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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL on preventing plastic pellet losses to reduce
microplastic pollution
- Outcome of the European Parliament's first reading
(Strasbourg, 22 to 25 April 2024)

I. INTRODUCTION

The rapporteur, João ALBUQUERQUE (S&D, PT), presented a report on the above proposal for a Regulation on behalf of the Committee on the Environment, Public Health and Food Safety (ENVI) which contained 94 amendments (amendments 1 to 94) to the proposal.

In addition, the EPP group tabled one amendment (amendment 95), The Left group tabled one amendment (amendment 96) and the ID group tabled one amendment (amendment 97).

II. VOTE

When it voted on 23 April 2024, the plenary of the European Parliament adopted amendments 1 to 94 to the proposal for a Regulation. No other amendments were adopted.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

P9_TA(2024)0307

Preventing plastic pellet losses to reduce microplastic pollution

European Parliament legislative resolution of 23 April 2024 on the proposal for a regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution (COM(2023)0645 – C9-0378/2023 – 2023/0373(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0645),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0378/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Italian Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 14 February 2024¹,
 - having regard to the opinion of the Committee of the Regions of 18 April 2024²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0148/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Microplastics are ubiquitous, persistent and transboundary. They are detrimental to the environment and ***potentially*** harmful to human health. Microplastics are easily transported through the air and by land surface waters and ocean currents, and their mobility is an aggravating factor. They are found in soil (including agricultural lands), lakes, rivers, estuaries, beaches, lagoons, seas, oceans and in remote, once pristine regions, and their presence in soil ***may*** have effects on soil properties and trigger soil alterations which negatively impact the growth of some plants. Impacts of microplastics on the marine environment have been extensively documented. Once in the marine environment, microplastics are nearly impossible to collect, and are known to be eaten by a range of organisms and animals and cause harm to biodiversity and ecosystems. The persistence of a plastic pellet in the aquatic environment may be measured over decades or more, and ingestion of plastic pellets by marine wildlife, notably seabirds and sea turtles, may cause physical harm or death. Microplastics also contribute to climate change as an additional source both of greenhouse gas emissions and of pressure on ecosystems. Microplastics' potential to act as a carrier for adsorbed toxicants or pathogenic microorganisms is an integral part of the problem. Humans are exposed to microplastics via air and food consumption. The growing awareness of microplastics' presence in the food chain can undermine consumer confidence and bear economic consequences. There may be negative economic impacts on activities

Amendment

(1) Microplastics are ubiquitous, persistent and transboundary. They are detrimental to the environment and harmful to human health, ***particularly due to the presence of harmful chemical additives and other substances of concern added during production and conversion, such as phthalates, bisphenol A, or flame retardants^{1a}***. Microplastics are easily transported through the air and by land surface waters and ocean currents, and their mobility is an aggravating factor. They are found in soil (including agricultural lands), lakes, rivers, estuaries, beaches, lagoons, seas, oceans and in remote, once pristine regions, and their presence in soil have effects on soil properties and trigger soil alterations which negatively impact the growth of some plants. Impacts of microplastics on the marine environment have been extensively documented. Once in the marine environment, microplastics are nearly impossible to collect, and are known to be eaten by a range of organisms and animals and cause harm to biodiversity and ecosystems. The persistence of a plastic pellet in the aquatic environment may be measured over decades or more, and ingestion of plastic pellets by marine wildlife, notably seabirds and sea turtles, may cause physical harm or death. Microplastics also contribute to climate change as an additional source both of greenhouse gas emissions and of pressure on ecosystems. Microplastics' potential to act as a carrier for adsorbed toxicants or pathogenic microorganisms is an integral part of the problem. Humans are exposed to microplastics via air and food

such as commercial fishing and agriculture as well as recreation and tourism in areas affected by the releases.

consumption. The growing awareness of microplastics' presence in the food chain can undermine consumer confidence and bear economic consequences. There may be negative economic impacts on activities such as commercial fishing and agriculture as well as recreation and tourism in areas affected by the releases.

1a 'Plastic giants polluting through the back door: The case for a regulatory supply-chain approach to pellet pollution', Surfrider Foundation Europe and Rethink Plastic, November 2020.

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The impacts of microplastic pollution on the environment and **possibly** on human health have raised concerns in most parts of the world. Some Member States have adopted or proposed dedicated measures. However, a patchwork of national restrictions could potentially hamper the functioning of the internal market.

Amendment

(4) The impacts of microplastic pollution on the environment and on human health have raised concerns in most parts of the world. Some Member States have adopted or proposed dedicated measures. However, a patchwork of national restrictions could potentially hamper the functioning of the internal market.

Amendment 3

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) In 2021, the parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) adopted the non-binding Recommendation 2021/06⁸ to reduce the loss of plastic pellets into the marine

Amendment

(7) In 2021, the parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) adopted the non-binding Recommendation 2021/06⁸ to reduce the loss of plastic pellets into the marine

environment by promoting the timely development and implementation of effective and consistent pellet loss prevention standards and certification schemes for the entire plastic supply chain. Measures for minimizing the risk associated with the transport of plastic pellets by sea are under examination at the International Maritime Organization.

environment by promoting the timely development and implementation of effective and consistent pellet loss prevention standards and certification schemes for the entire plastic supply chain. Measures for minimizing the risk associated with the transport of plastic pellets by sea are under examination at the International Maritime Organization **(IMO) in light of the significant risk of catastrophic pollution associated with maritime transport of plastic pellets. In this context, the Union should follow closely the developments at the IMO, and play a leading role in ensuring a high-level of environmental protection on this issue.**

⁸ OSPAR Recommendation 2021/06 on the reduction of plastic pellet loss into the marine environment

⁸ OSPAR Recommendation 2021/06 on the reduction of plastic pellet loss into the marine environment

Amendment 4

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Several accidents leading to plastic pellet spills and losses have been registered in the Union with transboundary impacts, highlighting the urgent need for ambitious, holistic measures to significantly reduce the risk of plastic pellet pollution while strengthening response capabilities in relation to plastic pellet spills throughout Union territories and waters.

Amendment 5

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Nearly 90 % of the world's goods are transported by sea, including plastic pellets. However, poor handling practices or a lack of supervision of certain routine operations, such as cleaning hulls or containers, can lead to such pellets leaking out and spilling into the ocean. Furthermore, many maritime pellet disasters have been reported, making maritime transport a high-risk activity in relation to plastic pellet pollution. The impact of such pellet losses is catastrophic for marine and coastal ecosystems as well as the species that comprise them, and the extreme mobility of plastic pellets makes effective containment and clean-up operations difficult. The handling of such pellets is regulated at international level by the 1972 Convention for Safe Containers, and supplemented by the 2023 Sub-Committee on Carriage of Cargoes and Containers circular on the obligation to report lost containers, but they do not provide the guarantees needed to prevent pollution by plastic pellets. The inclusion of maritime transport in the scope of this Regulation, as well as of provisions relating to the handling of plastic pellets specific to this mode of transport, is therefore essential if the objectives of this Regulation are to be achieved.

