



Confederazione Nazionale
dell'Artigianato e della Piccola
e Media Impresa

SENATO DELLA REPUBBLICA
COMMISSIONE 4^a POLITICHE DELL'UNIONE EUROPEA

**PROPOSTA DI REGOLAMENTO SUGLI IMBALLAGGI E I RIFIUTI DI
IMBALLAGGIO, CHE MODIFICA IL REGOLAMENTO (UE) 2019/1020 E LA
DIRETTIVA (UE) 2019/904 E CHE ABROGA LA DIRETTIVA 94/62/CE**

POSITION PAPER

12 aprile 2023

La proposta di Regolamento sugli imballaggi e i rifiuti da imballaggio, presentata dalla Commissione Europea lo scorso 30 novembre, mira a rivedere il quadro legislativo europeo con il fine di ridurre i rifiuti di imballaggio e far fronte alla questione degli imballaggi eccessivi. Le misure proposte, se adottate, avranno sicuramente un grande impatto non solo per le imprese che producono imballaggi, ma anche per tutti i diversi settori che li utilizzano e smaltiscono.

Seppure è indubbio che la proposta persegue obiettivi condivisibili rispetto all'intento di accelerare la transizione ecologica dell'UE, le più importanti organizzazioni italiane di rappresentanza dell'artigianato e delle micro e PMI esprimono alcune significative preoccupazioni rispetto al Regolamento proposto, che non tiene sufficientemente conto dei diversi contesti nazionali e dei sistemi di raccolta e riciclaggio che ciascun Stato membro ha sviluppato negli ultimi anni né degli impatti delle misure proposte sul sistema produttivo maggiormente composto da PMI.

Nello specifico, si ritiene che:

- **La scelta di un Regolamento, e non di una Direttiva, lasci poco margine ai singoli Stati nella definizione dei modelli e degli strumenti da adottare per raggiungere gli obiettivi.** Un regolamento rischia di penalizzare paesi come l'Italia che, per quanto riguarda la gestione degli imballaggi, vanta già risultati importanti. Infatti, l'Italia è il primo fra i grandi Stati europei per riciclo pro-capite dei materiali di imballaggio, e ha sviluppato esperienze tecnologicamente avanzate di raccolta, selezione e riciclo dei materiali di imballaggio. Rispetto agli attuali obiettivi fissati al 2025, l'Italia ha già raggiunto e superato i target di riciclo degli imballaggi post-consumo (con quasi il 74% rispetto al 65% previsto dall'Europa). Il precedente quadro – disciplinato mediante Direttiva – ha già permesso a Paesi come l'Italia di raggiungere tassi di riciclo ambiziosi, permettendo allo stesso tempo di adottare modelli tarati sulle caratteristiche dello specifico Stato Membro.
- **Il testo dovrebbe prevedere il ricorso ad atti di esecuzione piuttosto che ad atti delegati.** L'attuale proposta delega, infatti, in capo alla CE una moltitudine di aspetti di rilievo (ad esempio i requisiti di riciclabilità, la percentuale minima di contenuto riciclato, gli obiettivi di riuso, i criteri di etichettatura etc.). Si ritiene infatti che gli atti delegati non siano lo strumento idoneo per garantire sufficiente flessibilità, tempestività e rappresentatività; pertanto, si ritiene che a tale strumento si debbano preferire degli atti di esecuzione, permettendo così una delega ad organi nazionali tecnici competenti.
- **Si dovrebbe prevedere la creazione di un Forum ad hoc da coinvolgere in tutti i passaggi attuativi del Regolamento (inclusi gli atti esecutivi che eventualmente sostituiranno gli atti delegati).** In particolare, la definizione delle specifiche tecniche non può avvenire senza che sia garantito il necessario coinvolgimento dei settori impattati da tali requisiti, con una particolare attenzione alle micro e piccole imprese. Si propone pertanto la creazione a livello europeo di uno specifico Forum di coinvolgimento e consultazione (al pari di quanto previsto nella proposta di Regolamento sull'ecodesign) composto da rappresentanti delle autorità nazionali e

dell'intera catena del valore, garantendo la presenza del mondo delle micro e piccole imprese.

- **Prevenzione e riuso non dovrebbero essere visti come l'unica opzione da percorrere**, ma dovrebbero aggiungersi ai modelli positivi di riciclo che si sono sviluppati in questi anni nei diversi paesi. Si esprime inoltre preoccupazione per l'imposizione di alcune restrizioni e divieti per alcune forme di imballaggio, la fissazione di criteri di progettazione e l'imposizione di sistemi vincolanti di vuoto a rendere su cauzione.
- **Il sistema vincolante di vuoto a rendere previsto dal Regolamento comporterebbe una duplicazione dei costi, e potrebbe penalizzare le piccole imprese di alcuni settori particolarmente impattati dai nuovi obblighi.** Il Regolamento prevede l'attivazione di sistemi di vuoto a rendere (*Deposit Return System - DRS*), senza tuttavia fissare obiettivi di raccolta né tanto meno finalizzando il DRS al raggiungimento degli obiettivi di riciclo. Le disposizioni così come formulate rischiano di danneggiare la distribuzione organizzata, gli operatori della ristorazione, dei pubblici esercizi, delle attività ricettive nonché diversi altri comparti come, ad esempio, la vendita al dettaglio di prodotti alimentari. Prevedendo l'obbligatorietà del sistema cauzionale per tutti gli operatori interessati, si potrebbero verificare problemi di carattere logistico ed organizzativo poiché le imprese (in special modo le piccole e micro) non sono ancora strutturate o attrezzate per gestire gli adempimenti previsti, e andrebbero debitamente accompagnate in questa transizione. L'introduzione di un DRS per gli imballaggi monouso laddove esiste già un circuito efficace di raccolta differenziata e riciclo, rappresenterebbe in sostanza una duplicazione di costi economici ed ambientali. Si propone pertanto di prevedere strumenti che possano favorire, piuttosto che vincolare, la diffusione di modelli DRS ed eventualmente lasciare agli Stati Membri la possibilità di adottare, in base a specifiche valutazioni su particolari ambiti di intervento, l'applicazione obbligatoria soltanto su determinate casistiche per le quali il contesto territoriale rende tale opzione preferibile.
- **La logica di prevedere una lista di imballaggi per i quali si introduce un divieto di immissione sul mercato risulta piuttosto stringente e non include un'ampia analisi di obiettivi e impatti.** Se tale impostazione venisse confermata, alcune filiere specifiche sarebbero fortemente impattate, per esempio la filiera alimentare, nella quale in alcuni casi gli imballaggi monouso sono fondamentali per la protezione e conservazione degli alimenti, l'informazione al consumatore, la tracciabilità e l'igiene dei prodotti, permettendone anche la commercializzazione e l'export. Occorrerebbe riconoscere lo sforzo già in corso che gli operatori del settore stanno già adottando per produrre e/o utilizzare imballaggi più sostenibili attraverso misure meno rigide, come ad esempio la leva economica e fiscale verso operatori e consumatori.

