3a. Upon receiving the information referred to paragraph 3 and prior to allowing the producer concerned to use its services, the provider of online platforms and fulfilment service providers shall assess whether the information referred to in point (a) and (b) is reliable and complete.</u>		
Article 40(3b)(new)				
595 b		<u>3b. Member States shall ensure that the producers cover the costs pursuant to the extended producer responsibility provisions in Directives 2008/98/EC and 94/62/EC and, insofar as not already included, cover at least the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste.</u> <u>The costs to be covered shall be established in a transparent and in a cost-efficient way. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be</u>		

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		<u>established in a proportionate way on the basis of the packaging formats that are more prone to be littered or not separately collected.</u>		
Article 40(2a)(3), point (a)				
596	(a) information on the registration of the producers referred to in Article 39 in the Member State where the consumer is located and the registration number(s) of the producer in that register;	(a) information on the registration of the producers referred to in Article 39 in the Member State where the consumer is located and the registration number(s) of the producer in that register;	(a) information on the registration of the producers referred to in Article 39 in the Member State where the consumer is located and the registration number(s) of the producer in that register;	
Article 40(2a)(3), point (b)				
597	(b) a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article are complied with in the Member State where the consumer is located.	(b) ~~a self-certification by the producer committing to only offer packaging with regard to which~~ <u>information on compliance with</u> the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this article ~~are complied with~~ in the Member State where the consumer is located.	(b) a self-certification by the producer committing to only offer packaging with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 2 of this Article are complied with in the Member State where the consumer is located.	
Article 40(3), subparagraph 1a (new)				
597 a		<u>Where producers sell their products via the online marketplace and are not registered in accordance with Article 39(2), the online marketplace in which the</u>	Member States may provide that, when an automated data reconciliation with the national register is provided for within that Member State, this shall be	

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		<i>products are offered for sale may fulfil the obligations under Article 39(7) in respect of such producers collectively.</i>	applicable for verification of a) and b).	
Article 41				
598	Article 41 Producer Responsibility Organisation	Article 41 Producer Responsibility Organisation	Article 41 Producer Responsibility Organisation	
Article 41(1)				
599	1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.	1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.	1. Producers may entrust a producer responsibility organisation authorised in accordance with Article 42 to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory.	
Article 41(2)				
600	2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations,	2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations <i>and producers</i>	2. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, the Member State shall ensure that the producer responsibility organisations and producers that have not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.	<i>that have not entrusted a producer responsibility organisation</i> , when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.	entrusted a producer responsibility organisation , when taken together, cover the whole territory of the Member State as regards the activities in accordance with Articles 42(3), 43 and 44. Member States shall entrust the competent authority, or appoint an independent third party, to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner.	
Article 41(3)				
601	3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their appointed representatives.	3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their appointed representatives.	3. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their ~~appointed~~ authorised representatives.	
Article 41(4)				
602	4. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year and subject to	4. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year and subject to	4. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year and subject to commercial	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	commercial and industrial confidentiality, information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility obligations.	commercial and industrial confidentiality, information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility obligations.	~~and industrial confidentiality~~ , information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility obligations. Member States may provide that, when public authorities are responsible for the organisation of the management of packaging waste, such authorities shall publish on their websites, at least once a year, information on the levels of recovered and recycled materials in relation to the amount of packaging waste generated in their territory.	
Article 41(5)				
602 a			5. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites, at least every year , information on the amount of packaging made available on the market for the first time in the territory of a Member State and on the levels of recovered and recycled materials in relation to the amount of packaging for which they have been performing producer responsibility	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			obligations. Member States may provide that, when public authorities are responsible for the organisation of the management of packaging waste, such authorities shall publish on their websites, at least once a year, information on the levels of recovered and recycled materials in relation to the amount of packaging waste generated in their territory.	
Article 42				
603	Article 42 Authorisation on fulfilment of extended producer responsibility	Article 42 Authorisation on fulfilment of extended producer responsibility	Article 42 Authorisation on fulfilment of extended producer responsibility	
Article 42(1)				
604	1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, or the appointed producer responsibility organisations in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.	1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, or the appointed producer responsibility organisations in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.	1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, or the ~~appointed~~ entrusted producer responsibility ~~organisations~~ organisation in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.	
Article 42(2)				
605				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The Member State shall in its measures laying down administrative and procedural rules referred to in Article 35, establish the requirements and details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraph 3, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification shall be done by an independent expert who shall issue a verification report on its result. The independent expert shall be independent of the competent authority and of the producer responsibility organisations or the producers authorised for individual fulfilment.	2. The Member State shall in its measures laying down administrative and procedural rules referred to in Article 35, establish the requirements and details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraph 3, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification shall be done by an independent expert who shall issue a verification report on its result. The independent expert shall be independent of the competent authority and of the producer responsibility organisations or the producers authorised for individual fulfilment.	2. The Member State shall in its measures laying down administrative and procedural rules referred to in Article 35, establish the requirements and details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or ~~producers~~ producer responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraph 3, and timeframes for this verification, which shall not exceed ~~twelve weeks~~ six months from the submission of a complete application dossier. This verification ~~shall~~ may be done by a competent authority or an independent expert who shall issue a verification report on its result. The independent expert shall be independent of the competent authority and of the producer responsibility organisations or the producers authorised for individual fulfilment.	
Article 42(3)				
606	3. The measures to be established by	3. The measures to be established by	3. The measures to be established by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States in accordance with paragraph 2 shall include measures ensuring that:	Member States in accordance with paragraph 2 shall include measures ensuring that:	Member States in accordance with paragraph 2 shall include measures ensuring that:	
Article 42(3), point (a)				
607	(a) the requirements laid down in of Article 8a(3), points (a) to (d), of Directive 2008/98/EC are complied with;	(a) the requirements laid down in of Article 8a(3), points (a) to (d), of Directive 2008/98/EC are complied with;	(a) the requirements laid down in of Article 8a(3), points (a) to (d), of Directive 2008/98/EC are complied with;	
Article 42(3), point (b)				
608	(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return or collection in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;	(b) the measures put in place by the producer or producer responsibility organisation are sufficient to allow for the return, <u>collection, transport and treatment of all packaging waste</u> ~~or collection~~ in accordance with Article 43(1) and (2) and Article 44, free of charge, with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;	(b) the measures put in place or paid by the producer or producer responsibility organisation are sufficient to allow for the return or collection in accordance with Article 43(1) and (2) and Article 44, and recycling , free of charge for end users , with a frequency proportionate to the area and volume covered, of packaging waste with regard to the amount and types of packaging made available on the market for the first time within the territory of a Member State by that producer or producers on whose behalf the producer responsibility organisation acts;	
Article 42(3), point (c)				
609				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the necessary arrangements, including preliminary arrangements, to that end are in place with distributors, public authorities or third parties carrying out waste management on their behalf;	(c) the necessary arrangements, including preliminary arrangements, to that end are in place with distributors, public authorities or third parties carrying out waste management on their behalf;	(c) the necessary arrangements, including preliminary arrangements, to that end are in place with distributors, public authorities or third parties carrying out waste management on their behalf;	
Article 42(3), point (d)				
610	(d) the necessary sorting and recycling capacity is available to ensure that packaging waste collected is subsequently subject to preliminary treatment and recycling;	(d) the necessary sorting and recycling capacity is available to ensure that packaging waste collected is subsequently subject to preliminary treatment and recycling;	(d) the necessary sorting and recycling capacity is available to ensure that packaging waste collected is subsequently subject to preliminary treatment and high-quality recycling;	
Article 42(3), point (e)				
611	(e) the requirement laid down in paragraph 6 is complied with;	(e) the requirement laid down in paragraph 6 is complied with;	(e) the requirement laid down in paragraph 6 is complied with;.	
Article 42(3a)				
611 a			(3a) The competent authority may charge cost-based and proportionate fees to producers or entrusted producer responsibility organisations for the authorisation procedure referred to in paragraph 2.	
Article 42(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
612	4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations.	4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations.	4. The producer or the producer responsibility ~~organisations~~ organisation shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations. The competent authority may decide to modify the relevant authorisation according to the notified changes.	
Article 42(5)				
613	5. The competent authority may decide to revoke the relevant authorisation in particular if the producer or producer responsibility organisation no longer fulfils the requirements with regard to the organisation of the treatment of packaging waste or fails in relation to reporting to the competent authority or in relation to the notification of any changes that concern the terms of the authorisation, or has ceased operations.	5. The competent authority may decide to revoke the relevant authorisation in particular if the producer or producer responsibility organisation no longer fulfils the requirements with regard to the organisation of the treatment of packaging waste or fails in relation to reporting to the competent authority or in relation to the notification of any changes that concern the terms of the authorisation, or has ceased operations.	5. The competent authority may decide to revoke the relevant authorisation in particular if the producer or producer responsibility organisation no longer fulfils the requirements with regard to the organisation of the treatment of packaging waste or fails in relation to other extended producer responsibility obligations under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section such as reporting to the competent authority or in relation to the notification of any changes that concern the terms of the authorisation, or has ceased operations.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42(6)				
614	6. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide an adequate guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non compliance with the extended producer responsibility obligations, including in case of permanent cessation of its operations or insolvency. That guarantee may take the form of a recycling insurance or a blocked bank account or participation by the producer in the producer responsibility organisation. Member States may specify additional requirements on this guarantee.	6. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide an adequate guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non compliance with the extended producer responsibility obligations, including in case of permanent cessation of its operations or insolvency. That guarantee may take the form of a recycling insurance or a blocked bank account or participation by the producer in the producer responsibility organisation. Member States may specify additional requirements on this guarantee.	6. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide an adequate guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of ~~non-compliance~~ non-compliance with the extended producer responsibility obligations, including in case of permanent cessation of its operations or insolvency. ~~That guarantee may take the form of a recycling insurance or a blocked bank account or participation~~ Member States may specify additional requirements on this guarantee. In the case of a state-run producer responsibility organisation, such guarantee may be provided otherwise than by the producer in the producer responsibility organisation itself and may take the form of a public fund that is financed by producers' fees and for which the Member States may specify additional requirements on this guarantee. State running the organisation is jointly and severally liable.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
SECTION 4				
615	SECTION 4 Return, collection, deposit return systems	SECTION 4 Return, collection, deposit return systems	SECTION 4 Return, collection, deposit return systems	
Article 43				
616	Article 43 Return and collection systems	Article 43 Return and collection systems	Article 43 Return and collection systems	
Article 43(1)				
617	1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.	1. Member States shall ensure that systems <u>and infrastructures</u> are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4, <u>10</u> and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.	1. Member States shall ensure that systems are set up to provide for the return and separate collection of all packaging waste from the end users, in order to ensure that it is treated in accordance with Articles 4 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and ~~high quality~~ high-quality recycling. Packaging complying with Design for Recycling criteria as established in delegated acts adopted under Article 6(4) shall be collected for recycling. Incineration and landfill of such packaging is not to be allowed, with the exception of waste resulting from subsequent treatment operations of separately collected packaging waste for which recycling is not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			feasible or does not deliver the best environmental outcome.	
Article 43(1a)				
617 a		<u>1a. Member States shall ensure that systems and infrastructures are set up to provide for the return and separate collection of all packaging waste from the end users in order to ensure that it is treated in accordance with Articles 4, 10 and 13 of Directive 2008/98/EC, and to facilitate its preparation for re-use and high quality recycling.</u>		
Article 43(2)				
618	2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.	2. Member States may allow derogations from <u>the return and separate waste collection obligation in</u> paragraph 1 <u>for certain types of waste</u> provided that collecting packaging or fractions of <u>such</u> packaging waste together or together with other waste does not affect the ~~potential~~ <u>capacity</u> of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that	2. Member States may allow derogations from paragraph 1 provided that collecting packaging or fractions of packaging waste together or together with other waste does not affect the potential of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations in accordance with Articles 4 and 13 of Directive 2008/98/EC and generates output from those operations which is of comparable quality to that achieved through separate collection.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		achieved through separate collection.		
Article 43(3)				
619	3. The systems referred to in paragraph 1 shall:	3. The systems referred to in paragraph 1 shall:	3. The systems referred to in paragraph 1 shall:	
Article 43(3), point (a)				
620	(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;	(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;	(a) be open to the participation of the economic operators of the sectors concerned, the competent public authorities and third parties carrying out waste management on their behalf;	
Article 43(3), point (b)				
621	(b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business premises and residential areas;	(b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business premises and residential areas;	(b) cover the whole territory of the Member State and all packaging waste from all types of packaging and activities, and take into account population size, expected volume and composition of packaging waste, as well as accessibility and vicinity to end users. They shall include the separate collection in public spaces, business premises and residential areas;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43(3), point (c)				
622	(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.	(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.	(c) be open to imported products under non-discriminatory conditions with regard to the detailed arrangements and any tariffs imposed for access to the systems and any other conditions, and be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.	
Article 43(3), point (ca)				
622 a		<u>(ca) be open to data access, regarding the reporting in weight and cost of management of packaging waste flows, up to date and provided by means of:</u> <u>(i) a website or other means of electronic communication, in the official language of the concerned Member State;</u> <u>(ii) public reports in the official language of the Member State concerned.</u> <u>Point (ca) shall be without prejudice to commercially sensitive information or data protection laws.</u>		
Article 43(3), point (ca)				
622 b		<u>3a. By 1 January 2029, Member States</u>	3a. Member States may provide for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>shall ensure that, in public spaces, sufficient separate collection systems are set up for the different fractions of packaging waste materials.</u>	participation of public waste management systems in the organisation of the systems referred to in paragraph 1.	
Article 43(3b)				
622 c		<u>3b. By 1 January 2029, the final distributor making available on the market food and beverages filled and consumed within the premises in the HORECA sector shall ensure that separate collection systems are set up for the different fractions of packaging waste materials, to help the consumer to sort packaging waste.</u> <u>Economic operators subject to the obligation referred to in paragraph 3 shall report on a yearly basis to the Member State the weight of separately collected packaging waste per material. Each Member State shall provide aggregated data per separately collected packaging material to the Commission.</u>		
Article 43(4)				
623	4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the	4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the	4. Member States shall take measures to promote recycling of packaging waste which meets the quality standards for the use of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	use of recycled materials in the relevant sectors.	use of recycled materials in the relevant sectors.	recycled materials in the relevant sectors.	
Article 43(5)				
624	5. By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.	5. ~~By way of derogation from the separate waste collection obligation in paragraph 3, certain types of packaging waste may be collected together where such collection does not affect their potential to undergo recycling operations and results in output from those operations which is of comparable quality to that achieved through separate collection.~~ <u>deleted</u>	deleted	
Article 43(5a)				
624 a		<u>5a. From 1 January 2030, Member States may ensure that packaging waste that is not separately collected is sorted prior to disposal or energy recovery operations to remove packaging designed for recycling.</u>		
Article 43a				
624 b		<u>Article 43a</u> <u>Mandatory separate collection</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43a(1)				
624 c		<u>1. By 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of 90% of the materials listed in Article 46 in a given year by weight.</u> <u>The objective referred to in the first subparagraph may be achieved through all the measures referred to in this Regulation, as well as through separate out-of-home collection measures.</u>		
Article 43a(2)				
624 d		<u>2. Paragraph 1 shall supplement separate collection targets laid down for single-use plastic bottles covered by Article 9 of Directive (EU) 2019/904.</u>		
Article 44				
625	Article 44 Deposit and return systems	Article 44 Deposit and return systems	Article 44 Deposit and return systems	
Article 44(1)				
626	1. By 1 January 2029, Member States shall take the necessary measures to	1. By 1 January 2029, Member States shall take the necessary measures to ensure that	1. By 1 January 2029, Member States shall take the necessary measures to ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensure that deposit and return systems are set up for:	deposit and return systems are set up for:	~~deposit and return systems are set up for:~~ the separate collection of at least 90% per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year	
Article 44(1), point (a)				
627	(a) single use plastic beverage bottles with the capacity of up to three litres; and	(a) single use plastic beverage bottles with the capacity ~~of up to~~ <u>from 0,1 litre</u> to three litres; and	(a) single use plastic beverage bottles with the capacity of up to three litres; and	
Article 44(1), point (b)				
628	(b) single use metal beverage containers with a capacity of up to three litres.	(b) single use metal beverage containers with a capacity ~~of up to~~ <u>from 0,1 litre</u> to three litres.	(b) single use metal beverage containers with a capacity of up to three litres.	
Article 44(1), point (ba)				
628 a			Member States may use the amount of packaging waste generated from packaging placed on the market to calculate the targets laid down in points (a) and (b) as set out in the implementing act under Article 47(2) .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44(2)				
629	2. The obligation laid down in paragraph 1 does not apply to packaging for:	2. The obligation laid down in paragraph 1 does not apply to packaging for:	2. In order to achieve the targets referred to in paragraph 1, Member States shall take the necessary measures to ensure that deposit return systems are set up for the relevant packaging formats referred to in paragraph 1, and to ensure that a deposit has to be charged at the point of sale. In the case of consumption in hospitality premises provided that the deposit bearing packaging is opened, the product is consumed, and the empty deposit bearing packaging is returned within the premises, member states may exempt economic operators from charging a deposit. The obligation set out in the first sentence of the first subparagraph -does not apply to packaging for:	
Article 44(2), point (a)				
630	(a) wine, aromatised wine products, and spirit drinks;	(a) wine, aromatised wine products, and spirit drinks;	(a) wine, aromatised wine products, fruit wine and spirit drinks;	
Article 44(2), point (b)				
631	(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No	(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No	(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1308/2013.	1308/2013.	1308/2013.	
Article 44(2), point (ba)				
631 a			Member States may exempt single use plastic beverage bottles and single use metal beverage containers with capacities lower than 0,1 litres from participation in the deposit and return systems, where such participation is not technically feasible.	
Article 44(3)				
632	3. Without prejudice to paragraph 1 of this Article, a Member State will be exempted from the obligation under paragraph 1 under the following conditions:	3. Without prejudice to paragraph 1 of this Article, ~~a~~ Member ~~State~~ <u>States</u> will be exempted from the obligation under paragraph 1 ~~under~~ <u>provided that either of</u> the following conditions <u>is met</u> :	3. ~~Without prejudice to paragraph 1 of this Article, a Member State will~~ States may be exempted from the obligation under paragraph ~~12~~ under the following conditions:	
Article 44(3), point (a)				
633	(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027. Where	(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is ~~above 90 %~~ <u>equal or higher than 85%</u> by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027.	(a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above ~~90-78~~ % by weight of such packaging ~~placed~~ made available on the market for the first time on the territory of that Member State in the calendar ~~years 2026 and~~	

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	such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;	Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;	~~2027~~ year 2026 . Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled;	
Article 44(3), point (b)				
634	(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.	(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the ~~90 %~~ separate collection rate by weight of the packaging referred to in <u>point (a) of</u> paragraph ~~4~~ 3.	(b) at the latest 24 months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.	
Article 44(4)				
635	4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not	4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply	4. Within three months of receipt of the implementation plan submitted pursuant to paragraph 3, point (b), the Commission may request a Member State to revise that plan, if it considers that it does not comply with the	

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	comply with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.	with the requirements set out in point (c) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.	requirements set out in point (c)(b) of that paragraph. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.	
Article 44(5)				
636	5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.	5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.	5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90 % by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.	
Article 44(6)				
637	6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall	6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, beverage cartons and for reusable packaging. Member States shall	6. Member States shall endeavour to establish and maintain deposit and return systems in particular for single use glass beverage bottles, and beverage cartons ~~and for reusable packaging~~ . Member States shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging where technically and economically feasible.	endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging where technically and economically feasible.	endeavour to ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging where technically and economically feasible.	
Article 44(7)				
638	7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article.	7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article <u>and the possibility to include packaging for other products.</u>	7. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Article such as the possibility to include packaging listed in paragraphs 2(a) and (b), and packaging for other products or made of other materials.	
Article 44(8)				
639	8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system.	8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are not less convenient for end users than opportunities to return single-use packaging to a deposit and return system.	8. Member States shall ensure that return points and opportunities for reusable packaging with a similar purpose and format to those established under paragraph 1 are ~~not less~~ also convenient for end users as they are ~~than opportunities~~ to return single-use packaging to a deposit and return system.	