Amendment 6

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Despite Union legislation concerning the prevention of waste, pollution, marine litter and chemicals, there are no specific Union rules preventing pellet losses as a source of microplastic pollution along the entire supply chain. Directive 2008/98/EC of the European Parliament and of the Council¹⁰ lays down basic waste management principles and imposes

Amendment

(9) Despite Union legislation concerning the prevention of waste, pollution, marine litter and chemicals, there are no specific Union rules preventing pellet losses as a source of microplastic pollution along the entire supply chain. Directive 2008/98/EC of the European Parliament and of the Council¹⁰ lays down basic waste management principles and imposes

general obligations for Member States to take measures to prevent waste generation. Those general obligations should be complemented by addressing specific aspects and requirements for the careful handling of plastic pellets in order to ***avoid them becoming waste.***

¹⁰ 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).

Amendment 7

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

general obligations for Member States to take measures to prevent waste generation. Those general obligations should be complemented by addressing specific aspects and requirements for the careful handling of plastic pellets in order to ***prevent them from escaping into the environment.***

¹⁰ 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).

Amendment

(9a) This Regulation provides for measures to prevent, contain and clean up plastic pellet pollution occurring following the entry into force of this Regulation, but does not provide for measures to address existing pollution. Cleaning up soil, rivers and streams, and restoring degraded terrestrial, marine, littoral and coastal ecosystems is essential to achieving the 30 % reduction target by 2030, in accordance with the objectives set out in Regulation (EU) 2024/... of the European Parliament and of the Council^{1a}, and the objectives of the European Green Deal. The Commission should develop a set of measures to map and clean up those already polluted areas, and implement them either as part of a European strategy for depolluting microplastics, or through support and accompanying measures for Member States. More broadly, the Union should be involved in promoting solutions along the entire value chain, and should include such solutions in the ongoing negotiations on the development of an international Treaty on Plastic Pollution, as well as in

the upcoming 81st session of the Marine Environment Protection Committee of the IMO (IMO MEPC).

^{1a} Regulation (EU) 2024/... of the European Parliament and of the Council on nature restoration and amending Regulation (EU) 2022/869 (OJ L,).

Amendment 8

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Commission Regulation (EU) 2023/2055 addresses losses of synthetic polymer microparticles for use at industrial sites i.e. plastic pellets as avoidable releases. For these releases, a reporting requirement for an estimated quantity of microplastics released to the environment on an annual basis is introduced. ***While lacking*** a methodology to estimate losses, this requirement will increase information on pellet losses and improve the quality of the information collected to assess the risks deriving from these microplastics in the future.

Amendment

(12) Commission Regulation (EU) 2023/2055 addresses losses of synthetic polymer microparticles for use at industrial sites i.e. plastic pellets as avoidable releases. For these releases, a reporting requirement for an estimated quantity of microplastics released to the environment on an annual basis is introduced. ***However, that reporting requirement lacks a methodology to estimate losses, and only provides annual estimates. While*** this requirement will increase information on pellet losses and improve the quality of the information collected to assess the risks deriving from these microplastics in the future, ***it is not sufficient to have an overview of the specific nature of the losses and the causes thereof.***

Amendment 9

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Economic operators, EU carriers and non-EU carriers should implement the

Amendment

(15) Economic operators, EU carriers and non-EU carriers should implement the

requirements on the handling of plastic pellets by following a priority order of action with the paramount goal of preventing the release of pellets in the environment as the top priority. Therefore, preventing spills of plastic pellets from **primary** containment during routine handling, thus reducing the risk of spills to the lowest possible level, should be the first step, including by avoiding any unnecessary handling (for instance by reducing the transfer points) and by using **puncture-proof** packaging, followed by containment of spilled pellets to make sure they do not become a loss to the environment, and eventually by clean up after a spill or loss event as the final step.

requirements on the handling of plastic pellets by following a priority order of action with the paramount goal of preventing the release of pellets in the environment as the top priority. Therefore, preventing spills of plastic pellets from containment during routine handling, thus reducing the risk of spills to the lowest possible level, should be the first step, including by avoiding any unnecessary handling (for instance by reducing the transfer points) and by **labelling all storage and transport containers containing plastic pellets as well as by** using **appropriate** packaging, followed by containment of spilled pellets to make sure they do not become a loss to the environment, and eventually by clean up after a spill or loss event as the final step.

Amendment 10

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) While the aim is to **prevent** plastic pellet losses to the environment for all economic operators, **EU carriers and non-EU carriers**, obligations for micro-, **small and medium-sized** enterprises should be adjusted to mitigate the burden on them.

Amendment

(16) While the aim is to **achieve zero** plastic pellet losses to the environment for all economic operators, obligations for micro **enterprises and** enterprises **that handle under 1 000 tonnes of plastic pellets annually** should be adjusted to mitigate the burden on them.

Amendment 11

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In order to prevent plastic pellet losses, economic operators should establish, implement, and update at all

Amendment

(18) In order to prevent plastic pellet losses **and to achieve zero plastic pellet losses**, economic operators should

times a risk assessment plan identifying potential for spills and losses and documenting in particular specific equipment and procedures in place to prevent, contain and clean up pellet losses, taking into consideration the installation size and the scale of operations.

establish, implement, and update at all times a risk assessment plan identifying potential for spills and losses and documenting in particular specific equipment and procedures in place to prevent, contain and clean up pellet losses, taking into consideration the installation size and the scale of operations.

Amendment 12

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) Economic operators should **be able to choose** the specific equipment to install or the **procedure** to execute. Nevertheless, competent authorities, while verifying compliance, should be able to require economic operators to amend the risk assessment plan including by taking, in a given timeframe, any of the actions listed in this Regulation to ensure adequate implementation of the requirements of this Regulation.