Sulla base di queste premesse, riportiamo di seguito alcuni suggerimenti emendativi.

Proposta di emendamento 1

Considerando 20 bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	<i>20bis. In defining the design for recycling criteria, careful consideration should be given to those cases where the technical and qualitative characteristics of the packaging are not compatible with total recyclability. The environmental impacts and performance effects on the contained product, especially in terms of hygiene and healthiness, shall then be carefully assessed.</i>

Motivazione

È opportuno tenere in considerazione quelle casistiche (ad esempio nel settore alimentare) per le quali le caratteristiche tecniche e qualitative dell’imballaggio non sono compatibili con una totale riciclabilità. Inoltre, vanno valutati non solo gli impatti ambientali ma, ancor prima, le ricadute in termini di prestazioni sul prodotto contenuto.

Proposta di emendamento 2

Considerando 22

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories of packaging not listed in this Regulation. In order	In order to establish harmonised rules on packaging design to ensure its recyclability, the power to adopt delegated acts implementing acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling per packaging materials and categories, as well as for the assessment of the packaging recyclability at scale including for categories

<p>to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.</p>	<p>of packaging not listed in this Regulation. <i>These criteria must not conflict with the quality requirements and technical functionality that the packaging must ensure.</i> In order to give economic operators and Member States sufficient time to collect and report the necessary data to establish the “at scale” recycling methodology, the manufacturers should ensure that packaging is recycled at scale as of 2035. That should ensure that packaging complies with the design for recycling criteria, and is also recycled in practice on the basis of the state of the art processes for separate collection, sorting and recycling.</p>
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Motivazione

Con riferimento all’obiettivo di riciclabilità di tutti gli imballaggi, ed alla conseguente definizione di requisiti obbligatori (considerando da 20 a 22), di tratta di un approccio condivisibile in termini generali ma estremamente ambizioso, e va dunque perseguito con modalità e tempistiche adeguate, e senza compromettere le funzionalità primarie che l’imballaggio deve assolvere. In proposito non si ritiene che lo strumento dell’atto delegato, peraltro con tempistiche incerte, rappresenti lo strumento idoneo a dare certezza alle imprese.

Proposta di emendamento 3

Considerando 22 bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	<p><i>In order to ensure a balanced participation of all stakeholders, the Commission should establish an ad hoc Forum, composed by Member States’ representatives, and other parties involved, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisation. This Forum should be consulted by the Commission in order to contribute in particular to prepare</i></p>

	<i>detailed design for recycling criteria per packaging categories.</i>
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Motivazione

La definizione degli atti esecutivi relativi alle specifiche tecniche non può avvenire senza che sia garantito il necessario coinvolgimento dei settori impattati da tali requisiti, con una particolare attenzione alle micro e piccole imprese. Si propone pertanto la creazione a livello europeo di uno specifico Forum di coinvolgimento e consultazione (al pari di quanto previsto nella proposta di Regolamento sull'ecodesign) composto da rappresentanti delle autorità nazionali e dell'intera catena del valore, garantendo la presenza del mondo delle micro e piccole imprese.

Proposta di emendamento 4

Considerando 25

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the same time as establishing the detailed	Some Member States are taking action to encourage recyclability of packaging through modulation of extended producer responsibility fees; such initiatives taken at the national level may create regulatory uncertainty for the economic operators, in particular where they supply packaging in several Member States. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable packaging design leading to better recyclable packaging while improving the functioning of the internal market. It is therefore necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the recyclability performance grade obtained through recyclability assessment, while not setting the actual amounts of such fees. As the criteria should be related to the criteria on packaging recyclability, it is appropriate to empower the Commission to adopt such harmonised criteria at the

design for recycling criteria per packaging categories.	same time as establishing the detailed design for recycling criteria per packaging categories.
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Motivazione

Il considerando richiama lo strumento della diversificazione contributiva dei sistemi EPR come leva per incoraggiare la riciclabilità. In proposito l'esperienza italiana ha ormai da alcuni anni avviato un percorso di diversificazione del contributo ambientale sugli imballaggi e tale strumento si è rivelato una leva importantissima sia nell'orientare la produzione che nel sensibilizzare tutta la filiera verso le caratteristiche di sostenibilità degli imballaggi. Pur condividendo l'obiettivo di favorire tale diversificazione secondo un approccio armonizzato, non si ritiene opportuno porre in capo alla Commissione Europea una delega alla definizione di criteri rigidi che rischiano di non essere coerenti con i percorsi virtuosi già adottati dagli stati Membri.

