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Opinion of the European Committee of the Regions – Preventing plastic pellet losses to reduce microplastic pollution

(C/2024/3675)

Rapporteur-general:	Roberto CIAMBETTI (IT/ECR), President and Member of the Regional Council of Veneto
Reference document:	Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce Microplastic pollution COM(2023) 645 – 2023/0373 (COD)

I. RECOMMENDATIONS FOR AMENDMENTS

Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce Microplastic pollution
(COM(2023) 645 – 2023/0373 (COD))

Amendment 1

Recital 24

Text proposed by the European Commission	CoR amendment
(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 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 Council ¹⁵ 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	(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 training programme addressing specific issues on prevention, practices, worker protection, clean-up technologies, use and maintenance of equipment, the execution of procedures, as well as the monitoring and reporting of 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 Council ¹⁵ on

to ensure homogeneous information.	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. <i>Small enterprises operating installations where plastic pellets in quantities above 1 000 tonnes have been handled should obtain certification only once. This certification will be valid for five years, after which they will have to notify an update of their risk assessment plan as well as a self-declaration of conformity every five years.</i>
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Reason

All economic operators are subject to a self-declaration, not just the bigger ones. The certification for small enterprises is valid for five years.

Amendment 2

Recital 25

Text proposed by the European Commission	CoR amendment
(25) <i>Micro and small-sized enterprises, and</i> 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.	(25) <i>Small,</i> medium and large-sized enterprises operating installations where plastic pellets in quantities below 1 000 tonnes have been handled <i>and micro enterprises</i> should be required to be subject to a self-declaration of conformity. They should also be given sufficient time to demonstrate their compliance.

Reason

All economic operators are subject to a self-declaration, not just the bigger ones.

Amendment 3

Article 1(1)

Text proposed by the European Commission	CoR amendment
1. This Regulation lays down obligations for the handling of plastic pellets at all stages of the supply chain to prevent losses.	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 pellet losses.

Amendment 4

Article 2, point (-a) (new first definition)

Text proposed by the European Commission	CoR amendment
	(-a) ‘plastic’ means polymer to which additives or other substances may have been added, which is capable of functioning as a main structural component of final materials and articles;

Amendment 5

Article 2, point (a)

Text proposed by the European Commission	CoR amendment 2
(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;	(a) ‘plastic pellet’ means a small mass of preformed polymer-containing moulding material, regardless of its shape and form, including such as cylinders, beads, flakes or powder , that is used as feedstock in plastic product manufacturing and plastic recycling operations;

Reason

To include specific examples to ensure a correct and consistent interpretation of the definition; and to include plastic recycling operations.

Amendment 6

Article 2, point (a a) (new)

Text proposed by the European Commission	CoR amendment
	(a a) <i>‘dust’ means small particles resulting from processing and/or grinding plastic materials and objects and articles that are not used as feedstock in plastic product manufacturing operations.</i>

Reason

To introduce an *ad hoc* definition for ‘dust’, as it is the result of processing and cannot be considered as feedstock for plastic product manufacturing.

In addition, because of its inherent nature it is not recoverable once dispersed into the environment, and should not be subject to the same requirements as pellets (see Amendment 10).

Amendment 7

Article 2, point (a b) (new)

Text proposed by the European Commission	CoR amendment
	(a b) <i>‘handling’ means any use of plastic pellets in carrying out any economic activity throughout the supply chain, such as production; master batching and compounding; conversion; waste management, including recycling; distribution; repacking; transport; storage; and tank cleaning at cleaning stations;</i>

Reason

Defining ‘handling’ makes it possible to precisely identify all parties concerned by the regulation. The proposal is based on the provisions of recital 13.

It should also be included in the definitions to ensure the correct interpretation of the following definition for ‘installation’ in Article 2(1)(d).