Amendment

(20) Economic operators should **put in place** the specific equipment to install or the **procedures** to execute. Nevertheless, competent authorities, while verifying compliance, should be able to require economic operators to amend the risk assessment plan including by taking, in a given timeframe, any of the actions listed in this Regulation to ensure adequate implementation of the requirements of this Regulation. ***Economic operators should be able to be exempted from installing certain types of equipment or from adopting certain measures if they duly justify such exemptions to the competent authorities, taking into account the nature and size of the installation and the scale of its operations. Micro enterprises should consider at least the specific equipment to be installed or the procedures to be executed, taking into account the nature and size of the installation as well as the scale of its operations.***

Amendment 13

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The successful implementation of the actions required to prevent plastic pellet losses requires the full cooperation and commitment of economic operators', EU carriers' and non-EU carriers' employees. Economic operators and EU carriers should be required to train their staff according to their employees' specific roles and responsibilities in order to ensure they are aware of and are able to use the equipment and execute the procedures necessary to ensure compliance with the requirements laid down in this Regulation. Economic operators and EU carriers should also be required to monitor and keep records of the relevant actions to implement the requirements set out in this Regulation, for instance, the placement of new catchment devices. Where appropriate, they should adopt corrective actions including, where necessary, the improvement of equipment and procedures in place.

Amendment

(23) The successful implementation of the actions required to prevent plastic pellet losses **and to achieve zero plastic pellet losses** requires the full cooperation and commitment of economic operators', EU carriers' and non-EU carriers' employees. Economic operators and EU carriers should be required to train their staff according to their employees' specific roles and responsibilities in order to ensure they are aware of and are able to use the equipment and execute the procedures necessary to ensure compliance with the requirements laid down in this Regulation. Economic operators and EU carriers should also be required to monitor and keep records of the relevant actions to implement the requirements set out in this Regulation, for instance, the placement of new catchment devices. Where appropriate, they should adopt corrective actions including, where necessary, the improvement of equipment and procedures in place.

Amendment 14

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Medium and large-sized enterprises that operate installations where plastic pellets are handled in quantities above 1 000 tonnes may bring higher risks of pellet losses to the environment. For this reason, these enterprises should be required to implement, for each installation, extra actions like carrying out an annual internal assessment, and adopting a training programme addressing specific **training needs and modalities**. In addition, for these enterprises, compliance with the

Amendment

(24) **Small**, medium and large-sized enterprises that operate installations where plastic pellets are handled in quantities above 1 000 tonnes may bring higher risks of pellet losses to the environment. For this reason, these enterprises should be required to implement, for each installation, extra actions like carrying out an annual internal assessment, and adopting a **mandatory training programme addressing specific issues in relation to prevention, practices, workers protection, clean-up technologies**,

requirements laid down in this Regulation should be demonstrated by obtaining, and renewing, a certificate issued by certifiers. These certifiers can either be an accredited conformity assessment body, or an environmental verifier licenced to carry out verification and validation in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council¹⁵ on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS). The certificate should correspond to a unique format in order to ensure homogeneous information.

use and maintenance of equipment, the execution of procedures, as well as the monitoring and reporting of plastic pellet losses. In addition, for these enterprises, compliance with the requirements laid down in this Regulation should be demonstrated by obtaining, and renewing, a certificate issued by certifiers. These certifiers can either be an accredited conformity assessment body, or an environmental verifier licenced to carry out verification and validation in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council¹⁵ on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS). The certificate should correspond to a unique format in order to ensure homogeneous information. ***Small enterprises operating installations where plastic pellets in quantities above 1 000 tonnes have been handled should obtain certification only once. Such certification should be valid for 5 years after which they should notify an update of their risk assessment plan as well as a self-declaration of conformity every 5 years.***

¹⁵ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

¹⁵ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

Amendment 15

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) ***Micro and small-sized enterprises,***

Amendment

(25) ***Small,*** medium and large-sized

and medium and large-sized enterprises operating installations where plastic pellets in quantities below 1 000 tonnes have been handled should be required to be subject to a self-declaration of conformity. They should also be given sufficient time to demonstrate their compliance.

enterprises operating installations where plastic pellets in quantities below 1 000 tonnes have been handled **and micro enterprises** should be required to be subject to a self-declaration of conformity. They should also be given sufficient time to demonstrate their compliance.

Amendment 16

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) Micro, small and medium-sized enterprises (SMEs) **in** the pellet supply chain should comply with the relevant obligations laid down in this Regulation, **however they could face** proportionally higher costs **and difficulties when complying with some of the obligations**. The Commission should raise awareness among economic operators and carriers regarding the necessity of preventing pellet losses. Additionally, the Commission should develop training materials to assist **them** in fulfilling their obligations, particularly with respect to the requirements of the risk assessment. Member States should provide access to information and assistance regarding compliance with obligations and the risk assessment requirements. Regarding the assistance of Member States, this could include technical **and financial** support **as well as** specialised training to **SMEs**. Member States actions should be taken in respect of applicable State aid rules.

Amendment

(32) **As** micro, small and medium-sized enterprises (SMEs) **account for an important share of** the pellet supply chain, **they** should comply with the relevant obligations laid down in this Regulation, **while taking into consideration the possible different challenges linked to that compliance and the possible** proportionally higher costs. The Commission **and the competent authorities** should raise awareness among economic operators and carriers regarding the necessity of preventing pellet losses. Additionally, the Commission **and the competent authorities** should develop training materials, **in consultation with all relevant stakeholders**, to assist **economic operators and carriers** in fulfilling their obligations, particularly with respect to the requirements of the risk assessment. **That should be done by taking into account the non-binding Recommendation adopted by the parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)**. Member States should provide access to information and assistance regarding compliance with obligations and the risk assessment requirements. Regarding the assistance of Member States, this could include technical support **and** specialised training to **all personnel handling plastic**

pellets, as well as financial support and access to finance for micro and small enterprises as well as for installations handling plastic pellets in smaller quantities. Member States actions should be taken in respect of applicable State aid rules.

Amendment 17

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In order to facilitate common grounds to estimate the losses of plastic pellets to the environment, it is necessary to have a standardised methodology set in a harmonised standard that is adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁶.

¹⁶ 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 (OJ L 316, 14.11.2012, p. 12–33)

Amendment

(33) In order to facilitate common grounds to estimate the losses of plastic pellets to the environment, it is necessary to have a standardised methodology set in a harmonised standard that is adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁶. ***Pending the adoption of the standardised methodology, economic operators should indicate the methodology used when reporting losses of plastic pellets.***

¹⁶ 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 (OJ L 316, 14.11.2012, p. 12–33)

Amendment 18

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) In order to ensure that economic operators are effectively dissuaded from non-compliance with the requirements laid down in this Regulation, Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are implemented. The penalties provided should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common criteria for determining the types and levels of penalties to be imposed in case of infringement. Those criteria should include, inter alia, the nature and gravity of the infringement as well as the economic benefits derived from the infringement in order to ensure that those responsible are deprived of those benefits.