Proposta di emendamento 5

Considerando 26

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
To ensure packaging circularity, packaging should be designed and manufactured in such a way as to allow for the increased substitution of virgin materials with recycled materials. The increased use of recycled materials supports the development of the circular economy with well-functioning markets for recycled materials, reduces costs, dependencies and negative environmental impacts related to the use of primary raw materials, and allows for a more resource-efficient use of materials. In relation to the different packaging materials, the lowest input of recycled materials is in plastic packaging. In order to address these concerns in the most appropriate manner, it is necessary to increase the uptake of recycled plastics, by establishing mandatory targets for recycled content in plastic packaging at different levels depending on the contact-sensitivity of different plastic packaging applications, and ensuring that the targets	To ensure packaging circularity, packaging should be designed and manufactured in such a way as to allow for the increased substitution of virgin materials with recycled materials. The increased use of recycled materials supports the development of the circular economy with well-functioning markets for recycled materials, reduces costs, dependencies and negative environmental impacts related to the use of primary raw materials, and allows for a more resource-efficient use of materials. In relation to the different packaging materials, the lowest input of recycled materials is in plastic packaging. In order to address these concerns in the most appropriate manner, it is necessary to increase the uptake of recycled plastics, by establishing mandatory targets for recycled content in plastic packaging at different levels depending on the contact-sensitivity of different plastic packaging

become binding by 2030 . In order to incrementally ensure packaging circularity, increased targets should apply as of 2040 .	applications, and ensuring that the targets become binding by 2030 2033 . In order to incrementally ensure packaging circularity, increased targets should apply as of 2040 2045 .
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Motivazione

È necessario prevedere tempistiche più ampie, per garantire ai diversi operatori più tempo per adattarsi ai nuovi obblighi.

Proposta di emendamento 6

Considerando 28

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product.	In order to ensure a high level of human and animal health protection in accordance with requirements in Union legislation and to avoid any risk to the security of supply and to the safety of medicines and medical devices safety, it is appropriate to provide for the exclusion from the obligation of a minimum recycled content in plastic packaging for immediate packaging as defined in Article 1, point 23, of Directive 2001/83/EC and in Article 4, point 25, of Regulation (EU) 2019/6, as well as for contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745 and for contact sensitive packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746. This exclusion should also apply to outer packaging of human and veterinary medicinal products as defined in Article 1, point 24, of Directive 2001/83/EC and in Article 4, point 26, of Regulation (EU) 2019/6 in cases where it has to comply with specific requirements to preserve the quality of the medicinal product. Moreover, this exclusion should also apply to all packaging that must comply with specific health and

	<i>hygiene requirements under sectoral regulations, as well as to ensure the technical and qualitative functionality of the packaging with respect to its specific use.</i>
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Motivazione

È necessario tenere in considerazione la necessità di escludere da tale obbligo tutte quelle casistiche in cui il rispetto di questo obbligo risulta in contrasto con altre normative vigenti (ad esempio per ragioni di salute, come in alcune fattispecie del settore cosmetico, o di sicurezza alimentare).

Proposta di emendamento 7

Considerando 29

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that the plastic part of each unit of packaging contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.	In order to prevent barriers to the internal market and ensure the efficient implementation of the obligations, economic operators should ensure that the plastic part <i>of each unit of packaging</i> contains a certain minimum percentage of recycled content recovered from post-consumer plastic waste.

Motivazione

Sarebbe più corretto riferire l'obiettivo di contenuto riciclato come media di tutti gli imballaggi in plastica immessi sul mercato da ciascuna impresa, piuttosto che sul singolo imballaggio, poiché ciò consentirebbe di considerare le diverse potenzialità che i vari imballaggi presentano, lasciando alle imprese la possibilità di "distribuire" i propri obiettivi di contenuto riciclato in funzione delle diverse tipologie e caratteristiche degli imballaggi prodotti.

Proposta di emendamento 8

Considerando 30

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. The most appropriate means to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content in packaging. The fee modulation should be based on common rules for the calculation and verification of the recycled content contained in such packaging.</p>	<p>There should be an incentive for economic operators to increase the recycled content in the plastic part of packaging. The most appropriate means to achieve this is to ensure the modulation of extended producer responsibility fees based on the percentage of recycled content <i>in packaging, in addition to the criteria of Articles 8 and 8a of Directive 2008/98/EC.</i> The fee modulation should be based on common rules for the calculation and verification of the recycled content contained in such packaging.</p>

Motivazione

La formulazione del comma 6 dell'art.7 della proposta di Regolamento, potrebbe generare dubbi interpretativi sulla applicazione dei criteri per l'EPR previsti dagli art.8 e 8a della Direttiva 2008/98/EC, anche se espressamente richiamati dall'art.40 della medesima proposta di Regolamento.

Proposta di emendamento 9

Considerando 33

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of temporarily amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a delegated act, the Commission should assess</p>	<p>In order to take into account the risks related to a possible insufficient supply of a specific plastic waste for recycling that might lead to excessive prices or adverse effects on health, safety and the environment, the power to adopt <i>implementing</i> acts in accordance with Article 290 <i>291</i> of the Treaty should be <i>delegated given</i> to the Commission in respect of temporarily amending the targets for mandatory recycled content in plastic packaging. In evaluating the justification of such a <i>delegated implementing</i> act, the</p>

well-reasoned requests from natural and legal persons.	Commission should assess well-reasoned requests from natural and legal persons..
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Motivazione

Non si ritiene che lo strumento dell'atto delegato, peraltro con tempistiche incerte, rappresenti lo strumento idoneo a dare certezza alle imprese.