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Article 44(9)				
640	9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.	9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.	9. By 1 January ~~2028~~ 2029 , Member States shall ensure that ~~all~~ at least the deposit and return systems, ~~including those established under paragraph 5~~ after the entry into force of this Regulation , meet the minimum criteria listed in Annex X. The minimum criteria listed in Annex X shall not apply to deposit and return systems established before the entry into force of this Regulation, which achieve the 90 % target set in paragraph 1 by 1 January 2029. Member States shall endeavour to ensure that existing deposit and return systems comply with the minimum requirements in Annex X when they are first reviewed. If the 90 % target is not achieved by 1 January 2029, existing deposit and return systems shall comply with the minimum requirements in Annex X at the latest by 1 January 2035.	
Article 44(9a)				
640 a			9a. The minimum criteria listed in Annex X shall not apply in outermost regions as recognised in the fourth subparagraph of Article 349 of the Treaty, taking into account their local specificities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
SECTION 5				
641	SECTION 5 Re-use and refill	SECTION 5 Re-use and refill	SECTION 5 Re-use and refill	
Article 45				
642	Article 45 Re-use and refill	Article 45 Re-use and refill	Article 45 Re-use and refill	
Article 45(1)				
643	1. 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.	1. <u>By 31 December 2028</u> , Member States shall take measures to ~~encourage~~ <u>ensure</u> the set-up of systems for re-use of packaging <u>with sufficient incentives for return</u> 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.	1. 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.	
Article 45(2)				
644	2. The measures referred to in paragraph 1 may include:	2. The measures referred to in paragraph 1 may include:	2. The measures referred to in paragraph 1 may include:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 45(2), point (a)			
645	(a) the use of deposit and return systems compliant with minimum requirements in Annex X for reusable packaging and for other packaging formats that those referred to in Article 44(1),	(a) the use of deposit and return systems compliant with minimum requirements in Annex X for reusable packaging and for other packaging formats that those referred to in Article 44(1),	(a) the use of deposit and return systems compliant with minimum requirements in Annex X for reusable packaging and for other packaging formats that those referred to in Article 44(1),	
	Article 45(2), point (b)			
646	(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,	(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging or to inform consumers about the cost of such packaging at the point of sale,	(b) the use of economic incentives, including requirements to final distributors, to charge the use of single-use packaging ~~or~~ and to inform consumers about the cost of such packaging at the point of sale,	
	Article 45(2), point (c)			
647	(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.	(c) requirements on <u>manufacturers and</u> final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.	(c) requirements on final distributors to make available in reusable packaging within a system for re-use or through refill a certain percentage of other products than those covered by targets laid down in Article 26 on the condition that this does not lead to distortions on the internal market or trade barriers for products from other Member States.,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45(2a)				
647 a		<u>2a. The Commission shall request European standardisation organisations the development of voluntary standards for reusable packaging, with the aim of promoting the characteristics needed for the deployment of well-designed re-use systems. Such standards shall address the design, labelling, cleaning, and traceability of reusable packaging, among other aspects. The Commission shall support the development and dissemination of such standards.</u>		
Article 45(2b)				
647 b		<u>2b. Member States shall ensure that extended producer responsibility schemes and deposit systems dedicate a minimum share of their budget to financing reduction and prevention actions and re-use infrastructure for the deployment of re-use system.</u>		
SECTION 6				
648	SECTION 6 Recycling targets and promotion of recycling	SECTION 6 Recycling targets and promotion of recycling	SECTION 6 Recycling targets and promotion of recycling	
Article 46				

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649	Article 46 Recycling targets and promotion of recycling	Article 46 Recycling targets and promotion of recycling	Article 46 Recycling targets and promotion of recycling	
Article 46(1)				
650	1. Member States shall take the necessary measures to attain the following recycling targets covering the whole of their territory:	1. Member States shall take the necessary measures to attain the following recycling targets covering the whole of their territory:	1. Member States shall take the necessary measures to attain the following recycling targets covering the whole of their territory:	
Article 46(1), point (a)				
651	(a) by 31 December 2025, a minimum of 65 % by weight of all packaging waste generated;	(a) by 31 December 2025, a minimum of 65 % by weight of all packaging waste generated;	(a) by 31 December 2025, a minimum of 65 % by weight of all packaging waste generated;	
Article 46(1), point (b)				
652	(b) by 31 December 2025, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	(b) by 31 December 2025, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	(b) by 31 December 2025, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	
Article 46(1), point (b)(i)				
653				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(i) 50 % of plastic;	(i) 50 % of plastic;	(i) 50 % of plastic;	
Article 46(1), point (b)(ii)				
654	(ii) 25 % of wood;	(ii) 25 % of wood;	(ii) 25 % of wood;	
Article 46(1), point (b)(iii)				
655	(iii) 70 % of ferrous metals;	(iii) 70 % of ferrous metals;	(iii) 70 % of ferrous metals;	
Article 46(1), point (b)(iv)				
656	(iv) 50 % of aluminium;	(iv) 50 % of aluminium;	(iv) 50 % of aluminium;	
Article 46(1), point (b)(v)				
657	(v) 70 % of glass;	(v) 70 % of glass;	(v) 70 % of glass;	
Article 46(1), point (b)(vi)				
658	(vi) 75 % of paper and cardboard;	(vi) 75 % of paper and cardboard;	(vi) 75 % of paper and cardboard;	
Article 46(1), point (c)				
659	(c) by 31 December 2030, a minimum of 70 % by weight of all packaging waste generated;	(c) by 31 December 2030, a minimum of 70 % by weight of all packaging waste generated;	(c) by 31 December 2030, a minimum of 70 % by weight of all packaging waste generated;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 46(1), point (d)				
660	(d) by 31 December 2030, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	(d) by 31 December 2030, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	(d) by 31 December 2030, the following minimum percentages by weight of the following specific materials contained in packaging waste generated:	
Article 46(1), point (d)(i)				
661	(i) 55 % of plastic;	(i) 55 % of plastic;	(i) 55 % of plastic;	
Article 46(1), point (d)(ii)				
662	(ii) 30 % of wood;	(ii) 30 % of wood;	(ii) 30 % of wood;	
Article 46(1), point (d)(iii)				
663	(iii) 80 % of ferrous metals;	(iii) 80 % of ferrous metals;	(iii) 80 % of ferrous metals;	
Article 46(1), point (d)(iv)				
664	(iv) 60 % of aluminium;	(iv) 60 % of aluminium;	(iv) 60 % of aluminium;	
Article 46(1), point (d)(v)				
665	(v) 75 % of glass;	(v) 75 % of glass;	(v) 75 % of glass;	
Article 46(1), point (d)(vi)				

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666	(vi) 85 % of paper and cardboard.	(vi) 85 % of paper and cardboard.	(vi) 85 % of paper and cardboard.	
Article 46(2)				
667	2. Without prejudice to paragraph 1, point (a), a Member State may postpone the deadlines set out in paragraph 1, points (b)(i) to (vi), by up to 5 years, under the following conditions:	2. Without prejudice to paragraph 1, point (a), <u>and recognising the different starting point of each Member State in relation to the specific target defined for each material</u> , a Member State, may postpone the deadlines set out in paragraph 1, points ~~(b)(i)~~ <u>(b)(i)</u> to (vi), by up to 5 years, under the following conditions:	2. Without prejudice to paragraph 1, ~~point (a)~~ , points (a) and (c) a Member State may postpone the deadlines set out in paragraph 1, points (b)(i) to (vi), and (d)(i) to (vi) by up to 5 years, under the following conditions:	
Article 46(2), point (a)				
668	(a) the derogation from the targets in the period of postponement is limited to a maximum of 15 percentage points from a single target or divided between two targets,	(a) the derogation from the targets in the period of postponement is limited to a maximum of 15 percentage points from a single target or divided between two targets,	(a) the derogation from the targets in the period of postponement is limited to a maximum of 15 percentage points from a single target or divided between two targets,	
Article 46(2), point (b)				
669	(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,	(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,	(b) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target is not reduced below 30 %,	

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	Article 46(2), point (c)			
670	(c) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target referred to in paragraph 1, points (b)(v) or (vi) of paragraph 1 is not reduced below 60 %, and	(c) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target referred to in paragraph 1, points (b)(v) or (vi) of paragraph 1 is not reduced below 60 %, and	(c) as a result of the derogation from the targets in the period of postponement, the recycling rate for a single target referred to in paragraph 1, points (b)(v) ~~or~~ and (vi) of paragraph 1 is not reduced below 60 %, and the recycling rate for a single target referred to in paragraph 1, point (d)(v) and (vi) is not reduced below 70% and	
	Article 46(2), point (d)			
671	(d) at the latest 24 months before the respective deadline laid down in paragraph 1, point (b), of this Article, the Member State notifies the Commission of its intention to postpone the deadline and submits to the Commission an implementation plan in accordance with Annex XI to this Regulation, which may be combined with an implementation plan submitted pursuant to Article 11(3), point (b), of Directive 2008/98/EC.	(d) at the latest 24 months before the respective deadline laid down in paragraph 1, point (b), of this Article, the Member State notifies the Commission of its intention to postpone the deadline and submits to the Commission an implementation plan in accordance with Annex XI to this Regulation, which may be combined with an implementation plan submitted pursuant to Article 11(3), point (b), of Directive 2008/98/EC.	(d) at the latest 24 months before the respective deadline laid down in paragraph 1, ~~point (b)~~ points (b) and (d) , of this Article, the Member State notifies the Commission of its intention to postpone the deadline and submits to the Commission an implementation plan in accordance with Annex XI to this Regulation, which may be combined with an implementation plan submitted pursuant to Article 11(3), point (b), of Directive 2008/98/EC,.	
	Article 46(3)			
672	3. Within three months of receipt of the implementation plan submitted pursuant	3. Within three months of receipt of the implementation plan submitted pursuant to	3. Within three months of receipt of the implementation plan submitted pursuant to	

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	to paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.	paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request.	paragraph 2, point (d), the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements set out in Annex XI. The Member State concerned shall submit a revised plan within 3 months of receipt of the Commission's request. If the Commission considers that the plan still does not comply with the requirements set out in Annex XI, which means that it is unlikely that the Member States will be able to meet the targets within the additional period requested by the Member State, but not longer than 5 years, the Commission shall reject the implementation plan and the Member States shall be obliged to comply with the targets within the deadlines set in paragraph 1, points (a) and (c) of this Article.	
Article 46(4)				
673	4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in paragraph 1, points (c) and (d), of with a view to increasing them or setting further targets. To that end, the Commission shall submit a report to the European Parliament and to	4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in paragraph 1, points (c) and (d), of with a view to increasing them or setting further targets. To that end, the Commission shall submit a report to the European Parliament and to the Council,	4. By [OP: Please insert the date = 8 years after the date of entry into force of this Regulation OP: Please insert the date = 8 years after the date of entry into force of this Regulation], the Commission shall review the targets laid down in paragraph 1, points (c) and (d), of with a view to increasing them or setting further targets. To that end, the	

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	the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.	accompanied, if the Commission finds it appropriate, by a legislative proposal.	Commission shall submit a report to the European Parliament and to the Council, accompanied, if the Commission finds it appropriate, by a legislative proposal.	
Article 46(5)				
674	5. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:	5. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:	5. Member States shall, where appropriate, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:	
Article 46(5), point (a)				
675	(a) improving market conditions for such materials;	(a) improving market conditions for such materials;	(a) improving market conditions for such materials;	
Article 46(5), point (b)				
676	(b) reviewing existing rules preventing the use of such materials.	(b) reviewing existing rules preventing the use of such materials.	(b) reviewing existing rules preventing the use of such materials.	
Article 46(6)				
677	6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set	6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set	6. A Member State may, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements ~~requirements~~ targets	

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	out in this Article.	out in this Article.	set out in this Article.	
Article 47				
678	Article 47 Rules on the calculation of the attainment of the recycling targets	Article 47 Rules on the calculation of the attainment of the recycling targets	Article 47 Rules on the calculation of the attainment of the recycling targets	
Article 47(1)				
679	1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article.	1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article.	1. The calculation whether the targets laid down in Article 46(1) have been attained shall be carried out in accordance with the rules laid down in this Article.	

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Article 47(2)				
680	2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive.	2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive.	2. Member States shall calculate the weight of packaging waste generated in a given calendar year. The calculation of packaging waste generated in a Member State must be exhaustive. The methodology to calculate the packaging waste generated shall be based on the following approaches (a) the packaging made available on the market in a Member State in that specific year, or (b) the amount of packaging waste generated in the same year in that Member State. Calculations based on the two approaches referred to in points (a) and (b) shall be adjusted to ensure comparability, reliability and exhaustiveness of the results in accordance with the requirements and verifications to be established under implementing act referred to in Article 50(7)(a).	
Article 47(3)				
681	3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that	3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste	3. Member States shall calculate the weight of packaging waste recycled in a given calendar year. The weight of packaging waste recycled shall be calculated as the weight of packaging that has become waste	

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	has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.	which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.	which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances.	
Article 47(4)				
682	4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.	4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.	4. Composite packaging and other packaging composed of more than one material shall be calculated and reported per material contained in the packaging. Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5 % of the total mass of the packaging unit.	
Article 47(5)				
683	5. Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the	5. ~~Packaging waste exported out of the Union shall be calculated as recycled by the Member State in which it was collected only if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that~~	deleted	

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	exporter can prove that the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.	~~the shipment of waste complies with the requirements of this Regulation and that the recycling of packaging waste outside the Union took place under conditions that are broadly equivalent to those prescribed by the relevant Union legislation.~~ ~~deleted~~		
Article 47(6), first subparagraph				
684	6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.	6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.	6. For the purposes of paragraph 3, the weight of packaging waste recycled shall be measured when the waste enters the recycling operation.	
Article 47(6), second subparagraph				
685	By way of derogation from the first subparagraph of this Article, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:	By way of derogation from the first subparagraph of this Article, the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:	By way of derogation from the first subparagraph of this ~~Article~~ paragraph , the weight of the packaging waste recycled may be measured at the output of any sorting operation provided that:	
Article 47(6), second subparagraph, point (a)				
686	(a) such output waste is subsequently recycled;	(a) such output waste is subsequently recycled;	(a) such output waste is subsequently recycled;	
Article 47(6), second subparagraph, point (b)				

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687	(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.	(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.	(b) the weight of materials or substances that are removed by further operations preceding the recycling operation and are not subsequently recycled is not included in the weight of waste reported as recycled.	
Article 47(7)				
688	7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 and to 7 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.	7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 and to 7 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.	7. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure that the conditions laid down in paragraphs 2 ~~and to 7~~ to 6 are met. That system may consist of electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC or technical specifications for the quality requirements of sorted waste. It may also consist of average loss rates for sorted waste for various waste types and waste management practices respectively, provided that reliable data cannot be otherwise obtained. Average loss rates shall be calculated on the basis of the calculation rules established in the delegated act adopted pursuant to Article 11a(10) of Directive 2008/98/EC.	
Article 47(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
689	8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.	8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.	8. The amount of biodegradable packaging waste that enters aerobic or anaerobic treatment may be counted as recycled where that treatment generates compost, digestate, or other output with a similar quantity of recycled content in relation to input, which is to be used as a recycled product, material or substance. Where the output is used on land, Member States may count it as recycled only if this use results in benefits to agriculture or ecological improvement.	
Article 47(9)				
690	9. The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.	9. The amount of packaging waste materials that have ceased to be waste as a result of a ~~preparatory~~ <u>recovery</u> operation ~~before being reprocessed may be counted as recycled provided that such~~ <u>by which waste</u> materials are ~~destined for subsequent reprocessing~~ <u>reprocessed</u> into products, materials or substances ~~to be used~~ <u>either</u> for the original or other purposes <u>may be counted as recycled</u> . However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.	9. The amount of packaging waste materials that have ceased to be waste as a result of a preparatory operation before being reprocessed may be counted as recycled provided that such materials are destined for subsequent reprocessing into products, materials or substances to be used for the original or other purposes. However, end-of-waste materials to be used as fuels or other means to generate energy, or to be incinerated, backfilled or landfilled, shall not be counted as recycled.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47(10)				
691	10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004.	10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004.	10. Member States may take into account the recycling of metals separated after incineration of waste in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality criteria laid down in Commission Implementing Decision (EU) 2019/1004.	
Article 47(11)				
692	11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted as recycled by the Member State in which that packaging waste was collected.	11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted as recycled by the Member State in which that packaging waste was collected.	11. Packaging waste sent to another Member State for the purposes of recycling in that other Member State may only be counted as recycled by the Member State in which that packaging waste was collected.	
Article 47(12)				
693	12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of	12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter ~~can prove~~ <u>provides documentary evidence approved by the competent</u>	12. Packaging waste exported from the Union shall be counted as recycled by the Member State in which it was collected only if the requirements set out in paragraph 3 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation, including	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are broadly equivalent to the requirements of the relevant Union environmental law.	<u>authority of destination</u> that the shipment of waste complies with the requirements of that Regulation, including that the treatment of packaging waste outside the Union took place under conditions that are ~~broadly~~ equivalent to the requirements of the relevant Union environmental law.	that the treatment of packaging waste outside the Union took place under conditions that are broadly equivalent to the requirements of the relevant Union environmental law.	
Article 48				
694	Article 48 Rules on the calculation of the attainment of the recycling targets by including re-use	Article 48 Rules on the calculation of the attainment of the recycling targets by including re-use	Article 48 Rules on the calculation of the attainment of the recycling targets by including re-use	
Article 48(1), first subparagraph				
695	1. A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.	1. A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.	1. A Member State may decide to attain an adjusted level of the targets referred to Article 46(1) for a given year by taking into account the average share, in the preceding three years, of reusable sales packaging placed on the market for the first time and re-used as part of a system for re-use of packaging.	
Article 48(1), second subparagraph				
696	The adjusted level shall be calculated by subtracting:	The adjusted level shall be calculated by subtracting:	The adjusted level shall be calculated by subtracting:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48(1), second subparagraph, point (a)				
697	(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and	(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and	(a) from the targets laid down in Article 46(1), points (a) and (c), the share of the reusable sales packaging referred to in the first subparagraph in all sales packaging placed on the market, and	
Article 48(1), second subparagraph, point (b)				
698	(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.	(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.	(b) from the targets laid down in Article 46(1), points (b) and (d), the share of the reusable sales packaging referred to in the first subparagraph, composed of the respective packaging material, in all sales packaging composed of that material placed on the market.	
Article 48(1), third subparagraph				
699	No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.	No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.	No more than five percentage points of the average share of reusable sales packaging shall be taken into account for the calculation of the respective adjusted target level.	
Article 48(2)				
700				