Amendment

(38) In order to ensure that economic operators are effectively dissuaded from non-compliance with the requirements laid down in this Regulation, Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are implemented. The penalties provided should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common criteria for determining the types and levels of penalties to be imposed in case of infringement. Those criteria should include, inter alia, the nature and gravity of the infringement as well as the economic benefits derived from the infringement in order to ensure that those responsible are deprived of those benefits. ***Member States should endeavour to ensure that the revenue generated from the penalties, or its equivalent financial value, is used to support projects aimed at cleaning up areas polluted by plastic and avoiding plastic pellet pollution.***

Amendment 19

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant economic operator, EU carriers and non-EU carriers from the economic benefit derived from non-compliance with the obligations deriving from this Regulation, including in cases of repeated

Amendment

(39) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant economic operator, EU carriers and non-EU carriers from the economic benefit derived from non-compliance with the obligations deriving from this Regulation, including in cases of repeated

infringements. The gravity of the infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should, in case of an infringement committed by a legal person, represent at least **4%** of the economic annual turnover in the *Member State concerned*.

infringements. The gravity of the infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should, in case of an infringement committed by a legal person, represent at least **3%** of the economic annual turnover in the *Union*.

Amendment 20

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down obligations for the handling of plastic pellets at all stages of the supply chain to prevent losses.

Amendment

1. This Regulation lays down obligations for the handling of plastic pellets at all stages of the supply chain to prevent losses, ***with the objective of achieving zero plastic pellet losses.***

Amendment 21

Proposal for a regulation Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, ***having relatively uniform dimensions in a given lot***, that is used as feedstock in plastic product manufacturing operations;

Amendment

(a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, ***regardless of its shape or form, including powders, cylinders, beads and flakes, to which additives might have been added***, that is used as feedstock in plastic product manufacturing ***and plastic recycling*** operations;

Amendment 22

Proposal for a regulation Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 'plastic pellet dust' means the industrial residue from the handling, grinding or processing of plastic pellets, that is not used as feedstock in plastic product manufacturing operations.

Amendment 23

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) 'spill' means a one-off escape of plastic pellets from primary containment;

(b) 'spill' means a one-off **or prolonged** escape of plastic pellets from primary containment;

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) 'loss' means a one-off or prolonged escape of plastic pellets from installation's boundary to the environment or from **road vehicles, rail wagons or inland waterway vessels transporting** plastic pellets;

(c) 'loss' means a one-off or prolonged escape of plastic pellets **at any stage of the supply chain, including** from **the** installation's boundary to the environment or from **the transport of** plastic pellets;

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘installation’ means any premises, structure, **environment** or place within which one or more economic activities involving the handling of plastic pellets are carried out;

Amendment

(d) ‘installation’ means any premises, structure, **site** or place within which one or more economic activities involving the handling of plastic pellets are carried out;

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘EU carrier’ means any natural or legal person established in a Member State, engaged in the transport of plastic pellets as part of its economic activity **by using road vehicles, rail wagons or inland waterway vessels**;

Amendment

(f) ‘EU carrier’ means any natural or legal person established in a Member State, engaged in the transport of plastic pellets as part of its economic activity;

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘non-EU carrier’ means any natural or legal person established in a third country, engaged in the transport of plastic pellets as part of its economic activity in the Union **by using road vehicles, rail wagons or inland waterway vessels**;

Amendment

(g) ‘non-EU carrier’ means any natural or legal person established in a third country, engaged in the transport of plastic pellets as part of its economic activity in the Union;

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Economic operators, EU carriers and non-EU carriers shall ensure that losses are avoided. Where losses occur, economic operators, EU carriers and non-EU carriers shall take immediate action to clean-up those losses.

Amendment

1. Economic operators, EU carriers and non-EU carriers shall ensure that losses are avoided. Where **spills and** losses occur, economic operators, EU carriers and non-EU carriers shall take immediate action to **contain and** clean-up those **spills and** losses.

Amendment 29

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Economic operators and EU carriers shall notify the competent authorities of the Member State in which they are established of any significant change in their installations and activities related to handling of plastic pellets, including of any closure of an existing installation.

Amendment

3. Economic operators and EU carriers shall notify the competent authorities of the Member State in which they are established, of any significant change in their installations and activities related to handling **and transport** of plastic pellets, including of any closure of an existing installation, **as applicable**.

Amendment 30

Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Without prejudice to Regulation (EC) No 1272/2008 of the European Parliament and of the Council^{1a}, economic operators shall, for the purposes of this Regulation, label all storage and transport containers containing plastic pellets in accordance with Annex IVb to this Regulation.

^{1a} 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).

Amendment 31

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall establish and maintain a **public** register containing the information they have received in accordance with paragraphs 3 **and 4**.

Amendment

4. Competent authorities shall establish and maintain a register containing the information they have received in accordance with paragraphs **2 and 3**. **The register shall be publicly available and easily accessible.**

Amendment 32

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Economic operators that are medium and large-sized enterprises operating installations where plastic pellets in quantities below 1 000 tonnes have been handled in the previous calendar year or that are micro **or small-sized** enterprises shall notify an update of the risk assessment plan for each installation as well as a renewal of the self-declaration of conformity to the competent authority every **5** years from the last notification.

Amendment

2. Economic operators that are **small**, medium and large-sized enterprises operating installations where plastic pellets in quantities below 1 000 tonnes have been handled in the previous calendar year or that are micro enterprises shall notify an update of the risk assessment plan for each installation as well as a renewal of the self-declaration of conformity to the competent authority every **3** years from the last notification.

Amendment 33

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Economic operators that are small enterprises operating installations where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year shall comply with the obligations laid down in paragraph 2 of this Article, unless they hold a valid certificate issued in accordance with Article 5(2a).

Amendment 34

Proposal for a regulation Article 4 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) to change risk assessment plans notified in accordance with paragraphs 1 and 2 to ensure that the losses can effectively be prevented **or**, where appropriate, contained and cleaned up and that Annex I is complied with;

(a) to change risk assessment plans notified in accordance with paragraphs 1 and 2 to ensure that the losses can effectively be prevented **and**, where appropriate, contained and cleaned up and that Annex I is complied with;

Amendment 35

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Competent authorities shall establish, maintain, and update a register containing the risk assessment plans **and** self-declarations of conformity **notified** in accordance with **paragraphs 1 and 2 of**

4. Competent authorities shall establish, maintain, and update a register containing the risk assessment plans, self-declarations of conformity **and loss notifications provided** in accordance with **Annex IVa**.

this Article. The register shall be publicly available on a website.

The register shall be publicly available on a website.

Amendment 36

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Economic operators **and** EU carriers shall have the following obligations:

Economic operators, EU carriers **and non-EU carriers** shall have the following obligations:

Amendment 37

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ensure that their staff is trained according to their specific roles and responsibilities and that they are aware of and are able to use the relevant equipment and execute the procedures set out to ensure compliance with this Regulation;

(a) ensure that their staff is trained according to their specific roles and responsibilities and that they are aware of and are able to use the relevant equipment, **including adequate personal protection equipment**, and execute the procedures set out to ensure compliance with this Regulation;

Amendment 38

Proposal for a regulation

Article 4 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) keep records of annually estimated quantities of losses and of the total **volume** of plastic pellets handled.