Proposta di emendamento 10

Considerando 37

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use of such materials is beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend or extend the list of compostable packaging.	Where justified and appropriate due to technological and regulatory developments impacting the disposal of compostable plastics and under the specific conditions ensuring that the use of such materials is beneficial for the environmental and human health, the power to adopt acts in accordance with Article 290 291 of the Treaty should be delegated to the Commission to amend or extend the list of compostable packaging.

Motivazione

Non si ritiene che lo strumento dell'atto delegato, peraltro con tempistiche incerte, rappresenti lo strumento idoneo a dare certezza alle imprese.

Proposta di emendamento 11

Considerando 47

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging should bear a QR code or other	In order to inform end-users about reusability, availability of systems for re-use and location of collection points as regards reusable packaging, such packaging

<p>data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.</p>	<p>should bear a QR code or other data carrier that provides such information. The QR code should also facilitate tracking and the calculation of trips and rotations. In addition, reusable sales packaging should be clearly identified at the point of sale.</p>
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Motivazione

L'obbligo di etichettatura deve essere adottato secondo criteri armonizzati, chiari ed evitando di caricare le imprese con oneri impropri e duplicazioni di adempimenti. Le norme in questione intervengono infatti in un ambito in cui alcuni Paesi, come l'Italia, hanno di recente introdotto specifici obblighi e le imprese si troveranno, dunque a doversi adeguare alla nuova disciplina, sostenendone i relativi oneri.

Proposta di emendamento 12

Considerando 54

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities.</p>	<p>In order to safeguard the functioning of the internal market, it is necessary to ensure that packaging from third countries entering the Union market comply with this Regulation, whether imported as self-standing packaging or in a packaged product. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that packaging. Importers should therefore ensure that the packaging they place on the market comply with those requirements and that documentation drawn up by manufacturers are available for inspection by the competent national authorities. <i>To comply with these obligations, adequate support should be provided to non-professional importers, especially to micro and SMEs.</i></p>

Motivazione

Condividendo l'obiettivo di garantire che anche gli imballaggi prodotti al di fuori del territorio nazionale rispettino le medesime condizioni di quelli prodotti a livello nazionale, è bene evidenziare che nella categoria degli importatori di imballaggi vi sono molte micro e piccole imprese che, in maniera occasionale, importano imballaggi, ad esempio per confezionare i propri prodotti. Per tali soggetti il carico di obblighi previsti rischia di essere estremamente difficoltoso. Pertanto, si ritiene che, nei casi di importatori non professionali, vadano previsti strumenti specifici di supporto e semplificazione per adempiere alle disposizioni previste.

Proposta di emendamento 13

Considerando 62

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing system for re-use should also be a part of the technical documentation of such packaging</p>	<p>In order to further the aim of circularity and sustainable use of packaging, it is necessary to limit the risk that packaging marketed as reusable is not re-used in practice and to ensure that consumers return reusable packaging. The most appropriate manner to achieve this is to oblige economic operators, who use reusable packaging, For this, economic operators should be encouraged to ensure that a system for re-use is put in place, thus allowing such packaging to circulate, rotate and be repeatedly used. To ensure maximum benefits of such systems, minimum requirements should be laid down for open loop and closed loop systems. Confirmation of compliance of reusable packaging with an existing system for re-use should also be a part of the technical documentation of such packaging. To avoid duplication, this provision should be considered fulfilled by the existing EPR systems for recycling already in place in Member States.</p>

Motivazione

Il Regolamento prevede l'obbligo per gli utilizzatori di imballaggi di garantire l'esistenza di un sistema per il riutilizzo. Tuttavia, questa disposizione rischia di accavallarsi, con duplicazioni di adempimenti, ai sistemi già consolidati di gestione dei rifiuti di imballaggio, che in Italia

avviene prevalentemente mediante il sistema CONAI. Pertanto, è da preferirsi una volontarietà su questa disposizione, che dovrebbe ritenersi soddisfatta anche attraverso gli attuali sistemi EPR per il riciclo già esistenti.

Proposta di emendamento 14

Considerando 68

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.</p>	<p>To increase their effectiveness and ensure the equal treatment of economic operators, the re-use and refill targets should be placed on the economic operators. In cases of targets for beverages, they should be additionally placed also on the manufacturers, as these actors are able to control the packaging formats used for the products they offer. The targets should be calculated as a percentage of sales in reusable packaging within a system for re-use or through refill or, in case of transport packaging, as a percentage of uses. The targets should be material neutral. <i>Moreover, the targets should be realistic and feasible, giving economic operators sufficient time to adapt.</i> In order to ensure uniform conditions for the implementation of targets for re-use and refill, the power to adopt an implementing act in accordance with Article 291 of the Treaty on the methodology for their calculation, should be delegated to the Commission.</p>

Motivazione

L'obiettivo generale di favorire il riutilizzo è condivisibile negli intenti, ma si ritiene che tali obiettivi debbano essere riparametrati, proponendo tempistiche e target realistici per tutti gli operatori coinvolti.