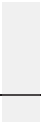
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).	2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).	2. A Member State may take into account the amounts of wooden packaging that is repaired for re-use in the calculation of the targets laid down in Article 46(1), point (a), Article 46(1), point (b)(ii), Article 46(1), point (c), and Article 46(1), point (d)(ii).	
SECTION 7				
701	SECTION 7 Information and reporting	SECTION 7 Information and reporting	SECTION 7 Information and reporting	
Article 49				
702	Article 49 Information on prevention and management of packaging waste	Article 49 Information on prevention and management of packaging waste	Article 49 Information on prevention and management of packaging waste	
Article 49(1)				
703	1. In addition to the information referred to in Article 8a(2) of Directive 2008/98/EC and in Article 11 of this Regulation, producers or, where appointed in accordance with Article 41(1), producer responsibility organisations shall make available to end-users, in particular consumers, the following information regarding the prevention and management of packaging	1. In addition to the information referred to in Article 8a(2) of Directive 2008/98/EC and in Article 11 of this Regulation, producers or, where appointed in accordance with Article 41(1), producer responsibility organisations shall make available to end-users, in particular consumers, the following information regarding the prevention and management of packaging waste with respect to the	1. In addition to the information referred to in Article 8a(2) of Directive 2008/98/EC and in Article 11 of this Regulation, producers or, where ~~appointed~~ entrusted in accordance with Article 41(1), producer responsibility organisations, or public authorities appointed by Member States when applying Article 8a (2) of Directive 2008/98/EC , shall make available to end-users, in particular consumers, the following	

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	waste with respect to the packaging that the producers supply within the territory of a Member State:	packaging that the producers supply within the territory of a Member State:	information regarding the prevention and management of packaging waste with respect to the packaging that the producers supply within the territory of a Member State:	
Article 49(1), point (a)				
704	(a) the role of end-users in contributing to waste prevention, including any best practices;	(a) the role of end-users in contributing to waste prevention, including any best practices;	(a) the role of end-users in contributing to waste prevention, including any best practices;	
Article 49(1), point (b)				
705	(b) re-use arrangements available for packaging;	(b) re-use arrangements available for packaging;	(b) re-use arrangements available for packaging;	
Article 49(1), point (c)				
706	(c) the role of end-users in contributing to the separate collection of packaging waste materials, including handling of packaging containing hazardous products or waste;	(c) the role of end-users in contributing to the separate collection of packaging waste materials, including handling of packaging containing hazardous products or waste;	(c) the role of end-users in contributing to the separate collection of packaging waste materials, including handling of packaging containing hazardous products or waste;	
Article 49(1), point (d)				
707	(d) the meaning of the labels and symbols affixed, marked or printed on packaging in accordance with Article 11 or present	(d) the meaning of the labels and symbols affixed, marked or printed on packaging in accordance with Article 11 or present in the	(d) the meaning of the labels and symbols affixed, marked or printed on packaging in accordance with Article 11 or present in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the documents accompanying the packaged product;	documents accompanying the packaged product;	documents accompanying the packaged product;	
Article 49(1), point (e)				
708	(e) the impact on the environment and on human health or safety of persons of inappropriate discarding of packaging waste, such as littering or discarding in mixed municipal waste, and the adverse environmental impact of single-use packaging, in particular plastic carrier bags;	(e) the impact on the environment and on human health or safety of persons of inappropriate discarding of packaging waste, such as littering or discarding in mixed municipal waste, and the adverse environmental impact of single-use packaging, in particular plastic carrier bags;	(e) the impact on the environment and on human health or safety of persons of inappropriate discarding of packaging waste, such as littering or discarding in mixed municipal waste, and the adverse environmental impact of single-use packaging, in particular plastic carrier bags;	
Article 49(1), point (f)				
709	(f) the composting properties and appropriate waste management options for compostable packaging.	(f) the composting properties and appropriate waste management options for compostable packaging, <u>including information to consumers that compostable packaging that is compostable in industrially controlled conditions is not to be thrown in home compost or nature.</u>	(f) the composting properties and appropriate waste management options for compostable packaging according to article 8(2). Consumers shall be informed that compostable packaging is not suitable for home composting and compostable packaging shall not be thrown away in nature.	
Article 49(1), point (fa)				
709 a			Obligations under paragraph 1, point (d), shall be applicable as of [OP: Please insert the date = 42 months from the date of entry into force of this Regulation] or	

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			the date of application of Article 11, whichever is the latest.	
Article 49(2)				
710	2. The information referred to in paragraph 1 shall be up to date and provided by means of:	2. The information referred to in paragraph 1 shall be up to date and provided by means of:	2. The information referred to in paragraph 1 shall be up to date and provided by means of:	
Article 49(2), point (a)				
711	(a) a website or other means of electronic communication;	(a) a website or other means of electronic communication;	(a) a website or other means of electronic communication;	
Article 49(2), point (b)				
712	(b) public information;	(b) public information;	(b) public information;	
Article 49(2), point (c)				
713	(c) education programmes and campaigns;	(c) education programmes and campaigns;	(c) education programmes and campaigns;	
Article 49(2), point (d)				
714	(d) signposting in a language, or languages, which can be easily understood by users and consumers.	(d) signposting in a language, or languages, which can be easily understood by users and consumers.	(d) signposting in a language, or languages, which can be easily understood by users and consumers.	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 49(3)				
715	3. Where information is provided publicly, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.	3. Where information is provided publicly, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.	3. Where information is provided publicly, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.	
Article 50				
716	Article 50 Reporting to the Commission	Article 50 Reporting to the Commission	Article 50 Reporting to the Commission	
Article 50(1), first subparagraph				
717	1. Member States shall report to the Commission for each calendar year the following data:	1. Member States shall report to the Commission for each calendar year the following data:	1. Member States shall report to the Commission for each calendar year the following data:	
Article 50(1), first subparagraph, point (a)				
718	(a) data on the implementation of Article 46(1), points (a) to (d), and on reusable packaging,	(a) data on the implementation of Article 46(1), points (a) to (d), and on reusable packaging,	(a) data on the implementation of Article 46(1), points (a) to (d), and on reusable packaging,	
Article 50(1), first subparagraph, point (b)				
719	(b) the annual consumption of very lightweight plastic carrier bags,	(b) the annual consumption of very lightweight plastic carrier bags, lightweight	(b) the annual consumption of very lightweight plastic carrier bags, lightweight	

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	lightweight plastic carrier bags and thick plastic carrier bags per person, separately for each category;	plastic carrier bags, <u>thick plastic carrier bags, very-and</u> thick plastic <u>carrier bags and paper</u> carrier bags per person, separately for each category;	plastic carrier bags and thick plastic carrier bags per person, separately for each category as listed in Table 5 of Annex XII ;	
Article 50(1), first subparagraph, point (c)				
720	(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),	(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),	(c) the separate collection rate of packaging covered by the obligation to establish deposit and return systems set out in Article 44(1),	
Article 50(1), second subparagraph				
721	Member States may provide data on the annual consumption of very thick plastic carrier bags per person.	Member States may provide data on the annual consumption of very thick plastic carrier bags per person.	Member States may provide data on the annual consumption of very thick plastic carrier bags per person. Member States may also provide data on the annual consumption of other material carrier bags.	
Article 50(2)				
722	2. Member States shall report for each packaging material and type as listed in Table 1 of Annex IX for each calendar year data on:	2. Member States shall report for each ~~packaging material and type as listed in Table 1 of Annex IX for each~~ calendar year data on:	2. Member States shall report ~~for each packaging material and type as listed in Table 1 of Annex IX~~ for each calendar year data on:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 50(2), point (a)				
723	(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex IX;	(a) the amounts of packaging placed on the market for each packaging type and material as listed in Table 1 of Annex ~~IX~~ <u>XII</u> ;	(a) the amounts of packaging ~~placed~~ made available on the market for ~~each packaging type and material~~ the first time on the territory of that Member State for each packaging category as listed in Table ~~14~~ 4 of Annex ~~IX~~ <u>XII</u> ;	
Article 50(2), point (b)				
724	(b) amounts of separately collected packaging waste for each packaging material as listed in Table 1 in the Annex IX;	(b) amounts of separately collected packaging waste for each packaging material as listed in Table ~~13~~ <u>3</u> in the Annex ~~IX~~ <u>XII</u> ;	<i>deleted</i>	
Article 50(2), point (c)				
725	(c) the recycling rates;	(c) the recycling rates <u>of packaging waste as listed in Table 4 of Annex XII</u> ;	(c) the amounts of recycled packaging waste and recycling rates for each packaging category as listed in Table 4 of Annex XII ;	
Article 50(2), point (d)				
726	(d) installed capacities for sorting and recycling for each packaging type and material as listed in Table 1 of Annex II.	(d) installed capacities for sorting and recycling for each packaging type and material as listed in Table 1 of Annex II.	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 50(3)</i>				
727	3. The first reporting period shall concern:	3. The first reporting period shall concern:	3. The first reporting period shall concern:	
<i>Article 50(3), point (a)</i>				
728	(a) with respect to obligations laid down in paragraph 1, points a and b, and paragraph 2, the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 7;	(a) with respect to obligations laid down in paragraph 1, points a and b, and paragraph 2, the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 7;	(a) with respect to obligations laid down in paragraph 1, points a and b, and paragraph 2, the ~~first~~ second full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 7;	
<i>Article 50(3), point (b)</i>				
729	(b) with respect to obligation laid down in paragraph 1, point c, the calendar year starting from 1 January 2028.	(b) with respect to obligation laid down in paragraph 1, point c, the calendar year starting from 1 January 2028.	(b) with respect to obligation laid down in paragraph 1, point c, the calendar year starting from 1 January 2028.	
<i>Article 50(4)</i>				
730	4. Member States shall make the data referred to in paragraphs 1 and 2 available electronically within 19 months after the end of the reporting year for which the data are collected. They shall report the	4. Member States shall make the data referred to in paragraphs 1 and 2 available electronically within 19 months after the end of the reporting year for which the data are collected. They shall report the data	4. Member States shall make the data referred to in paragraphs 1 and 2 available electronically within 19 months after the end of the reporting year for which the data are collected. They shall report the data	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data electronically within 19 months of the end of the reporting year for which the data are collected in the format established by the Commission in accordance with paragraph 7.	electronically within 19 months of the end of the reporting year for which the data are collected in the format established by the Commission in accordance with paragraph 7.	electronically within 19 months of the end of the reporting year for which the data are collected in the format established by the Commission in accordance with paragraph 7.	
Article 50(5)				
731	5. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That quality check report shall be presented in the format established by the Commission in accordance with paragraph 7.	5. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That quality check report shall be presented in the format established by the Commission in accordance with paragraph 7.	5. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That quality check report shall be presented in the format established by the Commission in accordance with paragraph 7.	
Article 50(6)				
732	6. The data made available by Member States in accordance with this Article shall be accompanied by a report on the measures taken pursuant to Article 47(5) and (8), including detailed information about the average loss rates where applicable.	6. The data made available by Member States in accordance with this Article shall be accompanied by a report on the measures taken pursuant to Article 47(5) and (8), including detailed information about the average loss rates where applicable.	6. The data made available by Member States in accordance with this Article shall be accompanied by a report on the measures taken pursuant to Article ~~47(5) and (8)~~ 47(8) and (12) , including detailed information about the average loss rates where applicable.	
Article 50(7), first subparagraph				
733	7. The Commission shall, by [OP: Please insert the date = 24 months after the date	7. The Commission shall, by [OP: Please insert the date = 24 months after the date of	7. The Commission shall, by [OP: Please insert the date = 24 months from the date of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of entry into force of this Regulation], adopt implementing acts establishing:	entry into force of this Regulation], adopt implementing acts establishing:	entry into force of this Regulation ~~OP:~~ Please insert the date – 24 months after the date of entry into force of this Regulation], adopt implementing acts establishing:	
Article 50(7), first subparagraph, point (a)				
734	(a) rules for the calculation, verification and reporting of data in accordance with paragraphs 1, points (a) and (c), and 2, including the methodology for determining packaging waste generated, and the format for the reporting;	(a) rules for the calculation, verification and reporting of data in accordance with paragraphs 1, points (a) and (c), and 2, including the methodology for determining packaging waste generated, and the format for the reporting;	(a) rules for the calculation, verification and reporting of data in accordance with paragraphs 1, points (a) and (c), and 2, including the methodology for determining packaging waste generated, and the format for the reporting;	
Article 50(7), first subparagraph, point (b)				
735	(b) the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person referred to in paragraph 1, point (b), and the format for their reporting;	(b) the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person referred to in paragraph 1, point (b), and the format for their reporting;	(b) the methodology for the calculation of the annual consumption of lightweight plastic carrier bags per person referred to in paragraph 1, point (b), and the format for their reporting;	
Article 50(7), first subparagraph, point (c)				
735 a			(c) the correction factor referred to in Article 38(1a) to account for the increase or decrease in tourism in relation to the base year, for the purpose of achieving the packaging waste prevention targets.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 50(7), second subparagraph				
736	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 50(8)				
737	8. Member States shall require that all economic operators making packaging available in the Member States provide competent authorities with accurate and reliable data allowing Member States to fulfil their reporting obligations under this Article, taking into account, where relevant, particular problems facing small and medium-sized enterprises with regard to the provision of detailed data.	8. Member States shall require that all economic operators making packaging available in the Member States provide competent authorities with accurate and reliable data allowing Member States to fulfil their reporting obligations under this Article, taking into account, where relevant, particular problems facing small and medium-sized enterprises with regard to the provision of detailed data.	8. Member States shall require that system operators for reuse systems and all economic operators making packaging available in the Member States provide competent authorities with accurate and reliable data allowing Member States to fulfil their reporting obligations under this Article, taking into account, where relevant, particular problems ~~facing~~ faced by small and medium-sized enterprises with regard to the provision of detailed data.	
Article 51				
738	Article 51 Packaging databases	Article 51 Packaging databases	Article 51 Packaging databases	
Article 51(1)				
739				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis.	1. Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis.	1. By 12 months from the date of adoption of the implementing acts referred to in Article 50(7), Member States shall take the necessary measures to ensure that databases on packaging and packaging waste are established, where not already in place, on a harmonised basis, to enable the reporting to the Commission.	
Article 51(2)				
740	2. The databases referred to in paragraph 1 shall include the following:	2. The databases referred to in paragraph 1 shall include the following:	2. The databases referred to in paragraph 1 shall include the following:	
Article 51(2), point (a)				
741	(a) information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the level of individual Member States;	(a) information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the level of individual Member States;	(a) information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the level of individual Member States;	
Article 51(2), point (b)				
742	(b) information on the toxicity or danger of packaging materials and components used for their manufacture;	(b) information on the toxicity or danger of packaging materials and components used for their manufacture;	<i>deleted</i>	
Article 51(2), point (c)				
743				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the data listed in Annex XII.	(c) the data listed in Annex XII.	(c) the data listed in Annex XII.	
Article 51(2a)				
743 a		<u>2a. The packaging databases shall be accessible to the wider public in an open format that can be machine-readable and ensures interoperability and re-use of data.</u>		
Chapter VIII				
744	Chapter VIII Safeguard procedures	Chapter VIII Safeguard procedures	Chapter VIII Safeguard procedures	
Article 52				
745	Article 52 Procedure for dealing with packaging presenting a risk at national level	Article 52 Procedure for dealing with packaging presenting a risk at national level	Article 52 Procedure for dealing with packaging presenting a risk at national level	
Article 52(1), first subparagraph				
746	1. Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this	1. Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this	1. Without prejudice to Article 19 of the Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that packaging covered by this	

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	Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are relevant to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	Regulation presents a risk to the environment or human ~~and animal~~ health, they shall, <u>without undue delay</u> , carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are ~~relevant~~ <u>relevant</u> to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	Regulation presents a risk to the environment or human health, they shall carry out an evaluation in relation to the packaging concerned covering all requirements laid down in this Regulation that are ~~relevant~~ <u>relevant</u> to the risk. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	
Article 52(1), second subparagraph				
747	Where, in the course of that evaluation, the market surveillance authorities find that the packaging does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective measures, within a reasonable period prescribed by the market surveillance authorities which is commensurate with the nature and, where relevant the degree of the non-compliance, to bring the packaging in compliance with those requirements.	Where, in the course of that evaluation, the market surveillance authorities find that the packaging does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective measures, within a reasonable period prescribed by the market surveillance authorities which is commensurate with the nature and, where relevant the degree of the non-compliance, to bring the packaging in compliance with those requirements.	Where, in the course of that evaluation, the market surveillance authorities find that the packaging does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective measures, within a reasonable period prescribed by the market surveillance authorities which is commensurate with the nature and, where relevant the degree of the non-compliance, to bring the packaging in compliance with those requirements.	
Article 52(2)				
748				

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	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	
Article 52(3)				
749	3. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	3. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	3. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions, which they have required the economic operator to take.	
Article 52(4)				
750				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. The economic operator shall ensure that all appropriate corrective measures is taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	4. The economic operator shall ensure that all appropriate corrective measures is taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	4. The economic operator shall ensure that all appropriate corrective measures ~~is~~ are taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	
Article 52(5), first subparagraph				
751	5. Where the relevant economic operator does not take adequate corrective measures within the period referred to in paragraph 1, second subparagraph, or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit the making available of the packaging on their national market, to withdraw the packaging from that market or to recall it.	5. Where the relevant economic operator does not take adequate corrective measures within the period referred to in paragraph 1, second subparagraph, or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit the making available of the packaging on their national market, to withdraw the packaging from that market or to recall it.	5. Where the relevant economic operator does not take adequate corrective measures within the period referred to in ~~paragraph 1~~ paragraph 1 , second subparagraph, or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit the making available of the packaging on their national market, to withdraw the packaging from that market or to recall it.	
Article 52(5), second subparagraph				
752	The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.	The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.	The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.	
Article 52(6)				
753				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article 54(1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:	6. The information to the Commission and the other Member States referred to in paragraph ~~4~~ ⁵ shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article ~~54(1)~~ ⁵⁵⁽¹⁾ . The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:	6. The information to the Commission and the other Member States referred to in paragraph 45 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant packaging, the origin of the packaging, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator and, where applicable, the information referred to in Article ~~54(1)~~ ⁵⁵ (1). The market surveillance authorities shall also indicate whether the non-compliance is due to either of the following:	
Article 52(6), point (a)				
754	(a) failure of the packaging to meet the sustainability requirements set out in Articles 5 to 10 of this Regulation;	(a) failure of the packaging to meet the sustainability requirements set out in Articles 5 to 10 of this Regulation;	(a) failure of the packaging to meet the sustainability requirements set out in Articles 5 to 10 of this Regulation;	
Article 52(6), point (b)				
755	(b) shortcomings in the harmonised	(b) shortcomings in the harmonised	(b) shortcomings in the harmonised	

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	standards or common specifications referred to in Articles 31 and 32 of this Regulation.	standards or common specifications referred to in Articles 31 and 32 of this Regulation.	standards or common specifications referred to in Articles 31 and 32 of this Regulation.	
Article 52(7)				
756	7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the packaging concerned, and, in the event of disagreement with the adopted national measure, of their objections.	7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the packaging concerned, and, in the event of disagreement with the adopted national measure, of their objections.	7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the packaging concerned, and, in the event of disagreement with the adopted national measure, of their objections.	
Article 52(8), first subparagraph				
757	8. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.	8. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.	8. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.	
Article 52(8), second subparagraph				
758	Provisional measures may provide for a	Provisional measures may provide for a	Provisional measures may provide for a	

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	period longer or shorter than three months in order to take account of the specificities of the requirements concerned.	period longer or shorter than three months in order to take account of the specificities of the requirements concerned.	period longer or shorter than three months in order to take account of the specificities of the requirements concerned.	
Article 52(9)				
759	9. Member States shall ensure that the packaging is withdrawn from their market or that other appropriate restrictive measures are taken without delay in respect of the packaging or the manufacturer concerned.	9. Member States shall ensure that the packaging is withdrawn from their market or that other appropriate restrictive measures are taken without delay in respect of the packaging or the manufacturer concerned.	9. Member States shall ensure that the packaging is withdrawn from their market or that other appropriate restrictive measures are taken without delay in respect of the packaging or the manufacturer concerned.	
Article 53				
760	Article 53 Union safeguard procedure	Article 53 Union safeguard procedure	Article 53 Union safeguard procedure	
Article 53(1), first subparagraph				
761	1. Where, on completion of the procedure set out in Article 52(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or	1. Where, on completion of the procedure set out in Article ~~52(3) and (4)~~ <u>52(5) and (6)</u> , objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators	1. Where, on completion of the procedure set out in Article ~~52(3) and (4)~~ , 52 (5) and (6) objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and	

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	operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	
Article 53(1), second subparagraph				
762	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 53(2), first subparagraph				
763	2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.	2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.	2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.	
Article 53(2), second subparagraph				
764	If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant packaging is withdrawn from their market, and shall inform the Commission accordingly.	If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant packaging is withdrawn from their market, and shall inform the Commission accordingly.	If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant packaging is withdrawn from their market, and shall inform the Commission accordingly.	