(c) keep records of annually estimated quantities of losses and of the total **quantities** of plastic pellets handled.

Amendment 39

Proposal for a regulation

Article 4 – paragraph 8

Text proposed by the Commission

8. Where an action taken for the prevention, containment and clean-up of spills and losses fails, economic operators, carriers and non-EU carriers shall take corrective actions, *as soon as possible*.

Amendment

8. Where an action taken for the prevention, containment and clean-up of spills and losses fails, economic operators, **EU** carriers and non-EU carriers shall take corrective actions, *without delay*.

Amendment 40

Proposal for a regulation

Article 4 – paragraph 9 – introductory part

Text proposed by the Commission

9. Every year economic operators that are not micro *or small-sized* enterprises *and* that operate installations where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year shall, for each installation, carry out an internal assessment on the state of compliance of the installation with the requirements of the risk assessment plan laid down in Annex I. The internal assessment *may* among others cover the following subjects:

Amendment

9. Every year economic operators that are not micro enterprises *or* that operate installations where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year shall, for each installation, carry out an internal assessment on the state of compliance of the installation with the requirements of the risk assessment plan laid down in Annex I. The internal assessment *shall* among others cover the following subjects:

Amendment 41

Proposal for a regulation

Article 4 – paragraph 9 – point b

Text proposed by the Commission

(b) the preventive, containment and clean up equipment and/or procedures

Amendment

(b) the preventive, containment and clean up equipment and/or procedures

implemented to avoid future losses, and their effectiveness;

implemented to avoid future losses, and ***an evaluation of*** their effectiveness;

Amendment 42

Proposal for a regulation

Article 4 – paragraph 9 – point c

Text proposed by the Commission

(c) discussions with the personnel, inspections of equipment and procedures in place and revision of any relevant documentation.

Amendment

(c) discussions with ***and training programmes involving*** the personnel, inspections of equipment, ***including adequate personal protection equipment,*** and procedures in place and revision of any relevant documentation.

Amendment 43

Proposal for a regulation

Article 4 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The economic operators referred to in the first subparagraph shall maintain records of the assessments and of any actions taken subsequently, and shall make such records available to competent authorities on demand.

Amendment 44

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. By ... [OP: please insert the date = 36 months after the entry into force of this Regulation], and thereafter every ***four*** years, economic operators that are

Amendment

2. By ... [OP: please insert the date = 36 months after the entry into force of this Regulation], and thereafter every ***three*** years, economic operators that are

medium-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

medium-sized enterprises shall demonstrate that each installation where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier.

Amendment 45

Proposal for a regulation Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By ... [60 months from the entry into force of this Regulation], economic operators that are small enterprises shall demonstrate that each installation where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year is compliant with the requirements set out in Annex I, by obtaining a certificate issued by a certifier. That certificate shall be valid for 5 years.

Amendment 46

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Certifiers shall carry out spot-checks to ensure that all measures included in the risk assessment plan carried out in accordance with Annex I are duly implemented.

3. Certifiers shall carry out spot-checks ***and inspections of sites, means of transport and immediately surrounding areas*** to ensure that all measures included in the risk assessment plan carried out in accordance with Annex I are duly implemented.

Amendment 47

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

The accreditation of certifiers referred to in Article 3, point (k)(i) shall include an evaluation of compliance with the following requirements:

Amendment

The accreditation of certifiers referred to in Article 2, point (k)(i) shall include an evaluation of compliance with the following requirements:

Amendment 48

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall verify compliance of economic operators, EU carriers and non-EU carriers with the obligations laid down in this Regulation, taking into account the information provided in self-declarations of conformity referred to Article 4(1) and (2) and provided by certifiers in accordance with Article 5(5). The competent authorities shall carry out environmental inspections and other verification measures, following a risk-based approach.

Amendment

1. Competent authorities shall verify compliance of economic operators, EU carriers and non-EU carriers with the obligations laid down in this Regulation, taking into account the information provided in self-declarations of conformity referred to Article 4(1) and (2) and provided by certifiers in accordance with Article 5(5). The competent authorities shall carry out **unannounced** environmental inspections and other verification measures, following a risk-based approach.

Amendment 49

Proposal for a regulation
Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. At the latest by ... [OP please insert the date = the first day of the month after **four** years following the date of entry into force of this Regulation] and every three years thereafter Member States shall,

Amendment

2. At the latest by ... [OP please insert the date = the first day of the month after **three** years following the date of entry into force of this Regulation] and every three years thereafter Member States shall,

submit a report to the Commission containing qualitative and quantitative information on the implementation of this Regulation during the previous calendar year. The information shall include:

submit a report to the Commission containing qualitative and quantitative information on the implementation of this Regulation during the previous calendar year. The information shall include:

Amendment 50

Proposal for a regulation Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) the number of economic operators per size of enterprise according to Commission Recommendation 2003/361/EC and per economic activity, their installations, and of the EU carriers and their means of transport allocated to transporting plastic pellets;

Amendment

(a) the number of economic operators per size of enterprise according to Commission Recommendation 2003/361/EC and per economic activity, their installations ***and the quantities of plastic pellets handled by them***, and of the EU carriers and their means of transport allocated to transporting plastic pellets ***and the quantities handled by them***;

Amendment 51

Proposal for a regulation Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Every three years, based on the reports of Member States referred to in paragraph 2, the Commission shall produce a synthesis report on compliance and reporting, setting out the qualitative and quantitative information on the implementation of this Regulation contained in the Member States' reports.

Amendment 52

Proposal for a regulation Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Directive 2004/35/EC, in the event of an incidental or accidental loss **significantly** affecting human health or the environment, economic operators, EU carriers and non-EU carriers shall immediately:

Amendment

1. Without prejudice to Directive 2004/35/EC, in the event of an incidental or accidental loss affecting human health or the environment, economic operators, EU carriers and non-EU carriers shall immediately:

Amendment 53

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) inform the competent authority in whose territory the incident or accident occurred and the estimated quantities of losses;

Amendment

(a) inform the competent authority in whose territory the incident or accident occurred, **as well as the competent authority of any territory that is likely to be affected**, and the estimated quantities of losses **in accordance with the form set out in Annex IVa**;

Amendment 54

Proposal for a regulation

Article 9 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) take measures to contain and clean up such losses in an ecologically sensitive manner;

Amendment 55

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) take measures to **limit** the health or environmental consequences and to prevent further incidents or accidents.

Amendment

(b) take **all possible** measures to **minimise** the health or environmental consequences, and to prevent further incidents or accidents.