Proposta di emendamento 15

Considerando 70

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/36133 , or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish re-use and refill targets for other products, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.</p>	<p>Achieving re-use and refill targets can be challenging for smaller economic operators. Therefore, certain economic operators should be exempted from the obligation to meet the packaging re-use targets if they place less than a certain volume of packaging on the market, or fulfil the definition of micro-company under Commission Recommendation 2003/36133 , or have the sales area, including all storage and dispatch areas, under a certain surface limit. The power to adopt acts in accordance with Article 290 291 of the Treaty should be delegated to the Commission to establish re-use and refill targets for other products, to lay down further exemptions for other economic operators or to exempt specific packaging formats covered by the reuse or refill targets in case of severe hygiene, food safety or environmental issues preventing the achievement of these targets.</p>

Motivazione

Non si ritiene che lo strumento dell'atto delegato, peraltro con tempistiche incerte, rappresenti lo strumento idoneo a dare certezza alle imprese

Proposta di emendamento 16

Considerando 78

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>In order to ensure uniform conditions for the implementation of the recourse to common technical specifications, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the</p>	<p>In order to ensure uniform conditions for the implementation of the recourse to common technical specifications, the power to adopt implementing acts in accordance with Article 291 of the Treaty should be delegated to the</p>

Commission to lay down, amend or repeal common technical specifications for the requirements on sustainability, labelling and systems for re-use, and to adopt test, measurement or calculation methods.	Commission to lay down, amend or repeal common technical specifications, limited to residual cases and not covered by technical standardization , for the requirements on sustainability, labelling and systems for re-use, and to adopt test, measurement or calculation methods.
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Motivazione

L'ipotesi che la Commissione ricorra allo sviluppo di specifiche tecniche deve rimanere residuale e limitata a quei casi estremi in cui la normazione tecnica non è in grado di fornire una risposta concreta agli scopi di questo Regolamento. Infatti di norma il riferimento a norme tecniche armonizzate costituisce una certezza per le imprese nell'applicazione di determinati requisiti e la loro definizione è basata sul consenso, la condivisione e il know how del settore di riferimento. Il ricorso a norme tecniche, inoltre, garantisce la flessibilità necessaria rispetto all'evoluzione tecnologica e la stessa Unione Europea riconosce alle norme tecniche il ruolo di supporto alla competitività delle imprese.

Proposta di emendamento 17

Considerando 102

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
It has been shown that well-functioning deposit and return systems ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States establish deposit and return systems. Those systems will contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.	It has been shown that well-functioning deposit and return systems can ensure a very high collection rate, especially of beverage bottles and cans. In order to support the achievement of the separate collection target for single use plastic beverage bottles laid down in Directive (EU) 2019/904 and to further drive high collection rates of metal beverages containers, it is appropriate that Member States foster the establishment of establish deposit and return systems on a voluntary basis . Those systems will contribute to the increase of the supply of good quality secondary raw material suitable for closed loop recycling and reduce beverage containers litter.

Motivazione

L'introduzione di un DRS per gli imballaggi monouso laddove esiste già un circuito efficace di raccolta differenziata e riciclo, rappresenterebbe una duplicazione inutile di costi economici ed ambientali. Si propone pertanto di prevedere strumenti che possano favorire, piuttosto che vincolare, la diffusione di modelli DRS ed eventualmente lasciare agli Stati Membri la possibilità di adottare, in base a specifiche valutazioni su particolari ambiti di intervento, l'applicazione obbligatoria soltanto su determinate casistiche per le quali il contesto territoriale rende tale opzione preferibile.

Proposta di emendamento 18

Considerando 103

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
Deposit and return systems should be obligatory for single use plastic beverage bottles and metal beverage containers. Member States might also decide to include other packaging in these systems, in particular single use glass bottles, and should ensure that deposit and return systems for single-use packaging formats, in particular for single use glass beverage bottles, are equally available for reusable packaging, where technically and economically feasible. They should consider establishing deposit and return systems also for reusable packaging. In such situations, a Member State should be allowed, while observing the general rules laid down in the Treaty and complying with the provisions set out in this Regulation, adopt provisions which go beyond the minimum requirements set out in this Regulation.	<i>Deleted</i>

Motivazione

Questo considerando entra in un dettaglio operativo sull'introduzione dei sistemi DRS che è più opportuno rinviare all'articolato.

Proposta di emendamento 19

Considerando 107

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
Member States which achieve 90 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.	Member States which achieve 90 70 % collection rate of the targeted packaging types without a deposit and return system two consecutive calendar years preceding the entry into force of this obligation, may request not to establish a deposit and return system.

Motivazione

Il Regolamento ipotizza una soluzione particolarmente stringente e ambiziosa, imponendo per alcune

fattispecie l'attivazione di sistemi di vuoto a rendere (Deposit Return System - DRS). Si propone pertanto di prevedere percentuali meno elevate per il tasso di raccolta differenziata degli imballaggi, per permettere una maggiore flessibilità di tali disposizioni.

Proposta di emendamento 20

Considerando 133

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
When adopting delegated acts pursuant to Article 290 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level, and those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better LawMaking. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When developing	When adopting delegated implementing acts pursuant to Article 290 291 of the Treaty, the Commission should carry out appropriate consultations during its preparatory work, including at expert level and representatives of SMEs , and those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better LawMaking. In particular, to ensure equal participation in the preparation of delegated implementing acts, the European Parliament and the Council receive all documents at the same time as Member States' experts and as representatives of

<p>these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards.</p>	<p>SMEs, and their experts that systematically have access to meetings of Commission expert groups dealing with the preparation of delegated implementing acts. When developing these delegated acts, the Commission should take into account scientific or other available technical information, including relevant international standards.</p>
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Motivazione

Il Regolamento avrà un importante impatto sulle piccole imprese e il percorso che le PMI dovranno sostenere per adeguarsi va facilitato. Pertanto è bene coinvolgere le micro e PMI nelle varie fasi di consultazione, confronto e implementazione.