Amendment 8

Article 2, point (b)

Text proposed by the European Commission	CoR 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 that remains within the boundary of the installation;

Reason

It is necessary to distinguish between a spill (which occurs within the installation's boundary) and a loss (which occurs outside the installation). A spill of plastic pellets during production (particularly during loading and unloading) is normal. What is important is that the operator carries out the necessary cleaning measures as soon as possible.

Amendment 9

Article 2, point (d)

Text proposed by the European Commission	CoR amendment
(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;	(d) 'installation' means any industrial site or production unit or other place within which one or more economic activities involving the handling of plastic pellets are carried out;

Reason

The proposed changes give greater clarity.

Amendment 10

Article 3(1)

Text proposed by the European Commission	CoR amendment
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.	1. Economic operators, EU carriers and non-EU carriers shall ensure that pellet and pellet dust losses are avoided. Where pellet losses occur, economic operators, EU carriers and non-EU carriers shall take immediate action to clean-up those losses.

Reason

The proposed amendment takes into account the nature of dust and the technical impossibility of recovering it once dispersed into the environment. The obligation to clean up these losses should therefore only pertain to pellets.

Amendment 11

Article 3(2)

Text proposed by the European Commission	CoR amendment
2. Economic operators and EU carriers shall notify the competent authority, in the manner determined by the latter, of each installation they operate and of when engaging in the transport of plastic pellets , as applicable.	2. Economic operators and EU carriers shall notify the competent authority, in the manner determined by the latter, of each installation they operate and of the methods adopted for transport , as applicable.

Reason

Notifying the authorities of every transport operation carried out – for however many pellets – is disproportionate and excessively burdensome, not only for economic operators and EU carriers but also for the competent authorities that would receive and need to manage an excessive amount of information.

Amendment 12

Article 3(4)

Text proposed by the European Commission	CoR amendment
4. Competent authorities shall establish and maintain a public register containing the information they have received in accordance with paragraphs 3 and 4 .	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 public and accessible to the interested parties.

Reason

Some of the information that would need to be notified to the competent authorities relates to confidential aspects for economic operators and should therefore be protected to avoid unfair business practices (such as ‘any significant change in their installations and activities related to handling of plastic pellets’). It is therefore appropriate for each State to provide access to that information only to the eligible interested parties. This amendment corrects the reference, to refer to paragraphs 2 and 3 instead of 3 and 4.

Amendment 13

Article 4(1), point (a)

Text proposed by the European Commission	CoR amendment
(a) establish a risk assessment plan for each installation in accordance with Annex I taking into account the nature and size of the installation as well as the scale of its operations;	(a) establish a risk assessment plan for each installation in accordance with Annex I, choosing which equipment and procedures from among those referred to in paragraphs (7) and (8) to adopt based on the nature and size of the installation as well as the scale of its operations;

Reason

It needs to be made clear that companies are free to choose the equipment and procedures from among those listed in Annex I that are most appropriate in terms of the risks given their specific situations and in terms of their logistical, organisational and/or economic capabilities (this aspect appears clearer in recital 18).

Amendment 14

Article 4(1), point (c)

Text proposed by the European Commission	CoR amendment
(c) notify the risk assessment plan referred to in point (a) to the competent authority of the Member State where the installation is located together with a self-declaration of conformity issued in accordance with the model form set out in Annex II.	(c) notify the risk assessment plan referred to in point (a) to the competent authority of the Member State where the installation is located, accompanied by a self-declaration of conformity drawn up in accordance with the model form set out in Annex II.

Reason

Clearer.