Amendment 56

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The competent authority in whose territory the incident or accident occurred shall require, where necessary, that economic operators, EU carriers and non-EU carriers take appropriate complementary measures to **limit** the health or environmental consequences and to prevent further incidents or accidents.

Amendment

2. The competent authority in whose territory the incident or accident occurred shall require, where necessary, that economic operators, EU carriers and non-EU carriers take appropriate complementary measures **and organise specific training** to **minimise** the health or environmental consequences and to prevent further incidents or accidents.

Amendment 57

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. In the event of any incident or accident **significantly** affecting human health or the environment in another Member State, the competent authority in whose territory the accident or incident occurred shall immediately inform the competent authority of that other Member State.

Amendment

3. In the event of any incident or accident affecting human health or the environment in another Member State, the competent authority in whose territory the accident or incident occurred shall immediately inform the competent authority of that other Member State.

Amendment 58

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Where the infringement of the rules laid down in this Regulation poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, the competent authority *may* suspend the operation of the installation until compliance is restored in accordance with paragraph 1, points (b) and (c).

Amendment

2. Where the infringement of the rules laid down in this Regulation poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, the competent authority *shall* suspend the operation of the installation until compliance is restored in accordance with paragraph 1, points (b) and (c).

Amendment 59

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall designate one or more competent authorities for the application and enforcement of this Regulation.

Amendment

1. Member States shall designate one or more competent authorities for the application and enforcement of this Regulation *and shall inform the Commission accordingly*.

Amendment 60

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. The Commission shall develop awareness raising and training material on the sound implementation of the obligations laid down in this Regulation in consultation with representatives of economic operators, carriers, and certifiers, including micro, small and medium-sized enterprises and in collaboration with

Amendment

1. *By ... [12 months from the entry into force of this Regulation],* the Commission shall develop *and fund* awareness raising and training material, *which may take the form of guides and courses,* on the sound implementation of the obligations laid down in this Regulation in consultation with representatives of economic operators,

competent authorities.

carriers, and certifiers, including micro, small and medium-sized enterprises, *social partners, civil society representatives and non-governmental organisations* and in collaboration with competent authorities.

Amendment 61

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that economic operators and carriers, *especially micro, small and medium-sized enterprises*, get access to information and assistance regarding compliance with this Regulation.

Amendment

Member States shall ensure that economic operators and carriers get access to information and assistance regarding compliance with this Regulation.

Amendment 62

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Without prejudice to applicable State aid rules, the assistance referred to in the first subparagraph for micro, small and medium-sized enterprises may take the form of:

(a) specialised management and staff training, including the organisation of training programmes;

(b) organisational and technical assistance.

Amendment 63

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Without prejudice to applicable state aid rules, the assistance referred to in the first subparagraph may take the form of:

Without prejudice to applicable state aid rules, the assistance referred to in the first subparagraph ***for micro and small enterprises as well as for installations handling plastic pellets in quantities below the threshold set out in Article 4(2)*** may ***also*** take the form of:

Amendment 64

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) access to finance;

(b) access to finance, ***including for the purpose of acquiring equipment required to achieve compliance;***

Amendment 65

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***specialised management and staff training;***

deleted

Amendment 66

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) ***organisational and technical***

deleted

assistance.

Amendment 67

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. For the purposes of compliance with the obligation referred to in Article 4(7), first subparagraph, point (c), a methodology to estimate quantities of losses shall be developed in harmonised standards in accordance with the procedures established by Regulation (EU) No1025/2012.

Amendment

1. For the purposes of compliance with the obligation referred to in Article 4(7), first subparagraph, point (c), **and Annex IVa**, a methodology to estimate quantities of losses shall be developed in harmonised standards in accordance with the procedures established by Regulation (EU) No1025/2012.

Amendment 68

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation, with a view to verifying those complaints. If the complaint is found to be grounded, the competent authorities shall take the necessary actions in accordance with Article 4(3).

Amendment

2. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation, with a view to verifying those complaints. If the complaint is found to be grounded, the competent authorities shall take the necessary actions in accordance with Article 4(3), **Article 9(2) and Article 10(2)**.

Amendment 69

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringements of the economic benefits derived from those infringements. The level of the fines shall be gradually increased for repeated infringements. In the case of an infringement committed by a legal person, the maximum amount of such fines shall be at least 4 % of the economic operator's annual turnover in the **Member State concerned** in the business year preceding the fining decision.

Amendment

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringements of the economic benefits derived from those infringements. The level of the fines shall be gradually increased for repeated infringements. In the case of an infringement committed by a legal person, the maximum amount of such fines shall be at least 3 % of the economic operator's annual turnover in the **Union** in the business year preceding the fining decision.

Amendment 70

Proposal for a regulation
Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall endeavour to ensure that the revenue generated from the penalties referred to in paragraph 1, or its equivalent financial value, is used to support projects aimed at cleaning up areas polluted by plastic before ... [the date of entry into force of this Regulation] and avoiding plastic pellet pollution.

Projects financed by the revenue generated from penalties as referred to in the first subparagraph may contribute to promoting scientific work to study the impact of plastic pellets on human health and the environment, supporting research and development in the area of plastic pellet pollution, implementing awareness programmes, and financing training

programmes specifically designed for micro and small enterprises.

By ... [60 months from the entry into force of this Regulation], and every year thereafter, the Commission shall report to the European Parliament and to the Council on how the revenue generated from penalties in the previous year has been used and how such use has contributed to the reduction of plastic pellet pollution, including information on the beneficiaries and the level of expenditure concerning the objectives set out in the first and second subparagraphs.

Amendment 71

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annexes I to **IV**. in order to take account of the technical progress and scientific developments.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend Annexes I to **IVb** in order to take account of the technical progress and scientific developments.

Amendment 72

Proposal for a regulation Article 17 – paragraph 2 – point a

Text proposed by the Commission

(a) the experience gained from the implementation of obligations set out in Articles 4 **and** 5;

Amendment

(a) the experience gained from the implementation of obligations set out in Articles 3, 4, 5, **8 and 9**;

Amendment 73

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Review

The Commission shall monitor the application of this Regulation and relevant developments at the IMO. By ... [8 years from the entry into force of this Regulation], the Commission shall publish a comprehensive report on the overall application of this Regulation and its effectiveness and shall submit, where appropriate, a legislative proposal to amend this Regulation.

Amendment 74

Proposal for a regulation
Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

Traceability

By ... [24 months from the entry into force of this Regulation], the Commission shall publish a report on the possibility of introducing chemical traceability of plastic pellets. That report shall at least consider:

(a) the technical feasibility of introducing a unique and differentiable, chemical signature which is not harmful to the environment or human health;

(b) setting up a Union database of all chemical signatures.