Proposta di emendamento 21

Considerando 137

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by SMEs with their obligations and requirements under this Regulation, including through guidance to be provided by the Commission to facilitate compliance by economic operators, with a focus on SMEs.</p>	<p>It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised. Particular attention should be paid to facilitate compliance by micro and SMEs with their obligations and requirements under this Regulation, including through guidance and adequate support to be provided by the Commission and Member States to facilitate compliance by economic operators, with a focus on micro and SMEs and on those sectors which will be highly impacted by the new obligations.</p>

Motivazione

La proposta di Regolamento avrà sicuramente delle ricadute anche su diverse imprese di micro dimensione, che dovrebbero essere adeguatamente supportate sia dalla Commissione che dagli Stati Membri per adempiere ai nuovi obblighi previsti.

Libera circolazione

Proposta di emendamento 22

Articolo 4 comma 5

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
5. In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).	Delete

Motivazione

Lasciare ai singoli Stati la possibilità di fissare ulteriori requisiti renderebbe complicato per le imprese che operano su più mercati adeguare i propri imballaggi alle singole situazioni. Si tratta di una complessità che le imprese stanno già affrontando sul tema dell'etichettatura. Sarebbe pertanto preferibile una definizione dei requisiti uguale per tutti i Paesi Membri.

Imballaggi riciclabili

Proposta di emendamento 23

Articolo 6 comma 1 bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	1bis. Exemptions apply in order to comply with health and hygiene requirements under sectoral regulations as well as to ensure the technical and qualitative

	<i>functionality of the packaging, with respect to its specific use.</i>
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Motivazione

La proposta stabilisce che tutti gli imballaggi immessi sul mercato europeo, tanto monouso quanto riutilizzabili, dovranno essere pienamente riciclabili. Si tratta di un obiettivo ambizioso, da perseguirsi con un percorso gestibile da parte del sistema economico e produttivo. A tal proposito, nella definizione dei requisiti andranno considerate con attenzione quelle casistiche (ad esempio nel settore alimentare) per le quali le caratteristiche tecniche e qualitative dell'imballaggio non sono compatibili con una totale riciclabilità. Sono poi da valutare non solo gli impatti ambientali ma, ancor prima, le ricadute in termini di prestazioni sul prodotto contenuto: igienicità, salubrità, informazioni al consumatore, ecc. Temi che rappresentano la ragion d'essere dell'imballaggio e che dovrebbero sempre venire posti come prioritari rispetto ad altri obiettivi, anche con una logica di riduzione degli sprechi dei prodotti.

Proposta di emendamento 24

Articolo 6 comma 3

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
3. Recyclable packaging shall, from 1 January 2030, comply with the design for recycling criteria as laid down in the delegated acts adopted pursuant to paragraph 4 and, from 1 January 2035, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).	3. Recyclable packaging shall, from 1 January 2033, comply with the design for recycling criteria as laid down in the implementing acts adopted pursuant to paragraph 4 and, from 1 January 2040, also with the recyclability at scale requirements laid down in the delegated acts adopted pursuant to paragraph 6. Where such packaging complies with those delegated acts, it shall be considered to comply with paragraph 2, points (a) and (e).

Motivazione

Si ritiene che gli atti delegati non siano lo strumento idoneo per determinare i requisiti di riciclabilità e garantire sufficiente flessibilità, tempestività e rappresentatività; pertanto, si ritiene che a tale strumento si debbano preferire degli atti di esecuzione, permettendo così una delega ad organi nazionali tecnici competenti. Tale emendamento dovrebbe applicarsi a tutto il testo del Regolamento.

Inoltre, si ritiene necessario che la definizione dei criteri di progettazione per il riciclo per ciascuna categoria di imballaggi avvenga con tempistiche idonee a far sì che le imprese possano adeguarsi per tempo e possano essere accompagnate nella transizione.

Proposta di emendamento 25

Articolo 6 comma 4

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>4. The Commission is empowered to adopt delegated acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex, as well as rules concerning the modulation of financial contributions to be paid by producers to comply with their extended producer responsibility obligations set out in Article 40(1), based on the packaging recycling performance grade, and for plastic packaging, the percentage of recycled content. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components. The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.</p>	<p>4. The Commission is empowered to adopt implementing acts in accordance with Article 58 to supplement this Regulation in order to establish design for recycling criteria and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex. Design-for-recycling criteria shall consider state of the art collection, sorting and recycling processes and shall cover all packaging components. The Commission is empowered to adopt delegated acts in accordance with Article 58 to amend Table 1 of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.</p>

Motivazione

Non è condivisibile la previsione che pone in capo alla Commissione Europea la definizione dei contributi per la responsabilità estesa del produttore (EPR) che i produttori di imballaggi saranno tenuti a pagare. Si smantellerebbe in questo modo uno dei principali elementi su cui si basa oggi il Sistema Italiano, con particolare riferimento al Sistema CONAI, che si è dotato di un modello di definizione dei contributi ambientali sugli imballaggi trasparente, concertato e incentrato su un criterio di copertura dei costi e diversificazione in funzione della sostenibilità.