Amendment 15

Article 4(2)

Text proposed by the European Commission	CoR amendment
2. Economic operators that are medium and large-sized enterprises operating installations where plastic pellets in	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.	quantities below 1 000 tonnes have been handled in the previous calendar year or that are micro or small-sized enterprises shall update the risk assessment plan for each installation whenever necessary for technical and/or organisational changes that affect the size of the risk every 5 years from the last notification. Where changes have occurred, the risk assessment plan shall be notified to the competent authority together with the renewal of the self-declaration of conformity.
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Reason

There should be a requirement for economic operators to update the risk assessment plan (regardless of the five-year requirement) where changes to installations or of a technical and/or organisational nature so require (the aim is that operators, including those eligible for self-declaration, always keep their risk assessment plan up to date with the existing situation). The plan should be regarded by operators as a working tool that should be kept up to date at all times. To avoid excessive red tape and having to submit documentation too frequently, which would also create more work for the competent authorities, provision should be made for the risk assessment plan and related self-declaration of conformity to be resubmitted to the competent authority only where there are substantial changes to the previous version to report.

Amendment 16

Article 4(3)

Text proposed by the European Commission	CoR amendment
3. Competent authorities may require economic operators to take the following actions: (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; (b) implement any of the actions listed in Annex I in a timely manner.	3. Competent authorities may, when carrying out in site verifications, require economic operators to: (a) change risk assessment plans to ensure that the losses can effectively be prevented or, where appropriate, contained and cleaned up more efficiently, and that Annex I is complied with, and, where appropriate, granting an appropriate deadline for compliance; (b) implement the relevant actions listed in Annex I in a timely manner where there is a risk of pellet losses.

Reason

Considering the fact that, once approved, this regulation will enter into force without the need for each Member State to adopt transposition acts (except for designating competent authorities and for the penalty system), the provisions, especially those on compliance, should be clearer also in regard to the administrative aspects, so that the rules can be effective and applied uniformly at EU level.

The proposal aims to further clarify how they are to be implemented and the discretionary powers of the competent authorities. Regarding these powers, a distinction should be made between the first option to change the plan on the basis of improving its effectiveness (point a) and the second option as an emergency measure to be implemented in a timely manner (point b).

Amendment 17

Article 4(4)

Text proposed by the European Commission	CoR 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 this Article. The register shall be publicly available on a website .	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 this Article. The register shall be public and accessible to the interested parties .

Reason

The risk assessment plans lay out the technical and organisational arrangements that economic operators adopt to prevent, contain and clean up any escape or loss of pellets.

These plans contain confidential information that should also be protected to avoid unfair business practices. Each State will therefore have to provide access to that information only to the eligible interested parties.

Amendment 18

Article 4(9a) (new)

Text proposed by the European Commission	CoR amendment
	(9a) measures taken to implement the risk assessment plan and/or any requirements indicated by the competent authorities during the inspection shall not entail the need to amend and/or update economic operators’ environmental authorisation certificates.

Reason

It needs to be clarified that it is not necessary to amend the environmental authorisations held by economic operators in order to carry out any measures to implement the risk assessment plan or to comply with any requirements specified by the competent authorities in accordance with Article 4(3), since this would excessively increase bureaucratic burdens (especially in some Member States) and subsequent costs, but above all it would impose timeframes that are incompatible with the pursuit of the objectives of this regulation, since the implementation of these measures would be conditional on a positive and completed environmental authorisation procedure.

Amendment 19

Article 5(2)

Text proposed by the European Commission	CoR amendment
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 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.	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. 2a. By ... [OP: please insert the date = 60 months after the entry into force of this Regulation], economic operators that are small-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. This certificate shall be valid for five years.

Amendment 20

Article 6, first paragraph

Text proposed by the European Commission	CoR amendment
Economic operators which are registered to the Community eco-management and audit scheme in accordance with Regulation (EC) No 1221/2009 are exempt from compliance with the notification obligation laid down in Article 4(2) and the obligations laid down in Article 5(1) and (2) of this Regulation provided that the environmental verifier as defined in Article 2(20) of Regulation (EC) No 1221/2009 has checked that requirements laid down in Annex I have been included in the environmental management system of the economic operator and have been implemented.	Economic operators which are registered to the Community eco-management and audit scheme in accordance with Regulation (EC) No 1221/2009 and economic operators which have adopted a management system in compliance with technical standards EN ISO 14001 and EN ISO 9001 are exempt from compliance with the notification obligation laid down in Article 4(1) and (2) and the obligations laid down in Article 5(1) and (2) of this Regulation provided that the environmental verifier as defined in Article 2(20) of Regulation (EC) No 1221/2009 has checked that the requirements laid down in Annex I that have been adopted have been included in the environmental management system of the economic operator and have been correctly implemented.