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Article 53(2), third subparagraph				
765	If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.	If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.	If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.	
Article 53(3)				
766	3. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the harmonised standards referred to in Article 31 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	3. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the harmonised standards referred to in Article 31 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	3. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the harmonised standards referred to in Article 31 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	
Article 53(4)				
767	4. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the common technical specifications referred to in Article 32, the Commission shall, without delay, amend or repeal the common technical specifications concerned.	4. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the common technical specifications referred to in Article 32, the Commission shall, without delay, amend or repeal the common technical specifications concerned.	4. Where the national measure is considered justified and the non-compliance of the packaging is attributed to shortcomings in the common technical specifications referred to in Article 32, the Commission shall, without delay, amend or repeal the common technical specifications concerned.	
Article 54				

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768	Article 54 Compliant packaging which presents a risk	Article 54 Compliant packaging which presents a risk	Article 54 Compliant packaging which presents a risk	
Article 54(1)				
769	1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.	1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or <u>to</u> human <u>and animal</u> health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, to withdraw the packaging from the market or to recall it.	1. Where, having carried out an evaluation under Article 52, a Member State finds that although packaging is in compliance with the applicable requirements set out in Articles 5 to 11, it presents a risk to the environment or human health, it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and, where relevant, the degree of risk, to ensure that the packaging concerned, when placed on the market, no longer presents that risk, ~~to withdraw the packaging from the market or to recall it.~~	
Article 54(2)				
770	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to	2. By derogation from paragraph 1, in case of risk to human health concerns relating to contact sensitive packaging subject to	

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	subject to specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	specific legislation aimed at protecting human health, the surveillance authorities shall not evaluate a risk to human or animal health originating from the packaging material, if transferred to the packaged content of the packaging material, but alert the authorities competent for controlling those risks. These authorities shall be the competent authorities referred to in Regulation (EU) 2017/625, Regulation (EU) 2017/745, Regulation (EU) 2017/746, Directive 2001/83/EC or Regulation (EU) 2019/6.	
Article 54(3)				
771	3. The economic operator shall ensure that corrective measures are taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	3. The economic operator shall ensure that corrective measures are taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	3. The economic operator shall ensure that corrective measures are taken in respect of all the concerned packaging that the economic operator has made available on the market throughout the Union.	
Article 54(4)				
772	4. The Member State shall immediately inform the Commission and the other Member States of its findings and subsequent actions pursuant to paragraph 1. That information shall include all	4. The Member State shall immediately inform the Commission and the other Member States of its findings and subsequent actions pursuant to paragraph 1. That information shall include all available	4. The Member State shall immediately inform the Commission and the other Member States of its findings and subsequent actions pursuant to paragraph 1. That information shall include all available	

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	available details, in particular the data necessary for the identification of the packaging concerned, the origin and the supply chain of the packaging, the nature of the risk involved and the nature and duration of the national measures taken.	details, in particular the data necessary for the identification of the packaging concerned, the origin and the supply chain of the packaging, the nature of the risk involved and the nature and duration of the national measures taken.	details, in particular the data necessary for the identification of the packaging concerned, the origin and the supply chain of the packaging, the nature of the risk involved and the nature and duration of the national measures taken.	
Article 54(5), first subparagraph				
773	5. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not and, where necessary, propose appropriate measures.	5. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not and, where necessary, propose appropriate measures.	5. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall ~~decide~~ adopt an implementing act determining whether the national measure is justified or not and, where necessary, propose appropriate measures.	
Article 54(5), second subparagraph				
774	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 59(3).	
Article 54(5), third subparagraph				
775	On duly justified imperative grounds of urgency relating to the protection of the	On duly justified imperative grounds of urgency relating to the protection of the	On duly justified imperative grounds of urgency relating to the protection of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article 58(4).	environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article 58(4).	environment or human health, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article ~~58(4)~~ 59(4).	
Article 54(5), fourth subparagraph				
776	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	
Article 55				
777	Article 55 Controls on packaging entering the Union market	Article 55 Controls on packaging entering the Union market	Article 55 Controls on packaging entering the Union market	
Article 55(1)				
778	1. Market surveillance authorities shall communicate without delay to the authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 the measures referred to in Article 52(4) of this Regulation where the non-compliance is not restricted to their national territory. This communication shall include all	1. Market surveillance authorities shall communicate without delay to the authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 the measures referred to in Article 52(4) of this Regulation where the non-compliance is not restricted to their national territory. This communication shall include all relevant	1. Market surveillance authorities shall communicate without delay to the authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 the measures referred to in Article ~~52(4)~~ 52(5) of this Regulation where the non-compliance is not restricted to their national territory. This communication shall include all relevant	

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	relevant information, in particular the details necessary for the identification of the non-compliant packaging to which the measures apply and, in case of packaged product, the product itself.	information, in particular the details necessary for the identification of the non-compliant packaging to which the measures apply and, in case of packaged product, the product itself.	information, in particular the details necessary for the identification of the non-compliant packaging to which the measures apply and, in case of packaged product, the product itself.	
Article 55(1a)				
778 a			1a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 of this Article for carrying out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.	
Article 55(2)				
779	2. The communication of information referred to in paragraph 1 shall take place through entering the information in the relevant customs risk management environment.	2. The communication of information referred to in paragraph 1 shall take place through entering the information in the relevant customs risk management environment.	2. The communication of information referred to in paragraph 1 shall take place through entering the information in the relevant customs risk management environment.	
Article 55(2a)				
779 a		<u><i>2a. The authorities designated pursuant to Article 25(1) of Regulation (EU) 2019/1020 shall use the information communicated pursuant to paragraph 1 of</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>this Article to carry out their risk analysis under Article 25(3) of Regulation (EU) 2019/1020.</i></u>		
Article 55(3)				
780	3. The Commission shall develop an interconnection to automate the communication referred to in paragraph 1 from the information and communication system referred to in Article 52(5) to the environment referred to in paragraph 3. That interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 5.	3. The Commission shall develop an interconnection to automate the communication referred to in paragraph 1 from the information and communication system referred to in Article 52(5) to the environment referred to in paragraph 3. That interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 5.	3. The Commission shall develop an interconnection to automate the communication referred to in paragraph 1 from the information and communication system referred to in Article ~~52(5)~~ 52() to the environment referred to in paragraph ~~3-2~~ 2. That interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph ~~5-4~~ 4.	
Article 55(4)				
781	4. The Commission is empowered to adopt implementing acts specifying the procedural rules and the details of the implementation arrangements for paragraph 4, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for the interconnection referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the	4. The Commission is empowered to adopt implementing acts specifying the procedural rules and the details of the implementation arrangements for paragraph 4, including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for the interconnection referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the examination	4. The Commission is empowered to adopt implementing acts specifying the procedural rules and the details of the implementation arrangements for paragraph ~~4-3~~ 3 including the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for the interconnection referred to in paragraph ~~4-3~~ 3. Those implementing acts shall be adopted in accordance with the examination procedure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	examination procedure pursuant to Article 59(3).	procedure pursuant to Article 59(3).	pursuant to Article 59(3).	
Article 56				
782	Article 56 Formal non-compliance	Article 56 Formal non-compliance	Article 56 Formal non-compliance	
Article 56(1)				
783	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	
Article 56(1), point (a)				
784	(a) the EU declaration of conformity has not been drawn up	(a) the EU declaration of conformity has not been drawn up	(a) the EU declaration of conformity has not been drawn up	
Article 56(1), point (b)				
785	(b) the EU declaration of conformity has not been drawn up correctly;	(b) the EU declaration of conformity has not been drawn up correctly;	(b) the EU declaration of conformity has not been drawn up correctly;	
Article 56(1), point (c)				
786	(c) the QR code or data carrier referred to	(c) the QR code or data carrier referred to	(c) the QR code or data carrier referred to in	

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	in Article 11 do not provide access to the required information in accordance with that Article;	in Article 11 do not provide access to the required information in accordance with that Article;	Article 11 do not provide access to the required information in accordance with that Article;	
Article 56(1), point (d)				
787	(d) the technical documentation referred to in Annex VII is not available, is not complete or contains errors;	(d) the technical documentation referred to in Annex VII is not available, is not complete or contains errors;	(d) the technical documentation referred to in Annex VII is not available, is not complete or contains errors;	

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Article 56(1), point (e)				
788	(e) the information referred to in Article 13(6) or Article 16(3) is absent, false or incomplete;	(e) the information referred to in Article 13(6) or Article 16(3) is absent, false or incomplete;	(e) the information referred to in Article 13(6) or Article 16(3) is absent, false or incomplete;	
Article 56(1), point (f)				
789	(f) any other administrative requirement set out in Article 13 or Article 16 is not fulfilled;	(f) any other administrative requirement set out in Article 13 or Article 16 is not fulfilled;	(f) any other administrative requirement set out in Article 13 or Article 16 is not fulfilled;	
Article 56(1), point (g)				
790	(g) the requirements on restrictions on uses of certain packaging formats and on excessive packaging set out in Articles 21 and 22 are not complied with;	(g) the requirements on restrictions on uses of certain packaging formats and on excessive packaging set out in Articles 21 and 22 are not complied with;	(g) the requirements on restrictions on uses of certain packaging formats ~~and~~ on excessive packaging set out in Articles 21 and 22 are not complied with;	
Article 56(1), point (h)				
791	(h) in relation to reusable packaging, the requirements on the establishment, operation and participation in a system for re-use referred to in Article 24 are not fulfilled;	(h) in relation to reusable packaging, the requirements on the establishment, operation and participation in a system for re-use referred to in Article 24 are not fulfilled;	(h) in relation to reusable packaging, the requirements on the establishment, operation ~~and~~ participation in a system for re-use referred to in Article 24 are not fulfilled;	

