



Council of the  
European Union

188207/EU XXVII. GP  
Eingelangt am 11/06/24

Brussels, 11 June 2024  
(OR. en)

10941/24

ENV 611  
MI 595  
IND 310  
CONSOM 218  
COMPET 636  
MARE 15  
PECHE 233  
RECH 274  
SAN 329  
ENT 116  
ECOFIN 665

#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Current legislative proposals: Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution – Information from the Presidency

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Delegations will find in the Annex an information note from the Presidency, on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 17 June 2024.

## **Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution**

### **– Information from the Presidency –**

#### **Introduction**

The proposal for a Regulation on preventing plastic pellet losses to reduce microplastic pollution was submitted on the 16 October 2023. The aim of the proposed Regulation is to prevent the loss of plastic pellets to the environment. When plastic pellets are unintentionally released into the environment, it is often due, to a large extent, to economic operators' and carriers' lack of awareness and poor handling practices. Once lost in the environment, it is almost impossible to recapture plastic pellets, and they are easily scattered over large distances by wind and water streams.

The proposal focuses on the handling of plastic pellets at all stages of the supply chain and covers the duties of economic operators. It includes the proposal that EU carriers and non-EU carriers be obliged to avoid losses of plastic pellets, and also be obliged to clean them up should they occur.

The proposal aims to ensure that all economic operators in the EU handling over five tonnes of pellets per year take the necessary measures listed in Annex I, subject to a risk assessment plan for each installation, and that all EU and non-EU carriers transporting plastic pellets implement the actions set out in Annex III to the proposal. Economic operators and EU carriers should also ensure that their staff are trained, and they should also keep records of the actions taken as well as estimate, on an annual basis, the quantities of losses and the total volume of plastic pellets handled.

The national competent authorities are required to conduct environmental inspections and take other verification measures as part of a risk-based approach. Larger operators must obtain a compliance certificate issued by an independent third party, whereas smaller operators must submit a self-declaration testifying to their conformity. Both certificates and self-declarations should be notified to the competent authorities.

## Work in the Council

Since the publication of the Commission's proposal, three working party meetings have been held during the Belgian Presidency, during which the proposal was presented and discussed in detail. Based on oral and written inputs from delegations at working party level, and at the policy debate that was held during the **Environment Council** on 25 March 2024, during the last working party meeting on 30 May 2024 the Belgian Presidency presented a steering note with Presidency proposals for revised provisions, as well as policy options to explore directions for further work.

The Presidency proposals for revised provisions aim to clarify the articles on definitions and scope, simplify the articles with regard to register keeping, and align the compliance-related provisions as much as possible with the existing similar provisions, such as those in the recently revised Directive on Industrial Emissions.

Options to level the playing field between EU-carriers and non-EU carriers transporting pellets within the EU were explored. In addition, possible options to tackle the issue of losses occurring from seagoing vessels were considered, as these are currently not included in the scope. Furthermore, delegations presented their views on the adequacy of the proposed thresholds for the size of the economic operators and the volume of plastic pellets handled per year, which would be used to apply different obligations, such as concerning the frequency with which the risk assessment plan should be updated, and concerning the use of self-declarations or third party certification.

With regard to the measures in Annex I that are to be assessed in the risk assessment plan by economic operators, the Presidency made suggestions for adding or refining those measures. In addition, a discussion was held on whether certain measures should be mandatory for all economic operators.

It is the Presidency's assessment that progress has been made, especially regarding streamlining certain provisions and proposing revised provisions, and that the above options, and possible other solutions, will need to be discussed further.