Reason

Exempting companies that adopt environmental management systems from the obligation to certify compliance means recognising the validity of these instruments, including for the purposes of implementing the provisions of the regulation. It also highlights the importance of certified systems, rewarding companies that comply with them while promoting their adoption in other companies. For these reasons, other management systems equivalent to EMAS registration, such as ISO 14001 and ISO 9001, should also be recognised under this exemption, provided that the verifier checks that the operator has included the adopted measures from Annex I in the management system and is implementing them correctly.

This exemption also needs to be extended to the first notification, otherwise companies with certification would have to ensure compliance for the same content twice (for certified companies, the notification must be made by the certifier).

Adding ‘that have been adopted’ clarifies (as highlighted in other amendments to the opinion) that operators must choose and implement not all measures in Annex I, but those most appropriate for the size of the risk and the business environment. It is also appropriate for verifiers to check that the measures are implemented correctly.

Amendment 21

Article 7

Text proposed by the European Commission	CoR amendment
The accreditation of certifiers referred to in Article 3, point (k)(i) shall include an evaluation of compliance with the following requirements: [...]	The accreditation of certifiers referred to in Article 2, point (k)(i) shall include an evaluation of compliance with the following requirements: [...] (h) <i>the certifier and their staff shall be specifically and vadequately trained to carry out the activities referred to in Article 6 of this Regulation.</i>

Reason

To reference the correct article.

The new point (h) has been added to ensure that certifiers are trained to correctly verify that the management system implemented contains the chosen requirements of Annex I to the Regulation, and that they are correctly implemented.

Amendment 22

Article 9

Text proposed by the European Commission	CoR amendment
Article 9 Incidents and accidents 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: (a) inform the competent authority in whose territory the incident or accident occurred and the estimated quantities of losses; (b) take measures to limit the health or environmental consequences and to prevent further incidents or accidents. 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. 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	Article 9 Incidents and accidents 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: (a) inform the competent authority in whose territory the incident or accident occurred and the estimated quantities of losses; (b) take measures to limit the health or environmental consequences and to prevent further incidents or accidents. 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, to prevent further incidents or accidents and to restore as much as possible the affected areas to their original conditions. 3. In the event of any incident or accident significantly affecting or likely to significantly affect 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

Reason

It is important to inform the authorities of territories potentially affected by incidental or accidental losses occurring in neighbouring territories. Information should not be limited to the area of the incident but be extended to areas likely to be significantly affected. An incident in the sea might impact several nearby areas.

Amendment 23

Article 10(2)

Text proposed by the European Commission	CoR 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 may suspend the operation of the installation until compliance is restored in accordance with paragraph 1, points (b) and (c).	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). <i>Where the danger affects other territories, the competent authority which ordered the suspension of the operation of the facility shall promptly inform the competent authority of the other territories potentially affected, including with a view to coordinating any activities to be carried out jointly.</i>

Reason

It is important to inform authorities on cases in which there is a potential impact. Information should not be limited to the area of the incident but be extended to areas likely to be significantly affected.