Proposta di emendamento 26

Articolo 6 comma 7

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>7. The criteria and requirements referred to in paragraph 3 shall establish:</p> <p>(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;</p> <p>(b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;</p> <p>(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;</p> <p><i>(d) the modulation of the financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40, based on the packaging performance grade;</i></p> <p>(e) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.</p>	<p>7. The criteria and requirements referred to in paragraph 3 shall establish:</p> <p>(a) the manner in which to express the result of the recyclability assessment in recyclability performance grades from A to E, as described in Table 3 of Annex II, based on the percentage of the packaging unit, in weight, which is recyclable according to paragraph 1;</p> <p>(b) detailed design for recycling criteria for each packaging material and category listed in Table 1 of Annex II;</p> <p>(c) a description, for each packaging category listed in Table 1 of Annex II, of the conditions for compliance with the respective performance grades;</p> <p>(d) the manner in which to assess the recyclability at scale for each packaging category listed in Table 1 of Annex II in order to establish, as of 2035, updated recyclability performance grades.</p>

Motivazione

Non è condivisibile la previsione che pone in capo alla Commissione Europea la definizione dei contributi per la responsabilità estesa del produttore (EPR) che i produttori di imballaggi saranno tenuti a pagare. Si smantellerebbe in questo modo uno dei principali elementi su cui si basa oggi il Sistema Italiano, con particolare riferimento al Sistema CONAI, che si è dotato di un modello di definizione dei contributi ambientali sugli imballaggi trasparente, concertato e incentrato su un criterio di copertura dei costi e diversificazione in funzione della sostenibilità.

Proposta di emendamento 27

Articolo 6 comma 11

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade, <i>as determined in accordance with the delegated acts referred to in paragraphs 4 and 6 of this Article and, as regards plastic packaging, also in accordance with the Article 7(6).</i>	11. The financial contributions to be paid by producers to comply with their extended producer responsibility obligations as referred to in Article 40 shall be modulated on the basis of the recyclability performance grade.

Motivazione

Non è condivisibile la previsione che pone in capo alla Commissione Europea la definizione dei contributi per la responsabilità estesa del produttore (EPR) che i produttori di imballaggi saranno tenuti a pagare. Si smantellerebbe in questo modo uno dei principali elementi su cui si basa oggi il Sistema Italiano, con particolare riferimento al Sistema CONAI, che si è dotato di un modello di definizione dei contributi ambientali sugli imballaggi trasparente, concertato e incentrato su un criterio di copertura dei costi e diversificazione in funzione della sostenibilità.

Forum sugli imballaggi e sui rifiuti da imballaggio

Proposta di emendamento 28

Articolo 7 bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	<i>Packaging and Packaging waste Forum</i> <i>The Commission shall ensure that, in defining implementing acts, it observes a balanced participation of Member States' representatives, and all interested parties involved, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall</i>

	<p><i>contribute in particular to preparing design for recycling criteria for different packaging and recycling performance grades based on the criteria and parameters listed in Table 2 of Annex II for packaging categories listed in Table 1 of that Annex.</i></p> <p><i>To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Packaging and Packaging waste Forum'.</i></p>
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Motivazione

La definizione degli atti esecutivi relativi alle specifiche tecniche non può avvenire senza che sia garantito il necessario coinvolgimento dei settori impattati da tali requisiti, con una particolare attenzione alle micro e piccole imprese. Si propone pertanto la creazione a livello europeo di uno specifico Forum di coinvolgimento e consultazione (al pari di quanto previsto nella proposta di Regolamento sull'ecodesign) composto da rappresentanti delle autorità nazionali e dell'intera catena del valore, garantendo la presenza del mondo delle micro e piccole imprese.

Contenuto minimo di materiale riciclabile negli imballaggi di plastica

Proposta di emendamento 29

Articolo 7 comma 1

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>1. From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p>	<p>1. From 1 January 2033, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste:</p> <p>(a) 30 % for single use plastic beverage bottles.</p>

Motivazione

Sostenere un obiettivo minimo di materiale riciclato negli imballaggi in plastica può rappresentare una leva importante per favorire il riciclo, poiché si creerebbe certamente una domanda significativa di materiale riciclato. Il percorso previsto però dal Regolamento non risulta però del tutto realistico, e andrebbe rivisto in funzione di un maggiore approfondimento circa la fattibilità tecnica. Si ritiene inoltre che sarebbe più corretto riferire l'obiettivo di contenuto riciclato come media di tutti gli imballaggi in plastica immessi sul mercato da ciascuna impresa, piuttosto che sul singolo imballaggio, poiché ciò consentirebbe di considerare le diverse potenzialità che i vari imballaggi presentano, lasciando alle imprese la possibilità di "distribuire" i propri obiettivi di contenuto riciclato in funzione delle diverse tipologie e caratteristiche degli imballaggi prodotti.

Proposta di emendamento 30

Articolo 7 comma 1bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	<p><i>1bis. In experimental way, Member States shall promote the fulfilment of these voluntary target :</i></p> <p><i>(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</i></p> <p><i>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</i></p> <p><i>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</i></p>

Motivazione

Sostenere un obiettivo minimo di materiale riciclato negli imballaggi in plastica può rappresentare una leva importante per favorire il riciclo, poiché si creerebbe certamente una domanda significativa di materiale riciclato. Il percorso previsto però dal Regolamento non risulta però del tutto realistico, e andrebbe rivisto in funzione di un maggiore approfondimento circa la fattibilità tecnica. Si ritiene inoltre che sarebbe più corretto riferire l'obiettivo di contenuto riciclato come media di tutti gli imballaggi in plastica immessi sul mercato da ciascuna impresa, piuttosto che sul singolo imballaggio, poiché ciò consentirebbe

di considerare le diverse potenzialità che i vari imballaggi presentano, lasciando alle imprese la possibilità di “distribuire” i propri obiettivi di contenuto riciclato in funzione delle diverse tipologie e caratteristiche degli imballaggi prodotti.