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Article 56(1), point (i)				
792	(i) in relation to refill, the information requirements set out in Article 25(1) and (2) are not fulfilled;	(i) in relation to refill, the information requirements set out in Article 25(1) and (2) are not fulfilled;	(i) in relation to refill, the information requirements set out in Article 25(1) and (2) are not fulfilled;	
Article 56(1), point (j)				
793	(j) the requirements on the refill stations set out in Article 25(3) are not fulfilled;	(j) the requirements on the refill stations set out in Article 25(3) are not fulfilled;	(j) the requirements on the refill stations set out in Article 25(3) are not fulfilled;	
Article 56(1), point (k)				
794	(k) the re-use and refill targets in Article 26 are not achieved.	(k) the re-use and refill targets in Article 26 are not achieved.	(k) the re-use and refill targets in Article 26 are not achieved.	
Article 56(1), point (ka)				
794 a		<u>(ka) the requirements on recyclable packaging are not fulfilled;</u>		
Article 56(1), point (kb)				
794 b		<u>(kb) the requirements on minimum recycled content for packaging are not fulfilled;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 56(2)				
795	2. Where the non-compliance referred to in paragraph 1, points (a) to (f), persists, the Member State concerned shall take all appropriate measures to prohibit the packaging being made available on the market or ensure that it is recalled or withdrawn from the market.	2. Where the non-compliance referred to in paragraph 1, points (a) to (f), persists, the Member State concerned shall take all appropriate measures to prohibit the packaging being made available on the market or ensure that it is recalled or withdrawn from the market.	2. Where the non-compliance referred to in paragraph 1, points (a) to (f), persists, the Member State concerned shall take all appropriate measures to prohibit the packaging being made available on the market or ensure that it is recalled or withdrawn from the market.	
Article 56(3)				
796	3. Where the non-compliance referred to in paragraph 1, points (g) to (k), persists, Member States shall apply the rules on penalties applicable to infringements of this Regulation which are laid down by the Member States in accordance with Article 62.	3. Where the non-compliance referred to in paragraph 1, points (g) to (k), persists, Member States shall apply the rules on penalties applicable to infringements of this Regulation which are laid down by the Member States in accordance with Article 62.	3. Where the non-compliance referred to in paragraph 1, points (g) to (k), persists, Member States shall apply the rules on penalties applicable to infringements of this Regulation which are laid down by the Member States in accordance with Article 62.	
Chapter IX				
797	Chapter IX Green public procurement	Chapter IX Green public procurement	Chapter IX Green public procurement	
Article 57				
798	Article 57 Green public procurement	Article 57 Green public procurement	Article 57 Green public procurement	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 57(1)			
799	1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, shall, when awarding any public contracts for packaging or packaged products or for services using packaging or packaged products in situations covered by those Directives, apply the green public procurement criteria to be developed in delegated acts adopted pursuant to paragraph 3.	1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, shall, when awarding any public contracts for packaging or packaged products or for services using packaging or packaged products in situations covered by those Directives, apply the green public procurement criteria to be developed in delegated acts adopted pursuant to paragraph 3.	1. In order to incentivize the supply and demand for environmentally sustainable packaging, the Commission shall, by ... [OP: please insert the date = 60 months from the date of entry into force of this Regulation], adopt implementing acts specifying minimum mandatory requirements for public contracts falling within the scope of Directive 2014/24/EU for packaging or packaged products or for services using packaging or packaged products or Directive 2014/25/EU, and awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, shall, when awarding any public contracts for packaging or packaged products or for services using packaging or packaged products in situations covered by those Directives, apply the green public procurement criteria to be developed in delegated acts adopted pursuant to in which the packaging or packaged products represent more than 30% of the estimated contract value or of the value of products used by the services object of the contract.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59 paragraph 3.	
Article 57(2)				
800	2. The obligation set out in paragraph 1 shall apply to any procedure for procurement by contracting authorities or contracting entities for the awarding of public contracts for packaging or packaged products or for services using packaging or packaged products, which is initiated 12 months or later after the entry into force of the respective delegated act to be adopted pursuant to paragraph 3.	2. The obligation set out in paragraph 1 shall apply to any procedure for procurement by contracting authorities or contracting entities for the awarding of public contracts for packaging or packaged products or for services using packaging or packaged products, which is initiated 12 months or later after the entry into force of the respective delegated act to be adopted pursuant to paragraph 3.	2. The ~~obligation~~ requirements set out in the implementing acts under paragraph 1 shall apply to ~~any procedure for procurement by contracting authorities or contracting entities~~ procedures for the awarding of public contracts for packaging or packaged products or for services using packaging or packaged products, which is ~~initiated~~ referred to in that paragraph commenced 12 months or later after the date of entry into force of the respective ~~delegated act to be adopted pursuant to paragraph 3.~~ implementing act.	
Article 57(3), first subparagraph				
801	3. The Commission shall, by [OP: please insert the date = 60 months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 58 supplementing this Regulation by establishing minimum mandatory green public procurement criteria based	3. The Commission shall, by [OP: please insert the date = 60 months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 58 supplementing this Regulation by establishing minimum mandatory green public procurement criteria based on the	3. The ~~Commission shall, by [OP: please insert the date = 60 months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 58 supplementing this Regulation by establishing~~ minimum mandatory green public procurement ~~criteria~~ requirements	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the requirements set out in Article 5 to 10 and on the following elements:	requirements set out in Article 5 to 10 and on the following elements:	~~shall~~ based on the requirements set out in ~~Article~~ Articles 5 to 10 and on the following elements:	
Article 57(3), first subparagraph, point (a)				
802	(a) the value and volume of public contracts awarded for packaging or packaged products or for the services or works using packaging or packaged products;	(a) the value and volume of public contracts awarded for packaging or packaged products or for the services or works using packaging or packaged products;	(a) the value and volume of public contracts awarded for packaging or packaged products or for the services or works using packaging or packaged products;	
Article 57(3), first subparagraph, point (b)				
803	(b) the need to ensure sufficient demand for more environmentally sustainable packaging or packaged products;	(b) the need to ensure sufficient demand for more environmentally sustainable packaging or packaged products;	<i>deleted</i>	
Article 57(3), first subparagraph, point (c)				
804	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable packaging or packaged products, without entailing disproportionate costs.	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable packaging or packaged products, without entailing disproportionate costs.	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable packaging or packaged products, without entailing disproportionate costs;	
Article 57(3), first subparagraph, point (ca)				
804				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
a			(ca) the market situation at Union level of the relevant packaging or packaged products;	
Article 57(3), first subparagraph, point (d)				
804 b			(d) the effects of the requirements on competition;	
Article 57(3), first subparagraph, point (e)				
804 c			(e) packaging waste management obligations.	
Article 57(3), first subparagraph a				
804 d			The minimum mandatory green public procurement requirements may take the form of: (i) technical specifications within the meaning of Article 42 of Directive 2014/24/EU and of Article 60 of Directive 2014/25/EU. (ii) selection criteria within the meaning of Article 58 of Directive 2014/24/EU and of Article 80 of Directive 2014/25/EU, or (iii) contract performance conditions within the meaning of Article 70 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive 2014/24/EU and of Article 87 of Directive 2014/25/EU.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 57(3), second subparagraph				
805	Those green public procurement criteria shall be developed in accordance with the principles contained in Directive 2014/24/EU and in Directive 2014/25/EU and with the principle that the packaging to be chosen on the basis of those criteria facilitates the achievement of the objectives of this Regulation.	Those green public procurement criteria shall be developed in accordance with the principles contained in Directive 2014/24/EU and in Directive 2014/25/EU and with the principle that the packaging to be chosen on the basis of those criteria facilitates the achievement of the objectives of this Regulation.	Those minimum mandatory green public procurement ~~criteria~~ requirements shall be developed in accordance with the principles contained in Directive 2014/24/EU and in Directive 2014/25/EU ~~and with the principle that the packaging to be chosen on the basis of those criteria facilitates~~ to facilitate the achievement of the objectives of this Regulation.	
Article 57(4)				
805 a			4. Contracting authorities and contracting entities referred to in paragraph 1 may, in duly justified cases, derogate from the mandatory requirements specified in a implementing act referred to in paragraph 1 on the grounds of public security or public health. Contracting authorities and contracting entities may also, in duly justified cases, derogate from the mandatory requirements, when those would lead to unresolvable technical difficulties.	
Chapter X				
806				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Chapter X Delegated powers and committee procedure	Chapter X Delegated powers and committee procedure	Chapter X Delegated powers and committee procedure	
Article 58				
807	Article 58 Exercise of the delegation	Article 58 Exercise of the delegation	Article 58 Exercise of the delegation	
Article 58(1)				
808	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 58(2)				
809	2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of ten years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical	2. The power to adopt delegated acts referred to in Article 5(5), Article 6(4), Article 6(6), Article ~~7(9)~~ <u>7(7)</u> , Article ~~7(10)~~ <u>7(9)</u> , Article ~~7(11)~~ <u>7(9)</u> , Article 8(5), Article 22(4), Article 26(16), <u>Article 27(4)</u> and Article 57(3) shall be conferred on the Commission for a period of ~~ten~~ <u>five</u> years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for	2. The power to adopt delegated acts referred to in Article 5(5), ~~Article 6(4)~~ , ~~Article 6(6)~~ , Article 7(9), Article 7(10), ~~Article 7(11)~~ , Article ~~8(5)~~ , ~~Article 22(4)~~ <u>22(4)</u> and Article 26(16) and Article 57(3) shall be conferred on the Commission for a period of ~~ten~~ <u>five</u> years from date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.	periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.	duration, unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.	
Article 58(3)				
810	3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 5(5), Article 6(4), Article 6(6), Article ~~7(9), Article 7(10)~~ <u>7(7)</u> , Article ~~7(11)~~ <u>7(9)</u> , Article 8(5), Article 22(4), Article 26(16), <u>Article 27(4)</u> and Article 57(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <u>Official Journal of the European Union</u> ~~Official Journal of the European Union~~ or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 5(5), ~~Article 6(4), Article 6(6),~~ Article 7(9), Article 7(10), Article 7(11), Article 8(5), ~~Article 22(4), 22(4)~~ and Article 26(16) ~~and Article 57(3)~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union ~~Official Journal of the European Union~~ or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 58(4)				
811	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down	4. Before adopting a delegated act, the Commission shall consult <u>the Packaging Forum and</u> experts designated by each Member State in accordance with the	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 58(5)				
812	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 58(6)				
813	6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), Article 7(9), Article 7(10), Article 7(11), Article 8(5), Article 22(4), Article 26(16) and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 5(5), Article 6(4), Article 6(6), Article ~~7(9)~~ , ~~Article 7(10)~~ <u>7(7)</u> , Article ~~7(11)~~ <u>7(9)</u> , Article 8(5), Article 22(4), Article 26(16), <u>Article 27(4)</u> and Article 57(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 5(5), ~~Article 6(4)~~ , ~~Article 6(6)~~ , Article 7(9), Article 7(10), Article ~~7(11)~~ ; ~~Article 8(5)~~ , Article 22(4); and Article 26(16) ~~and Article 57(3)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 59				
814	Article 59 Committee procedure	Article 59 Committee procedure	Article 59 Committee procedure	
Article 59(1)				
815	1. The Commission shall be assisted by the committee referred to in Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the committee referred to in Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the committee referred to in Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 59(2)				
816	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 59(3), first subparagraph				
817	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 59(3), second subparagraph				
818	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act in respect of the	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act in respect of the	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing powers referred to in Article 72, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	implementing powers referred to in Article 72, and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.		
Article 59(4)				
819	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 of that Regulation, shall apply.	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 of that Regulation, shall apply.	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 of that Regulation, shall apply.	
Chapter XI				
820	Chapter XI Amendments	Chapter XI Amendments	Chapter XI Amendments	
Article 60				
821	Article 60 Amendments to Regulation (EU) 2019/1020	Article 60 Amendments to Regulation (EU) 2019/1020	Article 60 Amendments to Regulation (EU) 2019/1020	
Article 60, first paragraph				
822	Regulation (EU) 2019/1020 is amended as follows:	Regulation (EU) 2019/1020 is amended as follows:	Regulation (EU) 2019/1020 is amended as follows:	
Article 60, first paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
823	(a) Annex I is amended as follows:	(a) Annex I is amended as follows:	(a) Annex I is amended as follows:	
Article 60, first paragraph, point (a)(i)				
824	(i) point 9 is deleted;	(i) point 9 is deleted;	<i>deleted</i>	
Article 60, first paragraph, point (a)(ii)				
825	(ii) the following points are added:	(ii) the following points are added:	(ii) the following points are added:	
Article 60, first paragraph, point (a)(ii), amending provision, first paragraph				
826	‘ X [OP Please insert the next consecutive number] Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p.1);	‘ X [OP Please insert the next consecutive number] Directive (EU) 2019/904 of the European ~~Parliament~~ <u>Parliament</u> and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p.1);	‘ ’X [OP Please insert the next consecutive number] ~~X [OP Please insert the next consecutive number]~~ Directive (EU) 2019/904 of the European ~~Parliament~~ Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p.1);	
Article 60, first paragraph, point (a)(ii), amending provision, second paragraph				
827				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	'X [OP Please insert the next consecutive number] Regulation (EU).../... on packaging and packaging waste, amending Regulation (EU) 2019/1020 and repealing Directive 94/62/EC [for the Publications Office to fill in the OJ publication details].	'X [OP Please insert the next consecutive number] Regulation (EU).../... on packaging and packaging waste, amending Regulation (EU) 2019/1020 and repealing ~~Directive~~ Directive 94/62/EC [for the Publications Office to fill in the OJ publication details].	<i>deleted</i>	
<i>Article 60, first paragraph, point (b)</i>				
828	(b) in Annex II, point 8 is deleted.	(b) in Annex II, point 8 is deleted.	(b) in Annex II, point 8 is deleted.	
<i>Article 61</i>				
829	Article 61 Amendments to Directive (EU) 2019/904	Article 61 Amendments to Directive (EU) 2019/904	Article 61 Amendments to Directive (EU) 2019/904	
<i>Article 61, first paragraph</i>				
830	Directive (EU) 2019/904 is amended as follows:	Directive (EU) 2019/904 is amended as follows:	Directive (EU) 2019/904 is amended as follows:	
<i>Article 61, first paragraph, point (-a)</i>				
830 a			(-a) in Article 2(2), the following text is added to the end of the sentence: ‘unless the PPWR expressly provides otherwise.’ Article 22(4a) shall prevail when in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			conflict with Article 4 of Directive (EU) 2019/904 as regards single use plastic packaging listed in Annex V point 3. [Article 26(2) and (3) shall prevail when in conflict with Article 4 of Directive (EU) 2019/904 as regards the use of single use plastic packaging] [Article 26(15a) shall prevail when in conflict with Article 4 of Directive (EU) 2019/904 as regards the use of single use plastic packaging]	
Article 61, first paragraph, point (a)				
831	(a) in Article 6(5), point (b), is deleted;	(a) in Article 6(5), point (b), is deleted;	(a) in Article 6(5), ~~point (b), is~~ points (a) and (b), are deleted as of 1 January 2030;	
Article 61, first paragraph, point (b)				
832	(b) in Article 13(1), point (e), is deleted;	(b) in Article 13(1), point (e), is deleted;	(b) in Article 13(1), point (e), is deleted as of 1 January 2030;	
Article 61, first paragraph, point (c)				
833	(c) Article 13(3) is be replaced by ‘3. The Commission shall review the data and information reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the collection of	(c) Article 13(3) is be replaced by ‘3. The Commission shall review the data and information reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the collection of the data	(c) Article 13(3) is be replaced by ‘3. The Commission shall review the data and information reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the collection of the data and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the data and information, the sources of data and information and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data and information. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data and information by the Member States and every four years thereafter.’	and information, the sources of data and information and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data and information. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data and information by the Member States and every four years thereafter.’	information, the sources of data and information and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data and information. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data and information by the Member States and every four years thereafter.’	
Article 61, first paragraph, point (ca)				
833 a			(d) in Part B of the Annex, paragraphs (7), (8) and (9) are replaced by: ‘(7) Food containers made of expanded (EPS) or extruded (XPS) polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food which: (a) is intended for immediate consumption, either on-the-spot or take-away, (b) is typically consumed from the receptacle, and (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food; (8) Beverage containers made of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			expanded (EPS) or extruded (XPS) polystyrene, including their caps and lids; (9) Cups for beverages made of expanded (EPS) or extruded (XPS) polystyrene, including their covers and lids.'	
Chapter XII				
834	Chapter XII Final provisions	Chapter XII Final provisions	Chapter XII Final provisions	
Article 62				
835	Article 62 Penalties	Article 62 Penalties	Article 62 Penalties	
Article 62(1)				
836	1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an	1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. <u>In accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council^{1a}, Member States shall communicate to the Commission those rules and of those</u>	1. By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation OP: Please insert the date = 24 months after the date of entry into force of this Regulation], Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ~~Failure to comply with the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administrative fine imposed on the relevant economic operator.	<u>measures and, without delay, of any subsequent amendments affecting them.</u> The penalties provided for shall be effective, proportionate and dissuasive. <u>Those penalties may include:</u> <u>(a) fines proportionate to the environmental damage and the value of the relevant products concerned, calculating the level of such fines in such way as to ensure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements;</u> <u>(b) confiscation of revenues gained by the manufacturer, producer, supplier, distributor, importer, authorised representatives, or appointed representatives for extended producer responsibility from a transaction</u> ~~Failure to comply with the requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed~~ <u>relevant products concerned;</u> <u>(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;</u> <u>(d) ^{1a} temporary prohibition from placing or making available on the market, or</u>	~~requirements of Articles 21 to 26 shall be sanctioned by an administrative fine imposed on the relevant economic operator.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>exporting</u> relevant ~~economic~~ ~~operator~~ products, in the event of a serious infringement or of repeated infringements. <u>1a. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</u>		
Article 62(2)				
837	2. Where the legal system of the Member State does not provide for administrative fines, the first paragraph may be applied in such a manner that the fining procedure is initiated by the relevant authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have equivalent effect to the administrative fines referred to in that paragraph. In any event, the fines imposed shall also be effective, proportionate and dissuasive.	2. Where the legal system of the Member State does not provide for administrative fines, the first paragraph may be applied in such a manner that the fining procedure is initiated by the relevant authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have equivalent effect to the administrative fines referred to in that paragraph. In any event, the fines imposed shall also be effective, proportionate and dissuasive.	2. For a failure to comply with the requirements of Articles 21 to 26 the penalties shall include administrative fines. Where the legal system of the Member State does not provide for administrative fines, ~~the first~~ this paragraph may be applied in such a manner that the fining procedure is initiated by the relevant authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have equivalent effect to the administrative fines referred to in ~~that~~ this paragraph. In any event, the fines imposed shall also be effective, proportionate and dissuasive.	
Article 62(3)				
838	3. Member States shall, by [OP: please insert the date = 1 year after the date of	3. Member States shall, by [OP: please insert the date = 1 year after the date of	3. Member States shall, by [OP: please insert the date = 1 year after the date of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	<i>entry into force of this Regulation</i> ~~OP: please insert the date – 1 year after the date of entry into force of this Regulation~~], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	
Article 62a				
838 a		<u>Article 62a</u> <u>Access to Justice</u>		
Article 62a(1)				
838 b		<u>1. Any natural or legal person having a sufficient interest, as determined in accordance with the existing national systems of legal remedies, including where such persons meet the criteria, if any, laid down in the national law, including persons who have submitted a substantiated concern in accordance with Article 62a, shall have access to administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities under this Regulation.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 62a(2)				
838 c		<u>2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and those which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.</u>		
Article 62b				
838 d		<u>Article 62b</u> <u>Request for action</u> <u>1. Natural or legal persons affected or likely to be affected by a breach of this Regulation, or having a sufficient interest in environmental decision-making relating to the breach of this Regulation, shall be entitled to request the competent authorities to take action under this Regulation with respect to such a breach or an imminent threat of such a breach.</u> <u>The interest of any non-governmental organisation promoting environmental protection and meeting the requirements laid down in Article 11 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council shall be deemed</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>sufficient for the purposes of the first subparagraph.</u> <u>2. The request for action shall be accompanied by the relevant information and data supporting that request.</u> <u>3. Where the request for action and the accompanying information and data show in a plausible manner that a breach of this Regulation has occurred, or that there is an imminent threat of such a breach, the competent authorities shall consider any such requests for action and information and data. In such circumstances, the competent authorities shall give the economic operator concerned an opportunity to make its views known with respect to the request for action and the accompanying information and data.</u> <u>4. The competent authorities shall, without delay and in accordance with the relevant provisions of Union law, inform the persons who submitted a request pursuant to paragraph 1, of its decision to accede to or refuse the request for action and shall provide the reasons for it.</u> <u>5. In case the competent authority accedes to the request for action, it shall</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>notify the Commission. The Commission shall assess whether there is a breach of the Regulation beyond the Member State concerned. If it finds that there is a breach beyond the Member State concerned, it shall take adequate action to ensure compliance with the Regulation.</u>		
Article 63				
839	Article 63 Evaluation	Article 63 Evaluation	Article 63 Evaluation	
Article 63, first paragraph				
840	By [OP: Please insert the date = 8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information	By [OP: Please insert the date = 8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. <u>That evaluation shall have a part dedicated to, inter alia, the impact of this Regulation on the agri-food system and on food waste.</u> The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and	By [OP: Please insert the date = 8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessary for the preparation of that report.	Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.		
Article 64				
841	Article 64 Repeal and transitional provisions	Article 64 Repeal and transitional provisions	Article 64 Repeal and transitional provisions	
Article 64, first paragraph				
842	Directive 94/62/EC is repealed with effect from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].	Directive 94/62/EC is repealed with effect from [OP: Please insert the date = 12 months after the date of entry into force of this Regulation].	Directive 94/62/EC is repealed with effect from [OP: Please insert the date = 18 months from the date of entry into force of this Regulation] ~~OP: Please insert the date = 12 months after the date of entry into force of this Regulation].~~	
Article 64, second paragraph				
843	However, the following transitional provisions shall apply:	However, the following transitional provisions shall apply:	However, the following transitional provisions shall apply:	
Article 64, second paragraph, point (a)				
844	(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 42 months after the date	(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = ~~42~~ ³⁰ months after the ~~date of~~	(a) Article 8(2) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = 42 months from the date of entry	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of entry into force of this Regulation];	entry into force of ~~this Regulation~~ <u>the implementing act referred to in Article 11(5)</u>];	into force of this Regulation OP: Please insert the date – 42 months after the date of entry into force of this Regulation];	
Article 64, second paragraph, point (aa)				
844 a		<u>(aa) Article 9(1) and (2) of Directive 94/62/EC shall continue to apply with regard to the essential requirements pursuant to Annex II, point 1, first indent until 31 December 2029;</u>		
Article 64, second paragraph, point (b)				
845	(b) Article 5(2) and (3), Article 6(1), points (d) and (e), and Article 6a of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 36 months after the data entry into force of this Regulation];	(b) Article 5(2) and (3), Article 6(1), points (d) and (e), and Article 6a of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 36 months after the data entry into force of this Regulation];	(b) Article 5(2) and (3), Article 6(1), points (d) and (e), and Article 6a of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 36 months from the date of entry into force of this Regulation OP: Please insert the date = the last day of the calendar year following 36 months after the data entry into force of this Regulation];	
Article 64, second paragraph, point (c)				
846	(c) Articles 12(3a), (3b), (3c) and (4) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date =	(c) Articles 12(3a), (3b), (3c) and (4) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = the last	(c) Articles 12(3a), (3b), (3c) and (4) of Directive 94/62/EC shall continue to apply until [OP: Please insert the date = the last	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the last day of the calendar year following 36 months after the date entry into force of this Regulation], except as regards the transmission of data to the Commission which shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 54 months after the date entry into force of this Regulation].	day of the calendar year following 36 months after the date entry into force of this Regulation], except as regards the transmission of data to the Commission which shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 54 months after the date entry into force of this Regulation].	day of the same calendar year in which the period of ~~following 36 months after~~ from the date of entry into force ~~of this Regulation ends~~], except as regards the transmission of data to the Commission which shall continue to apply until [OP: Please insert the date = the last day of the calendar year following 54 months ~~after~~ from the date of entry into force of this Regulation].	
Article 64, second paragraph, point (ca)				
846 a			(ca) Decisions 2001/171/EC and 2009/292/EC shall remain in force and continue to apply until repealed by delegated acts adopted by the Commission pursuant to Article 5(5a) of this Regulation.	
Article 64, second paragraph, point (cb)				
846 b			(cb) Member States may maintain national provisions restricting the placing on the market of packaging in the formats and for the purposes listed in points 2 and 3 of Annex V until [OP, please insert the date = 3 years after the entry into force of the Regulation]. Article 4(4) shall not apply in relation to national measures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			maintained by virtue of this paragraph until [OP, please insert the date = 3 years after the entry into force of the Regulation].	
Article 64, third paragraph				
847	References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.	References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.	References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XIII.	
Article 65				
848	Article 65 Entry into force and application	Article 65 Entry into force and application	Article 65 Entry into force and application	
Article 65, first paragraph				
849	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 65, second paragraph				
850	It shall apply from [OP: Please insert the date = 12 months after the date of entry	It shall apply from [OP: Please insert the date = 12 months after the date of entry into	It shall apply from [OP: Please insert the date = 18 months from the date of entry	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into force of this Regulation].	force of this Regulation].	<i>into force of this Regulation</i> ~~OP: Please insert the date – 12 months after the date of entry into force of this Regulation].~~ However, Article 61, point (d), shall apply from [OP: Please insert the date = 48 months from the date of entry into force of this Regulation]	
Article 65, third paragraph				
851	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
852	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
853	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
854	The President	The President	The President	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
855	For the Council	For the Council	For the Council	
Formula				
856	The President	The President	The President	
Annex I				
857	Annex I AN INDICATIVE LIST OF ITEMS IN THE SCOPE OF THE DEFINITION OF PACKAGING IN ARTICLE 3(1)	Annex I AN INDICATIVE LIST OF ITEMS IN THE SCOPE OF THE DEFINITION OF PACKAGING IN ARTICLE 3(1)	Annex I ~~AN~~ INDICATIVE LIST OF ITEMS IN THE SCOPE OF THE DEFINITION OF PACKAGING IN ARTICLE 3(1)	
Annex I, first paragraph				
858	Items covered by Article 3(1)(a)	Items covered by Article 3(1)(a)	Items covered by Article 3(1)(a)	
Annex I, second paragraph				
859	Packaging	Packaging	Packaging	
Annex I, third paragraph				
860	Sweet boxes	Sweet boxes	Sweet boxes	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, fourth paragraph				
861	Film overwrap around a CD case	Film overwrap around a CD case	Film overwrap around a CD case	
Annex I, fifth paragraph				
862	Mailing pouches for catalogues and magazines (with a magazine inside)	Mailing pouches for catalogues and magazines (with a magazine inside)	Mailing pouches for catalogues and magazines (with a magazine inside)	
Annex I, sixth paragraph				
863	Cake doilies sold with a cake	Cake doilies sold with a cake	Cake doilies sold with a cake	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, seventh paragraph				
864	Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit	Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit	Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit	
Annex I, eighth paragraph				
865	Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time	~~Flower pots intended to be used only for the selling and transporting of~~ <u>Transport trays and carry packs for flower and</u> plants ~~and not pots~~ intended to ~~stay with the plant throughout its life time~~ <u>be used only for selling and transporting</u>	Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time	
Annex I, ninth paragraph				
866	Glass bottles for injection solutions	Glass bottles for injection solutions	Glass bottles for injection solutions	
Annex I, tenth paragraph				
867	CD spindles (sold with CDs, not intended to be used as storage)	CD spindles (sold with CDs, not intended to be used as storage)	CD spindles (sold with CDs, not intended to be used as storage)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, eleventh paragraph				
868	Clothes hangers (sold with a clothing item)	Clothes hangers (sold with a clothing item)	Clothes hangers (sold with a clothing item)	
Annex I, twelfth paragraph				
869	Matchboxes	Matchboxes	Matchboxes	
Annex I, thirteenth paragraph				
870	Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)	Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)	Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)	
Annex I, fourteenth paragraph				
871	Beverage system capsules (e.g. coffee, cacao, milk)	<u>Tea or coffee bags and pads</u> , beverage system capsules (e.g. ~~coffee, cacao, milk~~ <u>single-serve units for tea or coffee</u>)	deleted	
Annex I, fifteenth paragraph				
872	Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers	Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers	Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, sixteenth paragraph				
873	Tea and coffee foil pouches	Tea and coffee foil pouches	Tea and coffee foil pouches	
Annex I, sixteenth paragraph a				
873 a		<u><i>Boxes used for toothpaste tubes</i></u>		
Annex I, seventeenth paragraph				
874	Non-packaging	Non-packaging	Non-packaging	
Annex I, eighteenth paragraph				
875	Flower pots intended to stay with the plant throughout its life time	Flower pots intended to stay with the plant throughout its life time	Flower pots intended to stay with the plant throughout its life time	
Annex I, nineteenth paragraph				
876	Tool boxes	Tool boxes	Tool boxes	
Annex I, twentieth paragraph				
877	Wax layers around cheese	Wax layers around cheese	Wax layers around cheese	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, twenty-first paragraph				
878	Sausage casing skins	Sausage casing skins	Sausage casing skins	
Annex I, twenty-second paragraph				
879	Clothes hangers (sold separately)	Clothes hangers (sold separately)	Clothes hangers (sold separately)	
Annex I, twenty-third paragraph				
880	Cartridges for printers	Cartridges for printers	Cartridges for printers	
Annex I, twenty-fourth paragraph				
881	CD, DVD and video cases (sold together with a CD, DVD or video inside)	CD, DVD and video cases (sold together with a CD, DVD or video inside)	CD, DVD and video cases (sold together with a CD, DVD or video inside)	
Annex I, twenty-fifth paragraph				
882	CD spindles (sold empty, intended to be used as storage)	CD spindles (sold empty, intended to be used as storage)	CD spindles (sold empty, intended to be used as storage)	
Annex I, twenty-sixth paragraph				
883	Soluble bags for detergents	Soluble bags for detergents	Soluble bags for detergents	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, twenty-seventh paragraph				
884	Grave side lights (containers for candles)	Grave side lights (containers for candles)	Grave side lights (containers for candles)	
Annex I, twenty-eighth paragraph				
885	Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)	Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)	Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)	
Annex I, twenty-ninth paragraph				
886	Items covered by Article 3(1)(d-e)	Items covered by Article 3(1)(d-e)	Items covered by Article 3(1)(d-e)	
Annex I, thirtieth paragraph				
887	Packaging, if designed and intended to be filled at the point of sale	Packaging, if designed and intended to be filled at the point of sale	Packaging, if designed and intended to be filled at the point of sale	
Annex I, thirty-first paragraph				
888	Paper or plastic carrier bags	Paper or plastic carrier bags	Paper or plastic carrier bags	
Annex I, thirty-second paragraph				
889	Disposable plates and cups	Disposable plates and cups	Disposable plates and cups	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, thirty-third paragraph				
890	Cling film	Cling film	Cling film	
Annex I, thirty-fourth paragraph				
891	Sandwich bags	Sandwich bags	Sandwich bags	
Annex I, thirty-fifth paragraph				
892	Aluminium foil	Aluminium foil	Aluminium foil	
Annex I, thirty-sixth paragraph				
893	Plastic foil for cleaned clothes in laundries	Plastic foil for cleaned clothes in laundries	Plastic foil for cleaned clothes in laundries	
Annex I, thirty-seventh paragraph				
894	Non-packaging	Non-packaging	Non-packaging	
Annex I, thirty-eighth paragraph				
895	Stirrer	Stirrer	Stirrer	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, thirty-ninth paragraph				
896	Disposable cutlery	Disposable cutlery	Disposable cutlery	
Annex I, fortieth paragraph				
897	Wrapping paper (sold separately to consumers and business operators)	Wrapping paper (sold separately to consumers and business operators)	Wrapping paper (sold separately to consumers and business operators)	
Annex I, forty-first paragraph				
898	Paper baking cases (sold empty)	Paper baking cases (sold empty)	Paper baking cases (sold empty)	
Annex I, forty-second paragraph				
899	Cake doilies sold without a cake	Cake doilies sold without a cake	Cake doilies sold without a cake	
Annex I, forty-second paragraph a				
899 a			Disposable plates and cups not intended to be filled at the point of sale	
Annex I, forty-third paragraph				
900	Items covered by Article 3(1)(b-c)	Items covered by Article 3(1)(b-c)	Items covered by Article 3(1)(b-c)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, forty-fourth paragraph				
901	Packaging	Packaging	Packaging	
Annex I, forty-fifth paragraph				
902	Labels hung directly on or attached to a product including sticky labels attached to fruits and vegetables	Labels hung directly on or attached to a product including sticky labels attached to fruits and vegetables	Labels hung directly on or attached to a product including sticky labels attached to fruits and vegetables	
Annex I, forty-sixth paragraph				
903	Part of packaging	Part of packaging	<i>deleted</i>	
Annex I, forty-seventh paragraph				
904	Mascara brush which forms part of the container closure	Mascara brush which forms part of the container closure	Mascara brush which forms part of the container closure	
Annex I, forty-eighth paragraph				
905	Sticky labels attached to another packaging item	Sticky labels attached to another packaging item	Sticky labels attached to another packaging item	
Annex I, forty-ninth paragraph				
906	Staples	Staples	Staples	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, fiftieth paragraph				
907	Plastic sleeves	Plastic sleeves	Plastic sleeves	
Annex I, fifty-first paragraph				
908	Device for measuring dosage, which forms part of the container closure for detergents	Device for measuring dosage, which forms part of the container closure for detergents	Device for measuring dosage, which forms part of the container closure for detergents	
Annex I, fifty-second paragraph				
909	Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)	Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)	Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)	
Annex I, fifty-third paragraph				
910	Non-packaging	Non-packaging	Non-packaging	
Annex I, fifty-fourth paragraph				
911	Radio frequency identification (RFID) tags	Radio frequency identification (RFID) tags	Radio frequency identification (RFID) tags	
Annex I, fifty-fourth paragraph a				
911 a			Items covered by Article 3 (1)(f)-(g)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, fifty-fifth paragraph				
911 b			Packaging	
Annex I, fifty-sixth paragraph				
911 c			Tea and coffee foil pouches	
Annex I, fifty-seventh paragraph				
911 d			Tea bags	
Annex I, fifty-eighth paragraph				
911 e			Beverage system capsules (e.g. coffee, cacao, milk)	
Annex I, fifty-fourth paragraph a				
911 f		<u>Tyre labelling stickers (EU 2020/740)</u>		
Annex III				
912	Annex III COMPOSTABLE PACKAGING	Annex III COMPOSTABLE PACKAGING	Annex III COMPOSTABLE PACKAGING	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex III, first paragraph				
913	Conditions to be considered when mandating the use of compostable packaging format:	Conditions to be considered when mandating <u>or introducing</u> the use of compostable packaging format:	Conditions to be considered when mandating the use of compostable packaging format:	
Annex III, first paragraph, point (a)				
914	(a) it could not have been designed as reusable packaging or the products could not be placed on the market without packaging;	(a) it could not have been designed as reusable packaging or the products could not be placed on the market without packaging;	(a) it could not have been designed as reusable packaging or the products could not be placed on the market without packaging;	
Annex III, first paragraph, point (b)				
915	(b) it is designed to enter the organic waste stream at the end of its life;	(b) it is designed to enter the organic waste stream at the end of its life;	(b) it is designed to enter the organic waste stream at the end of its life;	
Annex III, first paragraph, point (c)				
916	(c) it is of biodegradable nature allowing the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or methane, in the absence of oxygen, mineral salts, biomass and water,	(c) it is of <u>such</u> biodegradable nature ~~allowing~~ <u>that it allows</u> the packaging to undergo physical, chemical, thermal or biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide ~~or methane,~~ <u>in the absence of oxygen and water, new microbial biomass,</u> mineral salts, ~~biomass and water~~ <u>and, in the absence of oxygen,</u>	(c) it is of such biodegradable nature ~~allowing~~ <u>that it allows</u> the packaging to undergo ~~physical, chemical, thermal or~~ biological decomposition, including anaerobic digestion, resulting ultimately in conversion into carbon dioxide or methane, in the absence of oxygen, mineral salts, biomass and water,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>methane,</u>		
Annex III, first paragraph, point (d)				
917	(d) its use significantly increases the collection of organic waste compared to the use of non-compostable packaging materials;	(d) its use significantly increases the collection of organic waste compared to the use of non-compostable packaging materials;	(d) its use significantly increases the collection of organic waste compared to the use of non-compostable packaging materials;	
Annex III, first paragraph, point (e)				
918	(e) its use significantly reduces the contamination of compost with non-compostable packaging; and	(e) its use significantly reduces the contamination of compost with non-compostable packaging; and <u>does not cause any problems in bio-waste processing;</u>	(e) its use significantly reduces the contamination of compost with non-compostable packaging; and	
Annex III, first paragraph, point (f)				
919	(f) its use does not increase the contamination of non-compostable packaging waste streams.	(f) its use does not increase the contamination of non-compostable packaging waste streams.	(f) its use does not increase the contamination of non-compostable packaging waste streams.	
Annex IV				
920	Annex IV METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT	Annex IV METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT	Annex IV METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT	
Annex IV, Part I				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
921	Part I PART I	Part I PART I	Part I PART I	
Annex IV, first paragraph				
922	Performance criteria	Performance criteria	Performance criteria	
Annex IV, point 1.				
923	1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.	1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality. <u>Protection measures may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.</u>	1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, moisture loss, oxidation , light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.	
Annex IV, point 2.				
924	2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.	2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.	2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes. The packaging manufacturing	