Amendment 24

Article 11

Text proposed by the European Commission	CoR amendment
Article 11 Designation and powers of competent authorities 1. Member States shall designate one or more competent authorities for the application and enforcement of this Regulation. 2. Member States shall confer on their competent authorities the powers of inspection and enforcement necessary to ensure compliance with this Regulation.	Article 11 Designation and powers of competent authorities 1. Member States shall designate one or more competent authorities for the application and enforcement of this Regulation. 2. Member States shall confer on their competent authorities the powers of inspection and enforcement necessary to ensure compliance with this Regulation <i>and shall ensure that the competent authorities are provided with adequate resources, technical assistance and multilingual guidance to exercise these powers effectively, ensuring uniform implementation.</i>

[...] 5. Where there is more than one competent authority in their territory, Member States shall ensure that appropriate communication and coordination mechanisms are established.	[...] 5. Where there is more than one competent authority in their territory, Member States shall ensure that appropriate communication and coordination mechanisms are established. Local and regional authorities not designated as competent authorities, where appropriate, shall be involved in communication and coordination mechanisms.
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Reason

If a Member State designates a specific local or regional authority as the competent authority to implement this regulation, the authority in question should be provided not just with powers but also with sufficient resources for its additional new duties.

Amendment 25

Article 12(1)

Text proposed by the European Commission	CoR amendment
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 competent authorities.	1. Within 12 months of the entry into force of this Regulation, the Commission shall establish the arrangements for the provision of assistance and 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 competent authorities.

Reason

The details regarding how the assistance and the information and training material is to be provided should be made known to those concerned in sufficient time to enable them to make the necessary preparations before the Regulation enters into force.

Furthermore, ‘assistance’ should also be mentioned in paragraph 1 to tie in with what is stated in paragraph 2.

Amendment 26

Article 12(2)

Text proposed by the European Commission	CoR amendment
2. 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. Without prejudice to applicable state aid rules, the assistance referred to in the first subparagraph may take the form of: (a) financial support; (b) access to finance; (c) specialised management and staff training; (d) organisational and technical assistance.	2. 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. Member States shall ensure that local and regional authorities significantly involved in the implementation of the Regulation, especially if designated as competent authorities, get access to information and assistance regarding compliance with the Regulation. Information on assistance shall be made available in all EU languages. Without prejudice to applicable state aid rules, the assistance referred to in the first subparagraph may take the form of: (a) financial support; (b) access to finance; (c) specialised management and staff training; (d) organisational and technical assistance.

Reason

If local and regional authorities have to exercise new functions under this Regulation, it is necessary to provide support for them to ensure proper implementation, including in areas with limited resources.

Amendment 27

Article 12(3a) (new)

Text proposed by the European Commission	CoR amendment
	3a. Member States shall ensure that the staff of the competent authorities are properly trained to carry out the activities provided for in this Regulation.

Reason

The Regulation assigns a number of new tasks to the competent authorities, ranging from keeping records and assessing risk assessment plans, to undertaking compliance checks. Therefore, in order to fully and effectively implement the provisions of the Regulation, the staff in the public administrations need to be properly trained.

Amendment 28

Article 14(1)

Text proposed by the European Commission	CoR amendment
1. Natural or legal persons or organisations regarded under national law as having a sufficient interest or those who consider that their rights were impaired shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that an economic operator, EU carrier or non-EU carrier is failing to comply with the provisions of this Regulation. For the purposes of the first subparagraph, non-governmental entities or organisations promoting human health, environmental or consumer protection and meeting any requirements under national law shall be deemed to have a sufficient interest.	1. Natural or legal persons or organisations regarded under national law as having a sufficient interest or those who consider that their rights were impaired shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that an economic operator, EU carrier or non-EU carrier is failing to comply with the provisions of this Regulation. For the purposes of the first subparagraph, non-governmental entities or organisations promoting human health, environmental or consumer protection and meeting any requirements under national law shall be deemed to have a sufficient interest. <i>For the purposes of the first subparagraph, sub-national public authorities whose population or territory could be significantly adversely affected and meeting any requirements under national law shall be deemed to have a sufficient interest.</i>

Reason

LRAs representing areas affected by pollution have a legitimate interest in submitting a complaint in the case of failure to comply that would significantly affect their population or territory, especially in cases in which they will be responsible for dealing with consequences of pollution.

