



Council of the
European Union

177268/EU XXVII. GP
Eingelangt am 15/03/24

Brussels, 15 March 2024
(OR. en)

7753/24

Interinstitutional File:
2023/0373(COD)

ENV 299
MI 302
IND 155
CONSOM 108
COMPET 323
MARE 7
PECHE 114
RECH 125
SAN 164
ENT 65
ECOFIN 309
CODEC 804

NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	14248/23 + ADD 1 - COM(2023) 645 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution - Policy debate

1. On 16 October 2023, the Commission submitted a proposal for a Regulation on preventing plastic pellet losses to reduce microplastic pollution¹, which are one of the main sources of unintentional microplastic pollution.

¹ 14248/23 + ADD 1 - COM(2023) 645 final.

2. The Commission presented its legislative proposal and the accompanying impact assessment at the Working Party on the Environment (WPE) on 14 February 2024. After initial reactions from Member States, the Presidency has asked delegations to provide further comments to guide work on the file. However, to facilitate further progress on the file, three issues would require political guidance from the Council.
 3. In order to guide the debate at the forthcoming meeting of the Council (Environment) on 25 March 2024, the Presidency has prepared a background paper and questions for Ministers, as set out in the Annex to this note.
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Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution

- Presidency background paper with questions for Ministers -

The 2018 EU Strategy for Plastics in a Circular Economy acknowledged the environmental and potential human health risks posed by microplastics and advocates innovative solutions to target the different sources of microplastic pollution. In 2019, also the Commission's group of Chief Scientific Advisers recognized the potential risks posed by microplastic pollution and encouraged precautionary action. The 2020 Circular Economy Action Plan committed the Commission to tackling the presence of microplastics in the environment by restricting intentionally added microplastics in products and by addressing unintentional releases of microplastics. In the 2021 Zero Pollution Action Plan, the Commission proposed that, by 2030, the EU should reduce (intentional and unintentional) microplastic releases into the environment by 30%.

On 25 September 2023, the Commission adopted a Regulation restricting microplastics intentionally added to products¹. On 16 October 2023, the Commission submitted a proposal for a Regulation on preventing plastic pellet losses to the environment. Plastic pellet losses are a main source of unintentional microplastic pollution.

Plastic pellets are the industrial raw material used for all plastic production. Plastic industrial raw materials come in different forms, including pellets, flakes, powders and in liquid forms, all referred to collectively as “pre-production plastic pellets”. The umbrella term “pellets” is used in the proposal. Current handling practices lead to losses at all supply chain stages, notably production, processing (of virgin or recycled pellets), transport and other logistics operations, recycling and waste management operations. Once released in the environment, it is almost impossible to capture plastic pellets. Moreover, plastic pellets are easily spread over large distances through wind and water streams.

¹ C(2023) 6419 final.

Plastic pellet losses have adverse effects on the environment, on the climate, potentially on human health, and on the economy (e.g. fishing, agriculture, tourism). Estimates show that between 52 140 tonnes and 184 290 tonnes of pellets were lost to the EU environment in 2019. This is equivalent to between 2100 and 7300 trucks full of pellets per year. Plastic pellet losses to the environment are the third source of all unintentional microplastic releases.

The proposal is expected to reduce pellet losses by up to 74%. In addition to reducing plastic pellet losses and hence their adverse effects, common EU-wide measures are also expected to help level the playing field for operators across the EU.

The proposal foresees measures to be implemented by operators along the supply chain as well as a reporting and compliance system:

Measures to be implemented by operators

Plastic pellet losses are to a great extent due to a lack of awareness and poor handling practices, and can therefore be largely abated by swift measures. The Commission proposes to ensure that all operators handling pellets in the EU above five tonnes per year, and all EU and non-EU carriers transporting plastic pellets in the EU take the necessary measures in the following priority order: prevention to avoid any spills of pellets; containment of spilled pellets to make sure they do not pollute the environment; and, as a final option, clean up after a spill or loss. Measures are listed in Annexes I and III to the proposal. These measures have already been implemented by frontrunners. National competent authorities are empowered to require the implementation of additional or different measures.

Reporting and compliance system

National competent authorities play a central role in the compliance system as they are required to conduct environmental inspections and other verification measures based on a risk-based approach. In addition, to assist national competent authorities in verifying compliance, larger operators must obtain a compliance certificate issued by an independent third party. To mitigate the burden on smaller operators, they are not expected to obtain a third-party certification but instead must submit a self-declaration testifying their conformity. Both certificates and self-declarations should be notified to competent authorities. In addition, a harmonised methodology is foreseen to estimate plastic pellet losses.

Maritime transport

The proposal does not cover losses resulting from maritime transport of plastic pellets. Although accidental maritime losses are occasional, they create sudden and significant negative impacts on local ecosystems and affected communities, as demonstrated by recent pellet incidents on the Spanish and French coasts. Discussions are ongoing at the International Maritime Organization (IMO) to reduce environmental risks associated with the shipping of plastic pellets by means of voluntary and mandatory measures as to three aspects: transport information, quality packaging and safe stowage. It is however expected that IMO discussions will not lead to mandatory measures in the short term.

Questions to Ministers

1. *In view of the objectives the proposal is set out to achieve, do you consider the proposed measures to be adequate?*
2. *How do you evaluate the proposal with regards to the responsibility, including on the compliance checking, allocated to different public and private actors?*
3. *Given the status of IMO discussions, should measures with regards to maritime transport be also included in the proposed Regulation?*