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			processes may determine packaging design elements such as the shape of a container, thickness tolerances, size, feasibility of tooling, specifications minimising waste in manufacturing. The processes operated by manufacturer of products may also require certain design elements of packaging, such as impact and stress resistance, mechanical strength, packing line speed and efficiency, stability in conveying, heat resistance, effective closing, minimum headspace, hygiene.	
Annex IV, point 3.				
925	3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.	3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.	3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product. Requirements may consist of dimensional co-ordination for optimum space utilisation, compatibility with palletizing and de-palletizing systems, handling and warehousing system, packaging system integrity during transport and handling.	
Annex IV, point 3a.				
925 a		<u>3a. Packaging functionality: the packaging design shall ensure its</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>functionality, including criteria for consumers' products acceptance. Design elements required to indicate distinctive product recognition, intellectual property rights or geographical indications of origin under Union legislation shall be respected.</u>		
Annex IV, point 4.				
926	4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.	4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.	4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers. Requirements may consist of providing product information, instructions for storage, application and use, bar codes, best before date, etc.	
Annex IV, point 5.				
927	5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.	5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.	5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal. Requirements may consist of: safe handling design, child resistance, tamper evidence, hazard warnings, clear identification of content, safe opening	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			device, pressure release closure, etc.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, point 6.				
928	6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.	6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation <u>including the protection of geographical indications under Union legislation or legal protection under intellectual property rights.</u>	6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.	
Annex IV, point 7.				
929	7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation.	7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation.	7. Recycled content, recyclability and re-use: The packaging design shall ensure reusability , recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation. This means that the packaging weight or volume may have to be increased, beyond what would otherwise be possible under the other performance factors in order to enable for e.g. a higher number of trips / rotations, to facilitate inclusion of recycled content or to enhance recyclability (e.g., when moving to a mono- material or PCR Post Consumer Recycled content).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Part II				
930	Part II PART II	Part II PART II	Part II PART II	
Annex IV, second paragraph				
931	Assessment methodology and determination of the minimum packaging volume and weight	Assessment methodology and determination of the minimum packaging volume and weight	Assessment methodology and determination of the minimum packaging volume and weight	
Annex IV, third paragraph				
932	The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:	The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:	The assessment of the minimum packaging volume and weight necessary to ensure the packaging functionality as described in Article 3(1) of the Regulation shall be explained in the technical documentation and shall include at least:	
Annex IV, third paragraph, point (-a)				
932 a	(b) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented; Moved reference text		~~(b)~~ (-a) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented; Moved from row 934 [934 - 932a]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, third paragraph, point (a)				
933	(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. It shall not be sufficient to substitute one packaging material with another;	(a) for each performance criterion as listed in Part I, a list of design requirements which prevent further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. It shall not be sufficient to substitute one packaging material with another;	(a) for each performance criterion as listed in Part I, ~~a list of design requirements~~ a description shall be made which ~~prevent~~ explains the design requirement that prevents further reduction of the packaging weight or volume without endangering the packaging functionality, including safety and hygiene, for the packaged product, packaging and user. The method used for the identification of these design requirements shall be described, and the reasons preventing further reduction of the packaging weight or volume shall be explained. All reduction opportunities with a given packaging material shall be investigated. It shall not be sufficient to substitute one packaging material with another;	
Annex IV, third paragraph, point (b)				
934	(b) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented;	(b) the description of the outcome of the assessment, including the details of the calculation of the minimum necessary weight and volume for the packaging. Possible variations between production batches for a same packaging shall be taken into account and documented;	Moved to row 932a [934 - 932a]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, third paragraph, point (c)				
935	(c) any test results, market research or studies that have been used for the assessment conducted under points (a) and (b).	(c) any test results, market research or studies that have been used for the assessment conducted under points (a) and (b).	(c) any test results, market research or studies that have been used for the assessment conducted under points ~~(a) and (b)~~ (aa) and (ab) .	
Annex VI				
936	Annex VI REQUIREMENTS SPECIFIC TO THE SYSTEMS FOR RE-USE AND REFILL STATIONS	Annex VI REQUIREMENTS SPECIFIC TO THE SYSTEMS FOR RE-USE AND REFILL STATIONS	Annex VI REQUIREMENTS SPECIFIC TO THE SYSTEMS FOR RE-USE AND REFILL STATIONS	
Annex VI, first paragraph				
937	For the purposes of this Annex, the following definitions shall apply:	For the purposes of this Annex, the following definitions shall apply:	For the purposes of this Annex, the following definitions shall apply:	
Annex VI, first paragraph, point (-a)				
937 a			(-a) ‘Governance guidelines’ is the description of the governance structure of a re-use system, defining the role of system participants, ownership and any foreseen transfer of ownership of packaging, as well as other relevant governance elements of the re-use system as defined in this Annex;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, first paragraph, point (a)				
938	(a) ‘closed loop system’ shall mean a system for re-use in which reusable packaging is circulated by a system operator or a co-operating group of system participants without the change of the ownership of packaging;	(a) ‘closed loop system’ shall mean a system for re-use in which reusable packaging is circulated by a system operator or a co-operating group of system participants without the change of the ownership of packaging;	(a) ‘closed loop system’ shall mean a system for re-use in which reusable packaging is circulated by a system operator or a co-operating group of system participants without the change of the ownership of packaging;	
Annex VI, first paragraph, point (b)				
939	(b) ‘open loop system’ shall mean a system for re-use in which reusable packaging circulates amongst unspecified number of system participants, and the ownership of the packaging changes at one or more points in the re-use process;	(b) ‘open loop system’ shall mean a system for re-use in which reusable packaging circulates amongst unspecified number of system participants, and the ownership of the packaging changes at one or more points in the re-use process;	(b) ‘open loop system’ shall mean a system for re-use in which reusable packaging circulates amongst unspecified number of system participants, and the ownership of the packaging changes at one or more points in the re-use process;	
Annex VI, first paragraph, point (c)				
940	(c) ‘system operator’ shall mean any natural or legal person being a system participant, who manages a system for re-use;	(c) ‘system operator’ shall mean any natural or legal person being a system participant, who manages a system for re-use;	(c) ‘system operator’ shall mean any natural or legal person being a system participant, who manages a system for re-use;	
Annex VI, first paragraph, point (d)				
941				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) 'system participants' shall mean any natural or legal person, who participates in the system for re-use and performs at least one of the following actions: collects the packaging either from end users or from other system participants, reconditions it, distributes it among system participants, transports it, fills it with products, packs it, or offers it to end users. System for re-use can comprise one or more participants performing these actions.	(d) 'system participants' shall mean any natural or legal person, who participates in the system for re-use and performs at least one of the following actions: collects the packaging either from end users or from other system participants, reconditions it, distributes it among system participants, transports it, fills it with products, packs it, or offers it to end users. System for re-use can comprise one or more participants performing these actions.	(d) 'system participants' shall mean any natural or legal person, who participates in the system for re-use and performs at least one of the following actions: collects the packaging either from end users or from other system participants, reconditions it, distributes it among system participants, transports it, fills it with products, packs it, or offers it to end users. System for re-use can comprise one or more participants performing these actions.	
Annex VI, Part I				
942	Part I Part A	Part I Part A	Part I Part A	
Annex VI, second paragraph				
943	Requirements for systems for re-use	Requirements for systems for re-use	Requirements for systems for re-use	
Annex VI, third paragraph				
944	General requirements for systems for re-use	General requirements for systems for re-use	General requirements for systems for re-use	
Annex VI, fourth paragraph				
945	The following requirements apply for all	The following requirements apply for all	The following requirements apply for all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	systems for re-use and shall be simultaneously satisfied:	systems for re-use and shall be simultaneously satisfied:	systems for re-use and shall be simultaneously satisfied:	
Annex VI, fourth paragraph, point (a)				
946	(a) The system has a clearly defined governance structure;	(a) The system has a clearly defined governance structure;	(a) The system has a clearly defined governance structure as described in the guidelines ;	
Annex VI, fourth paragraph, point (b)				
947	(b) the governance structure ensures that the re-use targets and any other objectives of the system can be met;	(b) the governance structure ensures that the re-use targets and any other objectives of the system can be met;	(b) the governance structure ensures that the objectives of the system in the governance guidelines ~~re-use targets and any other objectives of the system~~ can be met;	
Annex VI, fourth paragraph, point (c)				
948	(c) the governance structure allows for equal access and fair conditions of all economic operators wishing to become a part of the system;	(c) the governance structure allows for equal access and fair conditions of all economic operators wishing to become a part of the system;	(c) the governance structure allows for equal access and fair conditions of all economic operators wishing to become a part of the system;	
Annex VI, fourth paragraph, point (d)				
949	(d) the governance structure allows for equal access and fair conditions for all end-users;	(d) the governance structure allows for equal access and fair conditions for all end-users;	(d) the governance structure allows for equal access and fair conditions for all end-users;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, fourth paragraph, point (da)				
949 a			(da) The system is designed to ensure that reusable packaging rotating within it completes at least the minimum intended number of rotations as referred to in Article 10.	
Annex VI, fourth paragraph, point (e)				
950	(e) the system has rules defining its functioning, including requirements for packaging use, accepted by all system participants, and which should specify:	(e) the system has rules defining its functioning, including requirements for packaging use, accepted by all system participants, and which should specify:	(e) the system has rules defining its functioning, including requirements for packaging use, accepted by all system participants, and which should specify:	
Annex VI, fourth paragraph, point (e)(i)				
951	(i) types and design of packaging allowed to circulate in the system;	(i) types and design of packaging allowed to circulate in the system;	(i) types and design of packaging allowed to circulate in the system;	
Annex VI, fourth paragraph, point (e)(ii)				
952	(ii) description of products intended to be used, filled or transported through the system;	(ii) description of products intended to be used, filled or transported through the system;	(ii) description of products intended to be used, filled or transported through the system;	
Annex VI, fourth paragraph, point (e)(iii)				
953	(iii) terms and conditions for proper	(iii) terms and conditions for proper	(iii) terms and conditions for proper	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	handling and packaging use;	handling and packaging use;	handling and packaging use;	
Annex VI, fourth paragraph, point (e)(iv)				
954	(iv) detailed requirements for packaging reconditioning;	(iv) detailed requirements for packaging reconditioning;	(iv) detailed requirements for packaging reconditioning;	
Annex VI, fourth paragraph, point (e)(v)				
955	(v) requirements for packaging collection;	(v) requirements for packaging collection;	(v) requirements for packaging collection;	
Annex VI, fourth paragraph, point (e)(vi)				
956	(vi) requirements for packaging storage;	(vi) requirements for packaging storage;	(vi) requirements for packaging storage;	
Annex VI, fourth paragraph, point (e)(vii)				
957	(vii) requirements for packaging filling or uploading;	(vii) requirements for packaging filling or uploading;	(vii) requirements for packaging filling or uploading;	
Annex VI, fourth paragraph, point (e)(viii)				
958	(viii) rules to ensure the effective and efficient collection of reusable packaging, including incentives on end users to return the packaging to the collection points or	(viii) rules to ensure the effective and efficient collection of reusable packaging, including incentives on end users to return the packaging to the collection points or	(viii) rules to ensure the effective and efficient collection of reusable packaging, including incentives on end users to return the packaging to the collection points or	