Amendment 29

Article 15(3)

Text proposed by the European Commission	CoR amendment
3. Member States shall ensure that the penalties established pursuant to this Article take due account of the following, as applicable: (a) the nature, gravity and extent of the infringement; (b) the intentional or negligent character of the infringement;	3. Member States shall ensure that the penalties established pursuant to this Article take due account of the following, as applicable: (a) the nature, gravity and extent of the infringement; (b) the intentional or negligent character of the infringement, <i>except as provided for in the rules on waste;</i>

(c) the population or the environment affected by the infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment;	(c) the population or the environment affected by the infringement, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment;
(d) the financial situation of the economic operator, EU carrier and non-EU carrier held responsible.	(d) the financial situation of the economic operator, EU carrier and non-EU carrier held responsible.

Reason

It is necessary to ensure that the penalties to protect infringements of this Regulation do not overlap with other types of penalties for cases involving waste management (for example, the intentional release of microplastics into the environment constitutes the abandonment of waste, which is already covered in the legal systems of the EU Member States' national legal systems (under Article 36(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008).

Amendment 30

Article 19, second paragraph

Text proposed by the European Commission	CoR amendment
This Regulation shall apply [OP: please insert the date = 18 months after the entry into force of this Regulation]. However, Article 3(1) shall apply from ... [OP: please insert the date the date of the entry into force of this Regulation].	This Regulation shall apply [OP: please insert the date = 24 months after the entry into force of this Regulation]. However, Article 3(1) shall apply from ... [OP: please insert the date the date of the entry into force of this Regulation].

Reason

This is a suggestion to defer the application of the requirements laid down in the Regulation for a longer period, i.e. for 24 months instead of 18 months, so as to be sure that all of the following can happen: the Member States can adopt the necessary transposition measures (establishing the competent authorities and setting penalties); the Commission can provide the necessary information and training material; the detail regarding the assistance measures, including economic/financial assistance to be provided by the Commission and/or by the Member States can be established; the competent authorities can prepare, including through the necessary training, to implement the provisions of the Regulation; the certifiers' staff can qualify for the specified duties; and finally the economic operators and carriers can be informed and trained to be able to properly meet the requirements of the Regulation.

Amendment 31

Annex I, point (7)

Text proposed by the European Commission	CoR amendment
(7) description of equipment in place to prevent, contain and clean up spills and losses. 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: (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; (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; (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.	(7) description of equipment in place to prevent, contain and clean up spills and losses. Economic operators shall consider from among the following, the equipment most in line with the nature and size of the installation as well as the scale of its operations: (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; (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 pellets handled on site, storm water drainage or filtration systems to manage reasonably foreseeable flood or storm events; a sewage treatment system; (c) For clean-up: industrial vacuum cleaners for internal and external usage; dedicated appropriate containers for recovered pellets that are shock-resistant, water-proof, sealed, labelled and secured to prevent further spills and losses; hand tools (e.g., brooms, dustpan and brush, buckets, repair tapes); reinforced collection bags.

Reason

It needs to be specified that the companies are free to choose, from what is set out here, the equipment that is most suited to the risk that pertains to their specific circumstances and to their own logistical and/or organisational characteristics and capabilities (as more clearly stated in recital 18). It is also appropriate to indicate other useful equipment that companies can use to contain any escape or loss of pellets.

Amendment 32

Annex I, point (8)

Text proposed by the European Commission	CoR amendment
(8) description of procedures in place to prevent, contain and clean up spills and losses. 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:	(8) description of procedures in place to prevent, contain and clean up spills and losses. Economic operators shall consider from among the following, the procedures most in line with the nature and size of the installation as well as the scale of its operations:

Reason

It needs to be specified that the companies are free to choose, from what is set out here, the procedures that are most suited to the risk that pertains to their specific circumstances and to their own logistical, organisational and/or economic capabilities (as more clearly stated in recital 18).