Where appropriate, the report referred to in the first paragraph shall be accompanied by a legislative proposal.

Amendment 75

Proposal for a regulation

Annex I – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) the number of tonnes of plastic pellets handled per year;

Amendment 76

Proposal for a regulation

Annex I – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) information relating to the chemical nature of each polymer contained in plastic pellets on site, including information on physico-chemical properties and hazard properties;

Amendment 77

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

Economic operators shall ***consider*** at least the following, taking into account the nature and size of the installation as well as the scale of its operations:

Economic operators shall ***put in place*** at least the following, taking into account the nature and size of the installation as well as the scale of its operations:

Amendment 78

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – point a

Text proposed by the Commission

(a) For prevention: vacuum seals on hoses and pipework; tear- and impact-resistant packaging that can withstand degradation in aquatic environments; equipment to create secure connection points with secondary barriers in place; loading systems designed to ensure transfer lines can be completely emptied after loading and unloading; sealed containers or external silos to store pellets; automated transport systems for pellets;

Amendment

(a) For prevention: vacuum seals on hoses and pipework; tear- and impact-resistant, ***waterproof, sealed and labelled*** packaging that can withstand degradation in ***rough*** aquatic environments; equipment to create secure connection points with secondary barriers in place; loading systems designed to ensure transfer lines can be completely emptied after loading and unloading; ***shock-resistant, waterproof, sealed and labelled*** containers or external silos to store pellets; automated transport systems for pellets, ***filters to prevent the spread of pellet dust in the air and on site***;

Amendment 79

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – point b

Text proposed by the Commission

(b) For containment: catchment devices placed along the exterior edge of loading and unloading areas; industrial vacuum cleaners and hand tools for immediate cleaning; ***internal and external*** drain covers, storm water drainage or filtration systems to manage reasonably foreseeable flood or storm events; a sewage treatment system;

Amendment

(b) For containment: ***spill trays and*** catchment devices placed along the exterior edge of loading and unloading areas; ***in-ground retention tanks with steel grating below spill hotspots such as transfer points***; industrial vacuum cleaners and hand tools for immediate cleaning; ***indoor and outdoor*** drain covers ***on all drains with a mesh size smaller than the smallest plastic pellets handled on site***, storm water drainage or filtration systems to manage reasonably foreseeable flood or storm events; a sewage treatment system;

Amendment 80

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) For clean-up: industrial vacuum cleaners for internal and external usage; dedicated appropriate containers for recovered pellets that are **covered**, labelled and secured to prevent further spills and losses; hand tools (e.g., brooms, dustpan and brush, buckets, repair tapes); reinforced collection bags.

(c) For clean-up: industrial vacuum cleaners for internal and external usage; dedicated appropriate containers for recovered pellets that are **shock-resistant, waterproof, sealed**, labelled and secured to prevent further spills and losses; hand tools (e.g., brooms, dustpan and brush, buckets, repair tapes); reinforced collection bags.

Amendment 81

Proposal for a regulation

Annex I – paragraph 1 – point 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Exemptions in relation to the installation of certain types of equipment referred to in this point shall be possible for economic operators that are able to justify such exemptions to the competent authorities, taking into account the nature and size of the installation as well as the scale of its operations.

Economic operators that are micro-enterprises shall consider at least the elements set out in this point, taking into account the nature and size of the installation as well as the scale of its operations.

Amendment 82

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

Economic operators shall **consider** at least the following, taking into account the

Economic operators shall **put in place** at least the following **measures** taking into

nature and size of the installation as well as the scale of its operations:

account the nature and size of the installation as well as the scale of its operations:

Amendment 83

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point a

Text proposed by the Commission

(a) for prevention: limits on the volumes of pellets transported in certain packaging (e.g., pellets must be packaged and sealed in 25kg *sacks*, and loaded no more than **1tonne** per pallet); regular inspection and maintenance of packaging, containers and storage facilities; use of spill trays under transfer points and during loading and unloading; clear protocols for opening, loading, closing and sealing containers at the start and end of loading; physical testing and monitoring of the effectiveness of prevention procedures;

Amendment

(a) for prevention: limits on the volumes of pellets transported in certain packaging (e.g., pellets must be packaged and sealed in 25kg ***tear- and impact-resistant packaging that can withstand degradation in aquatic environments***, and loaded no more than **1 tonne** per pallet); regular inspection and maintenance of packaging, containers and storage facilities; use of spill trays under transfer points and during loading and unloading; clear protocols for opening, loading, closing and sealing containers at the start and end of loading; physical testing and monitoring of the effectiveness of prevention procedures;

Amendment 84

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point b

Text proposed by the Commission

(b) for containment: regular inspection, cleaning and maintenance of catchment devices; regular inspection, cleaning and maintenance of drain covers, storm water drainage or filtration systems; regular inspection and cleaning of vehicles leaving and/or entering a site, outgoing water facilities and fences on the ***perimeter of the facility*** that are in public areas when applicable; immediate replacement or repair of leaking packaging; checks for

Amendment

(b) for containment: regular inspection, cleaning and maintenance of catchment devices; regular inspection, cleaning and maintenance of drain covers, storm water drainage or filtration systems; regular inspection and cleaning of vehicles leaving and/or entering a site, outgoing water facilities and fences on the ***installation's boundaries*** that are in public areas when applicable; immediate replacement or repair of leaking packaging; checks for

broken and discarded packaging or containers for residual pellets before disposal or repair; maintenance of sewage treatment system.

broken and discarded packaging or containers for residual pellets before disposal or repair; **regular inspection, cleaning and** maintenance of sewage treatment system.

Amendment 85

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 – point c

Text proposed by the Commission

(c) for clean-up: spilled plastic pellets are cleaned up immediately to prevent losses to the environment, at the latest upon termination of the operation, and collected in a designated container. If possible, spilled plastic pellets are reused as raw material to reduce wastage. If spilled plastic pellets cannot be reused as raw materials, they are retrieved and disposed of in accordance with waste legislation.

Amendment

(c) for clean-up: spilled plastic pellets are cleaned up immediately to prevent losses to the environment, at the latest upon termination of the operation, and collected in a designated **waterproof, sealed and labelled** container. If possible, spilled plastic pellets are reused as raw material to reduce wastage. If spilled plastic pellets cannot be reused as raw materials, they are retrieved and disposed of in accordance with waste legislation; **along with damaged containers;**

Amendment 86

Proposal for a regulation

Annex I – paragraph 1 – point 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Exemptions in relation to taking the measures referred to in this point shall be possible for economic operators that are able to justify such exemptions to the competent authorities, taking into account the nature and size of the installation as well as the scale of its operations.