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	grouped collection system;	grouped collection system;	grouped collection system, e.g. by using a deposit refund system or a library model;	
Annex VI, fourth paragraph, point (e)(ix)				
959	(ix) rules to ensure equal and fair access to the reuse system including vulnerable end-users;	(ix) rules to ensure equal and fair access to the reuse system including vulnerable end-users;	(ix) rules to ensure equal and fair access to the reuse system including vulnerable end-users;	
Annex VI, fourth paragraph, point (f)				
960	(f) the system operator of the system controls the proper functioning of the system and verifies whether the re-use is properly enabled;	(f) the system operator of the system controls the proper functioning of the system and verifies whether the re-use is properly enabled;	(f) the system operator of the system controls the proper functioning of the system and verifies whether the re-use is properly enabled;	
Annex VI, fourth paragraph, point (g)				
961	(g) the system has reporting rules, allowing to access data on number of fillings or re-uses, and rejects, collection rate, units of sales or equivalent units;	(g) the system has reporting rules, allowing to access data on number of fillings or re-uses, and rejects, collection rate, units of sales or equivalent units;	(g) the system has reporting rules, allowing to access data on number of fillings or re-uses i.e. rotations per category , and rejects, collection rate i.e. return rates , units of sales or equivalent units, including the material and per category, or an average estimation if the calculation is not feasible, and number of units of reusable or refillable packaging added to the system, number of units of packaging that have been handled by the end-of-life plan;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex VI, fourth paragraph, point (h)			
962	(h) design of the packaging is laid down in accordance with mutually agreed specifications or standards;	(h) design of the packaging is laid down in accordance with mutually agreed specifications or standards;	(h) design of the packaging is laid down in accordance with mutually agreed specifications or standards;	
	Annex VI, fourth paragraph, point (i)			
963	(i) the system ensures a fair distribution of costs and benefits for all system participants.	(i) the system ensures a fair distribution of costs and benefits for all system participants.	(i) the system ensures a fair distribution of costs and benefits for all system participants.	
	Annex VI, fourth paragraph, point (ia)			
963 a			(j) the system ensures the implementation of the Extended Producer Responsibility obligations for reusable packaging used in the system and that has become waste.	
	Annex VI, fourth paragraph a			
963 b		<u>Open loop systems established prior to the entry into force of this Regulation shall be exempted from the requirements under Part A, 1. (a), (b), (c), (d), (f) and (g).</u>	The open loop systems which do not have a system operator, are exempted from part A, points (b), (f) (g) and (i).	
	Annex VI, fifth paragraph			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
964	Requirements for closed loop systems	Requirements for closed loop systems	Requirements for closed loop systems	
Annex VI, sixth paragraph				
965	In addition to the general requirements under point 1, the following requirements shall be simultaneously satisfied:	In addition to the general requirements under point 1, the following requirements shall be simultaneously satisfied:	In addition to the general requirements under point 1, the following requirements shall be simultaneously satisfied:	
Annex VI, sixth paragraph, point (a)				
966	(a) The system has reverse logistics facilitating transfer of the packaging from the users or the end users back to the system participants;	(a) The system has reverse logistics facilitating transfer of the packaging from the users or the end users back to the system participants;	(a) The system has reverse logistics facilitating transfer of the packaging from the users or the end users back to the system participants;	
Annex VI, sixth paragraph, point (b)				
967	(b) the system ensures the collection, reconditioning and redistribution of packaging;	(b) the system ensures the collection, reconditioning and redistribution of packaging;	(b) the system ensures the collection, reconditioning and redistribution of packaging;	
Annex VI, sixth paragraph, point (c)				
968	(c) system participants are obliged to take the packaging back from the collection point if it has been used, collected and	(c) system participants are obliged to take the packaging back from the collection point if it has been used, collected and	(c) system participants are obliged to take the packaging back from the collection point if it has been used, collected and stored in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	stored in accordance with the system rules;	stored in accordance with the system rules;	accordance with the system rules;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, seventh paragraph				
969	Requirements for open loop systems	Requirements for open loop systems	Requirements for open loop systems	
Annex VI, eighth paragraph				
970	In addition to the general requirements under point 1, the following requirements must be simultaneously satisfied:	In addition to the general requirements under point 1, the following requirements must be simultaneously satisfied:	In addition to the general requirements under point 1, the following requirements must be simultaneously satisfied:	
Annex VI, eighth paragraph, point (a)				
971	(a) After packaging is used, the system participant decides whether to re-use the packaging or to pass it to another system participant for re-use;	(a) After packaging is used, the system participant decides whether to re-use the packaging or to pass it to another system participant for re-use;	(a) After packaging is used, the system participant decides whether to re-use the packaging or to pass it to another system participant for re-use;	
Annex VI, eighth paragraph, point (b)				
972	(b) the system ensures that the collection, reconditioning and redistribution of packaging are in place and are generally available;	(b) the system ensures that the collection, reconditioning and redistribution of packaging are in place and are generally available;	(b) the system ensures that the collection, reconditioning and redistribution of packaging are in place and are generally available;	
Annex VI, eighth paragraph, point (c)				
973	(c) reconditioning meeting the requirements under Part B of this Annex is part of the system.	(c) reconditioning meeting the requirements under Part B of this Annex is part of the system.	(c) reconditioning meeting the requirements under Part B of this Annex is part of the system.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, Part II				
974	Part II Part B	Part II Part B	Part II Part B	
Annex VI, ninth paragraph				
975	Reconditioning	Reconditioning	Reconditioning	
Annex VI, point 1.				
976	1. The reconditioning process shall not create risks to the health and safety of those responsible for doing so and strive to reduce its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials.	1. The reconditioning process shall not create risks to the health and safety of those responsible for doing so and ~~strive to reduce~~ <u>minimize</u> its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials, <u>waste and industrial emissions</u> .	1. The reconditioning process shall not create risks to the health and safety of those responsible for doing so and strive to reduce its impact on the environment. It shall be operated in accordance with applicable legislation on contact sensitive materials.	
Annex VI, point 2.				
977	2. Reconditioning shall cover the following operations adapted to the reusable packaging format and its intended use:	2. Reconditioning shall cover the following operations adapted to the reusable packaging format and its intended use:	2. Reconditioning shall cover the following operations adapted to the reusable packaging format and its intended use:	
Annex VI, point 2.(a)				
978	(a) assessment of condition of packaging;	(a) assessment of condition of packaging;	(a) assessment of condition of packaging;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, point 2.(b)				
979	(b) removal of damaged or non-reusable components;	(b) removal of damaged or non-reusable components;	(b) removal of damaged or non-reusable components;	
Annex VI, point 2.(c)				
980	(c) conveyance of removed components to an appropriate recovery process;	(c) conveyance of removed components to an appropriate recovery process;	(c) conveyance of removed components to an appropriate recovery process;	
Annex VI, point 2.(d)				
981	(d) cleaning and washing according to required hygiene conditions;	(d) cleaning and washing according to required hygiene conditions;	(d) cleaning and washing according to required hygiene conditions;	
Annex VI, point 2.(e)				
982	(e) reparation of packaging;	(e) reparation of packaging;	(e) reparation of packaging;	
Annex VI, point 2.(f)				
983	(f) inspection and assessment of fitness-for-purpose.	(f) inspection and assessment of fitness-for-purpose.	(f) inspection and assessment of fitness-for-purpose.	
Annex VI, point 3.				
984	3. Where necessary, cleaning and washing processes should be applied at	3. Where necessary, cleaning and washing processes should be applied at different	3. Where necessary, cleaning and washing processes should be applied at different	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	different stages of the reconditioning and repeated.	stages of the reconditioning and repeated.	stages of the reconditioning and repeated.	
Annex VI, point 4.				
985	4. The reconditioned product shall meet health and safety requirements applicable to it.	4. The reconditioned product shall meet health and safety requirements applicable to it.	4. The reconditioned product shall meet health and safety requirements applicable to it.	
Annex VI, Part III				
986	Part III Part C	Part III Part C	Part III Part C	
Annex VI, tenth paragraph				
987	Requirements for refill	Requirements for refill	Requirements for refill	
Annex VI, eleventh paragraph				
988	As regard refill stations shall fulfil the following requirements:	As regard refill stations shall fulfil the following requirements:	~~As regard~~ Refill stations shall fulfil the following requirements requirement:	
Annex VI, eleventh paragraph, point (a)				
989	(a) contain a clear and precise information on:	(a) contain a clear and precise information on:	(a) contain a clear and precise information on:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, eleventh paragraph, point (a)(i)				
990	(i) hygiene standards that the end user's container has to meet in order to be allowed to use the refill station;	(i) hygiene standards that the end user's container has to meet in order to be allowed to use the refill station;	(i) hygiene standards that the end user's container has to meet in order to be allowed to use the refill station;	
Annex VI, eleventh paragraph, point (a)(ii)				
991	(ii) information about the end user's responsibility to maintain the hygiene standards;	(ii) information about the end user's responsibility to maintain the hygiene standards;	<i>deleted</i>	
Annex VI, eleventh paragraph, point (a)(iii)				
992	(iii) types and features of containers that can be used to purchase products through refill;	(iii) types and features of containers that can be used to purchase products through refill;	(iii) types and features of containers that can be used to purchase products through refill;	
Annex VI, eleventh paragraph, point (a)(iv)				
992 a			(iv) contact details of the final distributor to ensure compliance with hygiene standards set out in applicable law.	
Annex VI, eleventh paragraph, point (b)				
993	(b) contain a weighing device allowing the end user's container to be weighed;	(b) contain a ~~weighing~~ <u>measuring</u> device allowing the end user's ~~container to be weighed;~~ <u>to know the exact quantity</u>	(b) contain a weighing device allowing the end user's container to be weighed or provide similar means of ensuring the end	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>purchased</u>	user a specified amount for purchase;	
Annex VI, eleventh paragraph, point (c)				
994	(c) the price paid by end users should not include the weight of the refill container;	(c) the price paid by end users should not include the weight of the refill container;	(c) the price paid by end users ~~should~~ shall not include the weight of the refill container;	
Annex VI, eleventh paragraph, point (d)				
995	(d) the final distributor to ensure compliance with applicable hygiene standards.	(d) the final distributor to ensure compliance with applicable hygiene standards.	<i>deleted</i>	
Annex VII				
996	Annex VII CONFORMITY ASSESSMENT PROCEDURE		Annex VII CONFORMITY ASSESSMENT PROCEDURE	
Annex VII, first paragraph				
997	Module A		Module A	
Annex VII, second paragraph				
998	Internal production control		Internal production control	

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Annex VII, point 1.				
999	1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 45, and ensures and declares on his sole responsibility that the packaging concerned satisfies the requirements of Articles 5 to 10 of this Regulation that apply to them.		1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and ~~45~~ 4, and ensures and declares on his sole responsibility that the packaging concerned satisfies the requirements of Articles 5 to ~~10~~ 11 of this Regulation that apply to them.	
Annex VII, point 2., first subparagraph				
1000	2. Technical documentation		2. Technical documentation	
Annex VII, point 2., second subparagraph				
1001	The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the packaging's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s).		The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the packaging's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s) of non-conformity .	
Annex VII, point 2., third subparagraph				
1002	The technical documentation shall specify		The technical documentation shall specify	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the packaging. The technical documentation shall contain, wherever applicable, at least the following elements:		the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the packaging. The technical documentation shall contain, wherever applicable, at least the following elements:	
Annex VII, point 2., third subparagraph, point (a)				
100 3	(a) a general description of the packaging and of its intended use,		(a) a general description of the packaging and of its intended use,	
Annex VII, point 2., third subparagraph, point (b)				
100 4	(b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.		(b) conceptual design and manufacturing drawings and schemes ~~materials~~ of components, sub-assemblies, circuits, etc.	
Annex VII, point 2., third subparagraph, point (c)				
100 5	(c) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the packaging,		(c) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the packaging,	
Annex VII, point 2., third subparagraph, point (d)				
100 6	(d) a list of:		(d) a list of:	

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	Annex VII, point 2., third subparagraph, point (d)(i)			
1007	(i) the harmonised standards, referred to in Article 31, applied in full or in part		(i) the harmonised standards, referred to in Article 31, applied in full or in part	
	Annex VII, point 2., third subparagraph, point (d)(ii)			
1008	(ii) the common technical specifications, referred to in Article 32, applied in full or in part		(ii) the common technical specifications, referred to in Article 32, applied in full or in part	
	Annex VII, point 2., third subparagraph, point (d)(iii)			
1009	(iii) other relevant technical specifications used for measurement or calculation purposes,		(iii) other relevant technical specifications used for measurement or calculation purposes,	
	Annex VII, point 2., third subparagraph, point (d)(iv)			
1010	(iv) in the event of partly applied harmonised standards and/or common specifications, an indication of the parts which have been applied,		(iv) in the event of partly applied harmonised standards and/or common specifications, an indication of the parts which have been applied,	
	Annex VII, point 2., third subparagraph, point (d)(v)			
1011	(v) in the event of harmonised standards		(v) in the event of harmonised standards	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and/or common technical specifications not being applied, a description of the solutions adopted to meet the requirements referred to in point 1.		and/or common ~~technical~~ specifications not being applied, a description of the solutions adopted to meet the requirements referred to in point 1.	
Annex VII, point 2., third subparagraph, point (e)				
101 2	(e) qualitative description of how the assessments provided for in Articles 6, 9 and 10 has been carried out, and,		(e) qualitative description of how the assessments provided for in Articles 6, 9 and 10 has been carried out, and,	
Annex VII, point 2., third subparagraph, point (f)				
101 3	(f) test reports.		(f) test reports.	
Annex VII, point 3., first subparagraph				
101 4	3. Manufacturing		3. Manufacturing	
Annex VII, point 3., second subparagraph				
101 5	The manufacturer shall take all measures necessary, so that the manufacturing process and its monitoring ensure compliance of the manufactured packaging with the technical documentation referred to in point 2 and with the requirements referred to in point 1.		The manufacturer shall take all measures necessary, so that the manufacturing process and its monitoring ensure compliance of the manufactured packaging with the technical documentation referred to in point 2 and with the requirements referred to in point 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, point 4., first subparagraph				
101 6	4. Declaration of conformity		4. Declaration of conformity	
Annex VII, point 4., second subparagraph				
101 7	The manufacturer shall draw up a written declaration of conformity for a packaging type and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the packaging has been placed on the market. The declaration of conformity shall identify the packaging for which it has been drawn up.		The manufacturer shall draw up a written declaration of conformity for a packaging type and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the packaging has been placed on the market. The declaration of conformity shall identify the packaging for which it has been drawn up.	
Annex VII, point 4., third subparagraph				
101 8	A copy of the declaration of conformity shall be made available to the relevant authorities upon request.		A copy of the declaration of conformity shall be made available to the relevant authorities upon request.	
Annex VII, point 5., first subparagraph				
101 9	5. Authorised representative		5. Authorised representative	
Annex VII, point 5., second subparagraph				

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102 0	The manufacturer's obligations set out in point 4 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.		The manufacturer's obligations set out in point 4 as regards keeping of the technical documentation may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.	
Annex VIII				
102 1	Annex VIII EU DECLARATION OF CONFORMITY NO* ...		Annex VIII EU DECLARATION OF CONFORMITY NO* ...	
Annex VIII, point 1.				
102 2	1. No.... (unique identification of the packaging):		1. No.... (unique identification of the packaging):	
Annex VIII, point 2.				
102 3	2. Name and address of the manufacturer and, where applicable, its authorised representative.		2. Name and address of the manufacturer and, where applicable, its authorised representative.	
Annex VIII, point 3.				
102 4	3. This declaration of conformity is issued under the sole responsibility of the manufacturer.		3. This declaration of conformity is issued under the sole responsibility of the manufacturer.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, point 4.				
102 5	4. Object of the declaration (identification of the packaging allowing traceability): description of the packaging.		4. Object of the declaration (identification of the packaging allowing traceability): description of the packaging.	
Annex VIII, point 5.				
102 6	5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: ... (reference to the other Union acts applied).		5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: ... (reference to the other Union acts applied).	
Annex VIII, point 6.				
102 7	6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared.		6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared.	
Annex VIII, point 7.				
102 8	7. The notified body ... (name, address, number) ... performed ... (description of intervention) ... and issued the		7. Where applicable , the notified body ... (name, address, number) ... performed ... (description of intervention) ... and issued	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	certificate(s): ... (details, including its date, and, where appropriate, information on the duration and conditions of its validity).		the certificate(s): ... (details, including its date, and, where appropriate, information on the duration and conditions of its validity).	
Annex VIII, point 8., first subparagraph				
102 9	8. Additional information		8. Additional information	
Annex VIII, point 8., second subparagraph				
103 0	Signed for and on behalf of:		Signed for and on behalf of:	
Annex VIII, point 8., third subparagraph				
103 1	(place and date of issue):		(place and date of issue):	
Annex VIII, point 8., fourth subparagraph				
103 2	(name, function) (signature)		(name, function) (signature)	
Annex VIII, first paragraph				
103 3	* (identification number of the declaration)		* (identification number of the declaration)	
Annex IX				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
103 4	Annex IX INFORMATION FOR REGISTRATION AND REPORTING TO THE REGISTER REFERRED TO IN ARTICLE 39		Annex IX INFORMATION FOR REGISTRATION AND REPORTING TO THE REGISTER REFERRED TO IN ARTICLE 39	
Annex IX, Part I				
103 5	Part I Information to be submitted upon registration		Part I A. Information to be submitted upon registration	
Annex IX, 1.				
103 6	1. The information to be submitted by the producer or its authorised representative for EPR shall include:	1. The information to be submitted by the producer or its authorised representative for EPR shall include:	1. The information to be submitted by the producer or its authorised representative for EPR shall include:	
Annex IX, 1., point (a)				
103 7	(a) name and brand names (if available) under which the producer operates in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, indicating a single contact point;	(a) name and brand names (if available) under which the producer operates in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, indicating a single contact point;	(a) name and brand names (if available) under which the producer ~~operates~~ makes its packaging available on the market in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, indicating a single contact point;	
Annex IX, 1., point (aa)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
103 7a			(aa) where a producer has appointed an authorised representative for the extended producer responsibility, in addition to the information referred in (a): name and address including postal code and place, street and number, country, telephone and e-mail address of the representative;	
Annex IX, 1., point (b)				
103 8	(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number;	(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number;	(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number;	
Annex IX, 1., point (c)				
103 9	(c) quantities by weight of types of packaging as set out in Table 1 of Annex II, that the producer makes available in the Member State for the first time;	(c) quantities by weight of types of packaging as set out in Table 1 of Annex II, that the producer makes available in the Member State for the first time;	(c) quantities by weight of types of packaging as set out in Table 1 of Annex II, that the producer makes available in the Member State for the first time;	
Annex IX, 1., point (d)				
104 0	(d) a declaration on how the producer meets its responsibilities under Article 40.	(d) a declaration on how the producer meets its responsibilities under Article 40.	(d) a declaration on how the producer meets its responsibilities under Article 40, including the certificate issued by the producer responsibility organisation when	