Amendment 33

Annex I, point (8)(a)

Text proposed by the European Commission	CoR amendment
(a) for prevention: limits on the volumes of pellets transported in certain packaging (<i>e.g. pellets must be packaged and sealed in 25kg sacks, and loaded no more than 1 one per pallet</i>); 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;	(a) for prevention: limits on the volumes of pellets transported in certain packaging (<i>pellets should be packaged and sealed in tear- and impact-resistant packaging that can withstand degradation in aquatic environments, in line with evolving production and transport conditions used</i>); 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;

Reason

There are various types of packaging (paper, plastic, ‘octabins’, flexible, rigid, etc.) that serve certain production and/or transport conditions; for these reasons, the optimal choice can be indicated, but operators should be given the possibility to decide which to adopt, depending on their specific conditions. On the other hand, the limit of 1 tonne per single load must be removed from the text because this would multiply the number of packages and loads contrary to the same EU policies aimed at reducing packaging, especially plastic packaging and air pollution due to the circulation of means of transport.

Amendment 34

Annex I, point (8)(c)

Text proposed by the European Commission	CoR 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 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.	(c) for clean-up: spilled plastic pellets are cleaned up as soon as possible to prevent losses to the environment, at the latest upon termination of the operation, and collected in a designated container that should preferably be waterproof, sealed and labelled . 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 or disposed of in accordance with waste legislation.

Reason

The economic operator should clean up the spilled pellets as soon as possible, in any case no later than the end of the operations. Recovery and disposal are alternative operations to one another, for which it is more appropriate to use 'or'.

Amendment 35

Annex III

Text proposed by the European Commission	CoR amendment
ACTIONS FOR EU CARRIERS AND NON-EU CARRIERS	ACTIONS FOR EU CARRIERS AND NON-EU CARRIERS
Measures to be taken and equipment to be put in place by EU carriers and non-EU carriers:	Measures to be taken and equipment to be put in place by EU carriers and non-EU carriers:
(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	(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 on 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 packaging suited to the specific type and conditions of transport and preferably waterproof, sealed, tear- and impact-resistant packaging and able to withstand degradation in aquatic environments; deploying spill trays and catchment devices ; ensuring that

loading compartments prior and, to the extent possible, during the journey, including in the multi-modal terminals, rail terminals, inland and seaports.	protective covers on e.g. forklifts/hydraulic equipment are used to prevent the piercing of packaging; regularly cleaning and checking the good condition of the loading compartments, containers and trailers 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 multi-modal terminals, rail terminals, inland and seaports.
(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 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.	(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, preferably waterproof containers labelled and sealed 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.
[...]	[...]

Reason

These measures should be incorporated into the text of the Annex as they are useful for improving transport safety conditions.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR),

1. welcomes the proposal of the European Commission on preventing plastic pellet losses to reduce microplastic pollution as part of the efforts towards the EU target of reducing by 2030 by 50 % plastic litter at sea and by 30 % microplastics released into the environment with the objective of achieving zero pellet losses;
2. highlights the significant negative impacts of plastic pellet losses on the environment, climate and economy, underlining the challenges of coastal communities and of the fishing, agriculture and tourism sectors;
3. stresses the importance of moving forward with the negotiations on a global treaty on plastic pollution that also covers the issue of microplastics. Given the global dimension of this issue, measures to combat microplastic pollution will be much more effective if non-EU countries also face up to their responsibilities and engage here; highlights the need to consider the issue of microplastic pollution in EU trade policy to limit unfair advantages for producers and carriers from third countries with significantly lower standards;
4. agrees that timely action needs to be taken to deal with the problem of microplastic losses, which is having an increasingly significant impact on local communities, both from an environmental point of view and from the point of view of socio-economic activities;