Economic operators that are micro enterprises shall consider at least the elements set out in this point, taking into account the nature and size of the

installation as well as the scale of its operations.

Amendment 87

Proposal for a regulation

Annex I – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

(9) in addition to elements described in points (1) to (8), economic operators that are **medium or large-sized enterprises and operate installations where plastic pellets in quantities above 1 000 tonnes have been handled in the previous calendar year** shall also take the following actions:

Amendment

(9) in addition to elements described in points (1) to (8), economic operators that are **not micro-**enterprises shall also take the following actions:

Amendment 88

Proposal for a regulation

Annex III – paragraph 1 – point 1

Text proposed by the Commission

(1) For prevention: verification during and after loading and unloading, that pellets are properly removed from the outside of the transport equipment before leaving the loading/unloading site; clear **communication on** stowage requirements; prevention of any leakage, including during the transport journey, e.g., by technical suitability of the transport means and containers, supplemented, if necessary, with appropriate **sealing**; ensuring that protective covers on e.g. forklifts/hydraulic equipment are used to prevent the piercing of packaging; regularly cleaning the loading compartments **and the** containers to minimise the loss of spilled pellets; visual checking of openings and integrity of the loading compartments prior and, to the extent possible, during the journey, including in the multimodal terminals, rail

Amendment

(1) For prevention: verification during and after loading and unloading, that pellets are properly removed from the outside of the transport equipment before leaving the loading/unloading site; clear, **visible labelling concerning safe stowage and storage** requirements; prevention of any leakage, including during the transport journey, e.g., by technical suitability of the transport means and containers, supplemented, if necessary, with appropriate **waterproof, sealed tear- and impact-resistant packaging that can withstand degradation in aquatic environments; spill trays and catchment devices**; ensuring that protective covers on e.g. forklifts/hydraulic equipment are used to prevent the piercing of packaging; regularly cleaning **and checking whether** the loading compartments, containers **and**

terminals, inland and seaports.

trailers are in good condition to contain and minimise the loss of spilled pellets; visual checking of openings and integrity of the loading compartments prior and, to the extent possible, during the journey, including in the multimodal terminals, rail terminals, inland and seaports.

Amendment 89

Proposal for a regulation Annex III – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) Additional measures to be taken and equipment specifically applicable to maritime and inland waterway transport:

(a) provide a clear indication of the containers containing plastic pellets;

(b) store plastic pellets in containers in good condition and avoid protrusions that could tear bags and boxes and store containers in the hold and not on deck;

(c) contain, clean up and avoid losses of plastic pellets into water when cleaning the boarding area, deck, hold or in a shipping container.

Amendment 90

Proposal for a regulation Annex III – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) For containment and clean-up: where possible, repair damaged packaging (e.g. by using booms, barriers and tape) and contain the remaining pellets in the loading compartment; collect the spilled pellets in closed containers *or bags* for proper disposal; in case of transport of pellets in

(2) For containment and clean-up: *replace or* where possible repair damaged packaging (e.g. by using booms, barriers and tape) and contain the remaining pellets in the *container or* loading compartment; collect the spilled pellets in closed *waterproof* containers *labelled and sealed*

bulk tanks, opening the bottom manhole/cone of the silo tank only after entering the cleaning bay; replace the container liner only in suitable and non-public areas, where any spillage can be contained; notify the authorities such as international and national emergency, or environmental authorities, as appropriate, from the Member State where the event occurred.

for proper disposal; in case of transport of pellets in bulk tanks, ***deploy appropriate spill trays and catchment devices before*** opening the bottom manhole/cone of the silo tank only after entering the cleaning bay; replace the container liner only in suitable and non-public areas, where any spillage can be contained; ***immediately*** notify the authorities such as international and national emergency, or environmental authorities, as appropriate, from the Member State where the event occurred.

Amendment 91

Proposal for a regulation Annex III – paragraph 1 – point 3

Text proposed by the Commission

(3) Equipment on board: at least one portable ***lightening apparatus***, hand tools (e.g. brooms, dustpan and brush, buckets, repair tapes, etc.); closed collection containers/reinforced collection bags.

Amendment

(3) Equipment on board: at least one portable ***lighting device***, hand tools (e.g. brooms, dustpan and brush, buckets, repair tapes, etc.); closed collection containers/reinforced collection bags.

Amendment 92

Proposal for a regulation Annex III – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) Training: establish an awareness and training programme, based on the employees' specific roles and responsibilities, on prevention, containment and clean-up of plastic pellet losses, the installation, use and maintenance of equipment, the execution procedures, as well as the monitoring and reporting of plastic pellet losses.

Amendment 93

Proposal for a regulation Annex IV a (new)

Text proposed by the Commission

Amendment

ANNEX IVa

FORM FOR LOSS TRACKING

Place of Incident: [Text Box]

Pellet Loss Tracking Form

Date of Incident: [date]

Time of Incident: [time]

Location of Loss:

[] Production Area

[] Storage Area

[] Manufacturing Area

[] Transportation

Description of Pellet Loss:

[Text Box]

Estimated Quantity of Lost Pellets:

[Text Box]

[Text Box – estimated quantity of lost pellets based on the standardised methodology referred to in Article 13]

Cause of Loss:

[] Equipment Malfunction

[] Human Error

[] Environmental or Weather Factors (Specify): [Text Box]

[] Other (Specify): [Text Box]

Immediate Actions Taken:

[Text Box]

Clean-up Measures:

[] Sweeping


[] Vacuuming

Absorbent Materials
 Containment
 Disposal
Environmental Impact Assessment:
 Soil Contamination
 Water Contamination
 Air Quality Contamination
 Wildlife Impact
Witness Information (if applicable):
Name: [Text Box]
Contact Number: [Text Box]
Email Address: [Text Box]
Reporting Person:
Name: [Text Box]
Position: [Text Box]
Contact Number: [Text Box]
Email Address: [Text Box]
Attachments (e.g., photos, reports):
[File Upload]
Additional comments: [Text Box]

Amendment 94

**Proposal for a regulation
Annex IV b (new)**

<i>Text proposed by the Commission</i>	
<i>Amendment</i>	
ANNEX IVb	
	<i>Labelling for plastic pellets</i>

<i>Pictogram</i>	
<i>Signal Word</i>	<i>Danger</i>
<i>Hazard Statement</i>	<i>Harmful to the environment</i>
<i>Precautionary Statement – Prevention</i>	<i>Avoid release to the environment</i>
<i>Precautionary Statement – Response</i>	<i>Collect spillage</i>
<i>Precautionary Statement – Disposal</i>	<i>Reuse as raw material, recycle or dispose of contents..</i>
	<i>... in accordance with local/ regional/national/international law (to be specified).</i>