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			article 41(1) applies.	
Annex IX, point 2.				
104 1	2. Where a producer responsibility organisation is entrusted to carry out the EPR obligations, the information to be provided shall include the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation, including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate, a statement by the producer or, where applicable, producer's authorised representative for the EPR or the producer responsibility organisation, stating that the information provided is true.	2. Where a producer responsibility organisation is entrusted to carry out the EPR obligations, the information to be provided shall include the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation, including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate, a statement by the producer or, where applicable, producer's authorised representative for the EPR or the producer responsibility organisation, stating that the information provided is true.	2. Where a producer responsibility organisation is entrusted to carry out the EPR obligations, the information to be provided by the producer shall include the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation, including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate, a statement by the producer or, where applicable, producer's authorised representative for the EPR or the producer responsibility organisation, stating that the information provided is true.	
Annex IX, point 3.				
104 2	3. In the case of an authorisation in accordance with Article 41(1), the	3. In the case of an authorisation in accordance with Article 41(1), the producer	3. In the case of a producer responsibility organisation entrusted by the producer as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	producer responsibility organisation shall, in addition to the information required under point 1 of Part A of this Annex, provide:	responsibility organisation shall, in addition to the information required under point 1 of Part A of this Annex, provide:	~~referred to in an authorisation in accordance with Article 41(1),~~ carrying out the obligation to register set in Article 39, ~~the producer responsibility organisation shall, in addition to the information required under point 1 of Part A of this Annex, provide:~~	
Annex IX, point 3.(a)				
104 3	(a) the names and contact details, including postal codes and places, streets and numbers, countries, telephones, web addresses and e-mail addresses of the producers represented;	(a) the names and contact details, including postal codes and places, streets and numbers, countries, telephones, web addresses and e-mail addresses of the producers represented;	(a) the names and contact details, including postal codes and places, streets and numbers, countries, telephones, web addresses and e-mail addresses of the producers represented;	
Annex IX, point 3.(b)				
104 4	(b) the mandate of each represented producer, where applicable;	(b) the mandate of each represented producer, where applicable;	(b) the mandate of each represented producer, where applicable;	
Annex IX, point 3.(c)				
104 5	(c) where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 40.	(c) where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 40.	(c) where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 40.	

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Annex IX, point B				
104 5a			B. Information to be submitted for reporting according to Article 39(7).	
Annex IX, Part II				
104 6	Part II Information to be submitted for reporting	Part II Information to be submitted for reporting	Part II Information to be submitted for reporting	
Annex IX, first paragraph				
104 7	(a) national identification code of the producer;	(a) national identification code of the producer;	(a) national identification code of the producer;	
Annex IX, second paragraph				
104 8	(b) reporting period;	(b) reporting period;	(b) reporting period;	
Annex IX, third paragraph				
104 9	(c) quantities by weight of packaging types as set out in Table 1 in Annex II that the producer makes available in the Member State for the first time;	(c) quantities by weight of packaging types as set out in Table 1 in Annex II that the producer makes available in the Member State for the first time;	(c) quantities by weight of packaging ~~types~~ categories as set out in Table 1 in Annex II that the producer makes available ~~in the market of~~ the Member State for the first time;	
Annex IX, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
105 0	(d) quantities, by weight, per material of packaging waste separately collected within the Member State as set out in Table 1 in Annex II;	(d) quantities, by weight, per material of packaging waste separately collected within the Member State as set out in Table 1 in Annex II;	<i>deleted</i>	
<i>Annex IX, fifth paragraph</i>				
105 1	(e) quantities, by weight, per material and type of packaging waste recycled, recovered and disposed of within the Member State or shipped within or outside the Union as set out in Table 4 in Annex XII;	(e) quantities, by weight, per material and type of packaging waste recycled, recovered and disposed of within the Member State or shipped within or outside the Union as set out in Table 4 in Annex XII;	<i>deleted</i>	
<i>Annex IX, sixth paragraph</i>				
105 2	(f) quantities, by weight, of separately collected single use plastic beverage bottles with the capacity of up to three litres and single use metal beverage containers with a capacity of up to three litres, as set out in Table 6 of Annex XII;	(f) quantities, by weight, of separately collected single use plastic beverage bottles with the capacity of up to three litres and single use metal beverage containers with a capacity of up to three litres, as set out in Table 6 of Annex XII;	<i>deleted</i>	
<i>Annex IX, seventh paragraph</i>				
105 3	(g) arrangements to ensure the producer responsibility regarding the packaging waste placed on the market.	(g) arrangements to ensure the producer responsibility regarding the packaging waste placed on the market.	(g) arrangements to ensure the producer responsibility regarding the packaging waste placed on the market.	

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Annex IX, seventh paragraph a				
105 3a			C. Information to be submitted for reporting according to Article 39(7a).	
Annex IX, eighth paragraph				
105 3b			a. national identification code of the producer;	
Annex IX, ninth paragraph				
105 3c			b. reporting period;	
Annex IX, tenth paragraph				
105 3d			c. information on packaging types set out in Table 1.	
Annex IX, eleventh paragraph				
105 3e			d. arrangements to ensure the producer responsibility regarding packaging placed on the market	
Annex IX, twelfth paragraph				
105				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
3f			Table 1	
Annex IX, thirteenth paragraph				
105 3g			D. Information to be submitted for reporting according to Article 39(7c).	
Annex IX, fourteenth paragraph				
105 3h			a. quantities, by weight, per category of packaging waste, as defined in Table 1a of Annex II, separately collected within the Member State;	
Annex IX, fifteenth paragraph				
105 3i			b. quantities, by weight, per category of packaging waste recycled, recovered and disposed of within the Member State or shipped within or outside the Union as set out in Table 4 in Annex XII;	
Annex IX, sixteenth paragraph				
105 3j			c. quantities, by weight, of separately collected single use plastic beverage bottles with the capacity of up to three litres and single use metal beverage containers with a capacity of up to three litres, as set out in Table 6 of Annex XII;	

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Annex X				
105 4	Annex X MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS	Annex X MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS	Annex X MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS	
Annex X, first paragraph				
105 5	For the purpose of this Annex, the following definition shall apply:	For the purpose of this Annex, the following definition shall apply:	For the purpose of this Annex, the following definition shall apply:	
Annex X, first paragraph, amending provision, first paragraph				
105 6	‘ system operator’ means any natural or legal person, who is entrusted with a responsibility to establish or operate a deposit and return system in a Member State. ,	‘ system operator’ means any natural or legal person, who is entrusted with a responsibility to establish or operate a deposit and return system in a Member State. ,	‘ system operator’ means any natural or legal person, who is entrusted with a responsibility to establish or operate a deposit and return system in a Member State. ,	
Annex X, second paragraph				
105 7	Minimum general requirements for deposit and return systems	Minimum general requirements for deposit and return systems	Minimum general requirements for deposit and return systems	
Annex X, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
105 8	Member States shall ensure that the deposit and return systems established on their territories meet the following minimum requirements:	Member States shall ensure that the deposit and return systems established on their territories meet the following minimum requirements:	Member States shall ensure that the deposit and return systems established on their territories meet the following minimum requirements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex X, third paragraph, point (a)				
1059	(a) a single system operator is established or licenced;	(a) a single system operator is established or licenced;	(a) a single system operator is established or licenced or, in case there is more than one system operator, Member State shall adopt measures to ensure coordination between the different system operators;	
Annex X, third paragraph, point (b)				
1060	(b) the governance of the system allows for equal access and fair conditions of all economic operators wishing to become part of the system, provided they make available on the market packaging that belongs to a packaging type or category included in the system;	(b) the governance of the system allows for equal access and fair conditions of all economic operators wishing to become part of the system, provided they make available on the market packaging that belongs to a packaging type or category included in the system;	(b) the operational rules-governance of the system allows for equal access and fair conditions of all economic operators wishing to become part of the system, provided they make available on the market packaging that belongs to a packaging type or category included in the system;	
Annex X, third paragraph, point (c)				
1061	(c) control procedures and reporting systems are set up allowing the system operator to obtain data on the collection of packaging covered by the deposit and return system;	(c) control procedures and reporting systems are set up allowing the system operator to obtain data on the collection of packaging covered by the deposit and return system;	(c) control procedures and reporting systems are set up allowing the system operator to obtain data on the collection of packaging covered by the deposit and return system;	
Annex X, third paragraph, point (d)				
1062	(d) a minimum deposit level is	(d) a minimum deposit level is established,	(d) a minimum deposit level is established,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	established, which is sufficient to achieve the required collection rates;	which is sufficient to achieve the required collection rates;	which is sufficient to achieve the required collection rates;	
Annex X, third paragraph, point (e)				
106 3	(e) minimum requirements on the financial capacity of the system operator are established allowing the system operator to perform its functions;	(e) minimum requirements on the financial capacity of the system operator are established allowing the system operator to perform its functions;	(e) minimum requirements on the financial capacity of the system operator are established allowing the system operator to perform its functions;	
Annex X, third paragraph, point (f)				
106 4	(f) system operator is a non-profit and independent legal entity;	(f) system operator is a non-profit and independent legal entity;	(f) system operator is a non-profit and independent legal entity;	
Annex X, third paragraph, point (g)				
106 5	(g) system operator performs exclusively roles arising from the rules of this Regulation, and any additional roles related to the coordination and operation of the deposit and return system as established by the Member States;	(g) system operator performs exclusively roles arising from the rules of this Regulation, and any additional roles related to the coordination and operation of the deposit and return system as established by the Member States;	(g) system operator performs operators perform exclusively roles arising from the rules of this Regulation, and any additional roles related to the coordination and operation of the deposit and return system as established by the Member States;	
Annex X, third paragraph, point (h)				
106 6	(h) system operator coordinates the functioning of the deposit and return system;	(h) system operator coordinates the functioning of the deposit and return system;	(h) system operator coordinates operators coordinate the functioning of the deposit and return system;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex X, third paragraph, point (i)			
106 7	(i) system operator keeps in writing:	(i) system operator keeps in writing:	(i) system operator keeps in writing:	
	Annex X, third paragraph, point (i)(i)			
106 8	(i) a statute establishing its internal organization;	(i) a statute establishing its internal organization;	(i) a statute establishing its internal organization;	
	Annex X, third paragraph, point (i)(ii)			
106 9	(ii) evidence of its funding system;	(ii) evidence of its funding system;	(ii) evidence of its funding system;	
	Annex X, third paragraph, point (i)(iii)			
107 0	(iii) a statement proving the compliance of the system with the requirements laid down in the Regulation, as well as any additional requirements established in the Member State in which it operates;	(iii) a statement proving the compliance of the system with the requirements laid down in the Regulation, as well as any additional requirements established in the Member State in which it operates;	(iii) a statement proving the compliance of the system with the requirements laid down in the Regulation, as well as any additional requirements established in the Member State in which it operates;	
	Annex X, third paragraph, point (j)			
107 1	(j) at least 1% of the annual turnover of the system operator (excluding deposits) are used for public awareness campaigns on the information on management of	(j) ~~at least 1%~~ part of the annual turnover of the system operator ~~(excluding deposits)~~ are ~~is~~ used for public awareness campaigns on the ~~information on~~ management of	(j) ~~at least 1%~~ a sufficient amount of the ~~annual~~ turnover of the system operator (excluding deposits) are used for public awareness campaigns on the information on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	packaging waste;	packaging waste;	management of packaging waste;	
Annex X, third paragraph, point (k)				
107 2	(k) system operators must provide any information requested by the competent authorities of a Member State, in which the system operates, for the purposes of monitoring compliance with the requirements in this Annex;	(k) system operators must provide any information requested by the competent authorities of a Member State, in which the system operates, for the purposes of monitoring compliance with the requirements in this Annex;	(k) system operators must provide any information requested by the competent authorities of a Member State, in which the system operates, for the purposes of monitoring compliance with the requirements in this Annex;	
Annex X, third paragraph, point (l)				
107 3	(l) Member States ensure that final distributors are obligated to accept the deposit bearing packaging and provide end users with redeemed deposits. When implementing this obligation, Member States shall take into account at least the following factors:	(l) Member States ensure that final distributors are obligated to accept the deposit bearing packaging and provide end users with redeemed deposits. When implementing this obligation, Member States shall take into account at least the following factors:	(l) Member States shall ensure that final distributors are obligated to accept the deposit bearing packaging of the packaging material and format that they distribute and to ~~and~~ provide end users with redeemed deposits. ~~When implementing this obligation, Member States shall take into account at least the following factors;~~ except where the sale surface area does not make possible for end users to return deposit bearing packaging. However, final distributors will always have to accept the return of the empty packaging of products they sell.	
Annex X, third paragraph, point (l)(i)				
107				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
4	(i) sales surface area allowing end users to return deposit bearing packaging in their local conditions;	(i) sales surface area allowing end users to return deposit bearing packaging in their local conditions;	<i>deleted</i>	
<i>Annex X, third paragraph, point (I)(ii)</i>				
107 5	(ii) buying and selling habits and traditions;	(ii) buying and selling habits and traditions;	<i>deleted</i>	
<i>Annex X, third paragraph, point (I)(iii)</i>				
107 6	(iii) food safety;	(iii) food safety;	<i>deleted</i>	
<i>Annex X, third paragraph, point (I)(iv)</i>				
107 7	(iv) health and safety;	(iv) health and safety;	<i>deleted</i>	
<i>Annex X, third paragraph, point (I)(v)</i>				
107 8	(v) public health;	(v) public health;	<i>deleted</i>	
<i>Annex X, third paragraph, point (Ia)</i>				
107 8a		<u>(Ia) Member States shall take into account the factors referred to in point (I) (ii), (iii), (iv) and (v) when a digital deposit and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>return system is put in place and not organised at the level of the final distributors;</i></u>		
Annex X, third paragraph, point (m)				
107 9	(m) deposit is exempted from sales taxes;	(m) deposit is exempted from sales taxes;	<i>deleted</i>	
Annex X, third paragraph, point (n)				
108 0	(n) end user is able to return the deposit bearing packaging without the need to purchase any goods; deposit shall be redeemed to the consumer;	(n) end user is able to return the deposit bearing packaging without the need to purchase any goods; deposit shall be redeemed to the consumer;	(n) end user is able to return the deposit bearing packaging without the need to purchase any goods; deposit shall be redeemed to the consumer;	
Annex X, third paragraph, point (o)				
108 1	(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;	(o) all deposit bearing packaging <u><i>that is to be collected by a DRS system</i></u> is clearly labelled, so that the end users can easily identify the need to return such packaging;	(o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;	
Annex X, third paragraph, point (p)				
108 2	(p) fees are transparent;	(p) fees are transparent;	(p) fees are transparent;	
Annex X, third paragraph, point (q)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
108 3	(q) all packaging covered by the deposit and return system.	(q) all packaging covered by the deposit and return system.	<i>deleted</i>	
<i>Annex X, fourth paragraph</i>				
108 4	In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.	In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives <u>such as ensuring a safe and fair access to recycled feedstock for use in applications that allow further recyclability and may be re-used in the same way or for the same or similar product category it comes from.</u>	In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.	
<i>Annex X, fifth paragraph</i>				
108 5	Member States with regions with high transboundary business shall ensure that the functioning of the DRS allows for the inter-operability of DRS and that the implementation of the minimum requirements and of any additional requirements does not result in	Member States with regions with high transboundary business shall ensure that the functioning of the DRS allows for the inter-operability of DRS and that the implementation of the minimum requirements and of any additional requirements does not result in	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	discrimination of business and consumers and market distortions.	discrimination of business and consumers and market distortions.		
<i>Annex X, sixth paragraph</i>				
108 6	Member States are allowed to create exemptions from charging a deposit for a deposit bearing packaging in the context of consumption in hospitality premises provided that a deposit bearing packaging is opened, the product is consumed, and the empty deposit bearing packaging is returned within the premises.	Member States are allowed to create exemptions from charging a deposit for a deposit bearing packaging in the context of consumption in hospitality premises provided that a deposit bearing packaging is opened, the product is consumed, and the empty deposit bearing packaging is returned within the premises.	<i>deleted</i>	
<i>Annex XI</i>				
108 7	<i>Annex XI</i> IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO POINT (D) OF ARTICLE 46(2)	Annex XI IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO POINT (D) OF ARTICLE 46(2)	Annex XI IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO POINT (D) OF ARTICLE 46(2)	
<i>Annex XI, first paragraph</i>				
108 8	The implementation plan to be submitted pursuant to Article 46(2), point (d), shall contain the following:	The implementation plan to be submitted pursuant to Article 46(2), point (d), shall contain the following:	The implementation plan to be submitted pursuant to Article 46(2), point (d), shall contain the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XI, first paragraph, point (a)				
1089	(a) assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed;	(a) assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed;	(a) assessment of the past, current and projected rates of recycling, landfilling and other treatment of packaging waste and the streams of which it is composed;	
Annex XI, first paragraph, point (b)				
1090	(b) assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to Articles 28 and 29 of Directive 2008/98/EC;	(b) assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to Articles 28 and 29 of Directive 2008/98/EC;	(b) assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to Articles 28 and 29 of Directive 2008/98/EC;	
Annex XI, first paragraph, point (c)				
1091	(c) reasons for which the Member State considers that it might not be able to attain the relevant target laid down in point (b) of Article 46(1) within the deadline set therein and an assessment of the time extension necessary to meet that target;	(c) reasons for which the Member State considers that it might not be able to attain the relevant target laid down in point (b) of Article 46(1) within the deadline set therein and an assessment of the time extension necessary to meet that target;	(c) reasons for which the Member State considers that it might not be able to attain the relevant target laid down in point (b) of Article 46(1) within the deadline set therein and an assessment of the time extension necessary to meet that target;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XI, first paragraph, point (d)				
109 2	(d) measures necessary to attain the targets set out in points (b) of Article 46(1) of this Regulation that are applicable to the Member State during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in Article 4(1) of, and Annex IVa to, Directive 2008/98/EC;	(d) measures necessary to attain the targets set out in points (b) of Article 46(1) of this Regulation that are applicable to the Member State during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in Article 4(1) of, and Annex IVa to, Directive 2008/98/EC;	(d) measures necessary to attain the targets set out in points (b) of Article 46(1) of this Regulation that are applicable to the Member State during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in Article 4(1) of, and Annex IVa to, Directive 2008/98/EC;	
Annex XI, first paragraph, point (e)				
109 3	(e) a timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;	(e) a timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;	(e) a timetable for the implementation of the measures identified in point 4(d) , determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;	
Annex XI, first paragraph, point (f)				
109 4	(f) information on funding for waste management in line with the polluter-pays principle;	(f) information on funding for waste management in line with the polluter-pays principle;	(f) information on funding for waste management in line with the polluter-pays principle;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XI, first paragraph, point (g)				
109 5	(g) measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.	(g) measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.	(g) measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.	