5. proposes the inclusion of maritime transport in the new Regulation, which should include all measures that are enforceable in practice in the EU and respectful of international law; advocates calling on the International Maritime Organisation (IMO) to establish measures regarding the maritime transport of pellets as soon as possible, with a view to more effectively preventing accidents in EU and international waters, while also ensuring a level playing field between EU and non-EU economic operators;
6. stresses that the evidence currently available fully justifies strong action in line with the precautionary principle; recommends deploying sufficient funding to promote research and applied research when it comes to microplastics, in order to fully understand their causes and effects (in particular on human health directly and indirectly) and to develop new ways to prevent, manage and clean up pellet losses;
7. strongly supports the Polluter Pays Principle, reiterating that, if the polluters do not pay, often local and regional authorities have to cover expenses to remedy damages to local communities. The CoR calls for strengthening provisions on clean-up actions and suggests assessing ways in which penalties and compensations can be used to support local and regional communities affected by pollution;
8. agrees that action needs to be taken on plastic pellet losses, as this is one of the main sources of unintentional microplastic releases, and considers that regulation in this area can contribute to achieving the target of a 30 % reduction in microplastics released into the environment by 2030, as set out in the 2021 Zero Pollution Action Plan;
9. agrees that a Regulation is the most appropriate legal instrument in tackling this issue, which, because of its cross-border nature (although microplastics losses occur in a given place, they are transported elsewhere by air and water), requires uniform regulation at EU level, and therefore considers that the principle of subsidiarity is respected;
10. stresses the importance of also taking action (through other legal acts) on the other major sources of unintentional microplastic releases (paints, tyres, synthetic textiles, geotextiles) by establishing measures (that should be reasonable and proportionate, and with targets to be met in stages) aimed at implementing all of the actions of the microplastics strategy that complement each other;
11. recommends that the Regulation's rules be clear, certain and simple, so that they do not lend themselves to different interpretations by individual Member States, in particular as regards who they apply to, the definitions and the requirements, as this would undermine the effectiveness of the Regulation; invites to pay due attention to ensuring that the implementation of the Regulation, except regarding certain aspects, does not go through transposition measures adopted by individual Member States;
12. welcomes the European Commission's proposal to introduce preventive measures to be carried out by the parties concerned based on the methodologies already adopted by some economic operators on a voluntary basis (Operation Clean Sweep (OCS));
13. calls, in particular, for clarification of the scope of the proposal for a regulation, so that it does not apply to leisure facilities containing plastic pellets (e.g. sports facilities). Under EU chemicals legislation, these are subject to an extension of the transitional period for the ban on placing on the market to eight years, as only a few alternatives to plastic pellets are currently in use (cork and sand) and transforming the many thousands of sites requires sufficient time;
14. also recommends that particular attention be paid to the impact of the Regulation on the public administrations involved, which must be able to operate properly (an excessive burden, especially of formal tasks, would mean an over-emphasis on red tape to the detriment of substantive activities);
15. also agrees with the introduction of an obligation for economic operators to assess the risk of pellet losses within their installations and to take the necessary action in the following order of priority: prevention, containment, clean-up;
16. recommends setting up an effective system to monitor the individual Member States' application of the provisions of this Regulation, in order to check that the rules are working effectively and to make any necessary changes and improvements;
17. welcomes the inclusion of training for employees among the requirements set out, given that in most cases pellet losses occur due to lack of awareness and improper handling by the economic operators involved throughout the supply chain;

18. recommends, moreover, promoting and checking that the individual Member States step up their inspection activities on the ground to ensure that the rules are actually being implemented;
19. calls, therefore, for appropriate forms of support and assistance to be established in order to properly prepare and train the staff in the competent authorities to carry out the delegated tasks correctly (especially in relation to the inspection methods);
20. furthermore, in the implementation of the Regulation, calls for effective assistance measures to be established to support the entities subject to these obligations – particularly small and micro enterprises – in meeting the requirements (such as training) and in making the necessary investments (such as the provision of the necessary equipment).

Brussels, 18 April 2024.

The President
of the European Committee of the Regions
Vasco ALVES CORDEIRO
