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Subject:	Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution
	- General approach
	= Statements

Delegations will find in the Annex a joint statement by Cyprus, Greece and Malta and statements by Germany and Latvia regarding the General Approach on the above-mentioned proposal. The statements will be entered into the minutes of the Council (Environment) meeting on 17 December 2024.

JOINT STATEMENT BY CYPRUS, GREECE, MALTA

Cyprus, Greece, Malta wish to express their serious concerns and reservations about the inclusion of the shipping sector in the scope of the Regulation on preventing plastic pellet losses to reduce microplastic pollution on the following grounds.

Firstly, in the Commission's proposal, the shipping sector was excluded from the scope of the Regulation. Hence the inclusion of shipping has never been impact-assessed. This is contrary, *inter alia*, to the fundamental principles of subsidiarity and proportionality. As highlighted by the Court of Justice of the European Union in its case law, the EU legislature must assess the proportionality of the obligations being introduced and ensure that these obligations comply with the requirements arising from the principle of proportionality.

From the outset we have repeatedly argued for the non-inclusion of the shipping sector in the scope of this Regulation, given that this issue should be examined at international level. In particular, the issue should be examined within the framework of the IMO, as the only Organization with the necessary expertise, experience, and competence to adopt the appropriate measures to address the issue on a global scale, while maintaining a level playing field in international shipping.

In fact, IMO already addresses this issue. In particular, in its recent 82nd Session, the IMO's Marine Environment Protection Committee (MEPC) agreed to include in the Organization's Action Plan the development of amendments to relevant IMO conventions, in order to introduce requirements for the maritime transport of pellets, mandating the preparation of a text to be submitted to the next session of the competent Sub-Committee (PPR). It also instructed the PPR Sub-Committee to analyze the legislation that could be amended and the possible implications, with a view to submitting a report to MEPC, once completed.

In light of the above, it is clear that IMO is giving careful consideration to the issue of maritime transport of pellets and is already working on the development of relevant international standards with a view to their adoption and mandatory implementation at international level.

Based upon these considerations, we believe that the transport of pellets by sea should remain out of the scope of the draft Regulation, given particularly that the development of relevant international regulations is already underway within the competent IMO organs.

In our view, EU member states should join forces and work together within the IMO framework, to promote - for example by submitting common proposals - the swift development and adoption of amendments to IMO conventions to address the issue of the transport of pellets by sea effectively and at the appropriate global level.

We also believe that this approach would have a greater impact upon the other IMO Member States, rather than the –once again– effort to impose EU regulations on other states. This practice has already caused negative reactions within the IMO on a number of occasions.

Finally, we wish to express our disappointment as far as shipping is concerned, that proposed concrete amendments aiming at further improving the legislative text in order to avoid overlaps with existing EU legislation (article 15 “Penalties”), ensuring alignment with international measures (article 18b para 3 “Evaluation and review”) have not been included in the draft legislative text we are called upon to adopt as a General Approach.

PROTOKOLLERKLÄRUNG DER BUNDESREPUBLIK DEUTSCHLAND

DEU unterstützt ausdrücklich das Ziel, den Eintrag von Kunststoffgranulat in die Umwelt zu verringern. Deswegen stimmt DEU der Allgemeinen Ausrichtung des Rates zu, um möglichst bald zu EU-weiten ambitionierten Regelungen zu kommen.

DEU hält es allerdings für wichtig, in den Trilogverhandlungen mit dem Europäischen Parlament und der Europäischen Kommission zu einigen Regelungen des Verordnungsentwurfes noch weitere Fortschritte zu erzielen.

Das betrifft insbesondere folgende Aspekte:

- Reduzierung des Verwaltungsaufwands für die zuständigen Behörden und die Unternehmen – insbesondere Kleinst- und kleine Unternehmen;
- Einführung eines Schwellenwertes von beispielsweise 5 Tonnen transportiertes Kunststoffgranulat pro Kalenderjahr für Frachtführer; anderenfalls ist mit einem hohen Verwaltungsaufwand für die zuständigen Behörden zu rechnen, die gemäß Artikel 3 (2) und (3) die An- und Änderungsmeldungen der Frachtführer zu erfassen haben;
- Beseitigung von Unstimmigkeiten zwischen dem Rechtstext und der etablierten, praktischen Umsetzung im Transportbereich; so sind Frachtführer in Deutschland beispielsweise – anders als in Annex III vorgesehen – zumeist nicht für die Be- und Entladung - einschließlich der Verwendung von Hilfsmitteln wie Gabelstapler -, die beförderungssichere Verpackung der Güter sowie die Reinigung der Transportbehälter zuständig.
- Vermeidung von Doppelregulierungen hinsichtlich der Informations- und Offenlegungspflichten (Artikel 7a) sowie effektive, auf die Ziele der Verordnung ausgerichtete - Verwaltungsaufgaben.

STATEMENT BY THE FEDERAL REPUBLIC OF GERMANY

Germany expressly supports the goal of reducing the input of plastic pellets into the environment. For that reason, Germany accepts the general approach of the Council, so that EU-wide ambitious provisions can be achieved as soon as possible.

Nevertheless, Germany considers it important that the trilogue negotiations with the European Parliament and the European Commission make more progress on some provisions of the draft regulation.

This relates in particular to the following:

- Reducing the administrative burden for competent authorities and companies – especially for micro-sized and small-sized enterprises.
- Introducing a threshold of, for example, 5 tonnes of transported plastic pellets per calendar year for carriers. Otherwise, a heavy administrative burden can be expected for the competent authorities, who under Article 3 (2) and (3), must process the notifications from the carriers regarding operations or changes to operations relating to plastic pellets.
- Eliminating discrepancies between the legal text and established practices in the transport sector. For example, contrary to what is specified in Annex III, carriers in Germany are not generally responsible for loading and unloading – including the use of equipment such as forklifts – nor are they responsible for securely packaging goods for transport or cleaning transport containers.
- Avoiding duplication of provisions on information and publication obligations (Article 7a) and ensuring effective procedural requirements that are tailored to the objectives of the Regulation.

STATEMENT BY LATVIA

Latvia supports the main objectives of the Regulation to increase the level of environmental protection by preventing spills of plastic pellets from primary containment during routine handling, thus reducing the risk of spills to the lowest possible level. Latvia can support Presidency compromise text and an agreement on a mandate for negotiations with the European Parliament.

At the same time, **Latvia has serious concerns** about the expansion of the scope of the Regulation, namely **the inclusion of maritime transport** therein.

Latvia is particularly concerned that **there has been no comprehensive impact assessment** regarding the inclusion of this particular sector in the scope of this Regulation. Moreover, the **practical implementation** of the Regulation may be complicated, given the regional nature of the Regulation. IMO Recommendations (MEPC.1/Circ.909) are voluntary for all IMO member states - they have a right to choose whether to implement these recommendations. By adopting IMO Recommendations in this Regulation, all EU Member States will be obliged to mandatory implement them.

Latvia believes that **this matter requires thorough consideration within the International Maritime Organization (IMO)**, with active participation of **all stakeholders** (including NGOs) in the decision-making process. We are of the view that EU Member States should collaborate within the IMO framework to promote the timely development and adoption of amendments to the IMO conventions that effectively address the issue on the carriage of plastic pellets by sea on a global scale.

In the light of the above **Latvia does not support the inclusion of maritime transport** in the scope of the Regulation.