Proposta di emendamento 31

Articolo 7 comma 2

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>2. From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p>	<p>2. From 1 January 2045, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p>

Motivazione

Sostenere un obiettivo minimo di materiale riciclato negli imballaggi in plastica può rappresentare una leva importante per favorire il riciclo, poiché si creerebbe certamente una domanda significativa di materiale riciclato. Il percorso previsto però risulta non del tutto realistico in particolare per alcuni ambiti, e andrebbe rivisto in funzione di un maggiore approfondimento circa la fattibilità tecnica. Si ritiene inoltre che sarebbe più corretto riferire l’obiettivo di contenuto riciclato come media di tutti gli imballaggi in plastica immessi sul mercato da ciascuna impresa, piuttosto che sul singolo imballaggio, poiché ciò consentirebbe di considerare le diverse potenzialità che i vari imballaggi presentano, lasciando alle imprese la possibilità di “distribuire” i propri obiettivi di contenuto riciclato in funzione delle diverse tipologie e caratteristiche degli imballaggi prodotti.

Proposta di emendamento 32

Articolo 7 comma 3

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>3. Paragraphs 1 and 2 shall not apply to the following:</p> <p>(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;</p> <p>(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;</p> <p>(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;</p> <p>(d) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.</p>	<p>3. Paragraphs 1 and 2 shall not apply to the following:</p> <p>(a) immediate packaging as defined in Article 1, point (23), of Directive 2001/83/EC and in Article 4, point (25), of Regulation (EU) 2019/6;</p> <p>(b) contact sensitive plastic packaging of medical devices covered by Regulation (EU) 2017/745;</p> <p>(c) contact sensitive plastic packaging of in vitro diagnostics medical devices covered by Regulation (EU) 2017/746;</p> <p>(d) outer packaging as defined in Article 1, point (24), of Directive 2001/83/EC and in Article 4, point (26), of Regulation (EU) 2019/6 in cases where such packaging is necessary to comply with specific requirements to preserve the quality of the medicinal product.</p> <p><i>e) packaging that must comply with specific health and hygiene requirements under sectoral regulations as well as to ensure the technical and qualitative functionality of the packaging with respect to its specific use.</i></p>

Motivazione

È necessario tenere in considerazione la necessità di escludere da tale obbligo tutte quelle casistiche in cui il rispetto di questo obbligo risulta in contrasto con altre normative vigenti (ad esempio per ragioni di salute, come in alcune fattispecie del settore cosmetico, o di sicurezza alimentare).

Proposta di emendamento 33

Articolo 7 comma 6

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated based on the percentage of recycled content used in the packaging.	6. By 1 January 2030, the financial contributions paid by producers to comply with their extended producer responsibility obligations as laid down in Article 40 shall be modulated, in addition to the criteria of Articles 8 and 8a of Directive 2008/98/EC , based on the percentage of recycled content used in the packaging

Motivazione

La formulazione del comma 6 dell'art.7 della proposta di Regolamento, potrebbe generare dubbi interpretativi sulla applicazione dei criteri per l'EPR previsti dagli art.8 e 8a della Direttiva 2008/98/EC, anche se espressamente richiamati dall'art.40 della medesima proposta di Regolamento.

Etichettatura degli imballaggi

Proposta di emendamento 34

Articolo 11 comma 1, 2 e 4

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
1. From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. <i>Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first subparagraph, be marked with a harmonised label established in the relevant</i>	From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition according to the Decision 97/129/CE . This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.

<i>implementing act adopted pursuant to paragraph 5.</i>	
2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability <i>including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations.</i> In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.	2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.
4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging. <i>Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for providing the information required for both the packaged product and the packaging.</i>	4. Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging, <i>or alternatively, it can be shown in the transport documents accompanying the goods, or on other external supports, even digital.</i>
	<i>8 bis. All labelling requirements under this article should not lead to disproportionate bureaucratic and economic burdens, especially for micro and SMEs.</i>

Motivazione

L'obbligo di etichettatura deve essere adottato secondo criteri armonizzati, chiari ed evitando di caricare le imprese con oneri impropri e duplicazioni di adempimenti. Le norme in questione intervengono infatti in un ambito in cui alcuni Paesi, come l'Italia, hanno di recente introdotto specifici obblighi e le imprese si troveranno, dunque a doversi adeguare alla nuova disciplina, sostenendone i relativi oneri. Occorrerà inoltre definire con chiarezza ruoli e responsabilità tra il produttore e i diversi soggetti che intervengono nelle fasi successive (assemblaggio, confezionamento etc.), con particolare attenzione ai casi di confezionamento finale per la

vendita al dettaglio. Si tratta infatti nella gran parte dei casi di piccole imprese che spesso non conoscono le caratteristiche dell'imballaggio e non hanno gli strumenti per farsi carico direttamente dell'obbligo di etichettatura.

Obblighi degli importatori

Proposta di emendamento 35

Articolo 16bis (nuovo)

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
	<i>16bis. To fulfil the obligations under this article, Member States shall provide support tools for non-professional importers, especially micro and SME importers.</i>

Motivazione

Condividendo l'obiettivo di garantire che anche gli imballaggi prodotti al di fuori del territorio nazionale rispettino le medesime condizioni di quelli prodotti a livello nazionale, è bene evidenziare che nella categoria degli importatori di imballaggi vi sono molte micro e piccole imprese che, in maniera occasionale, importano imballaggi, ad esempio per confezionare i propri prodotti. Per tali soggetti il carico di obblighi previsti rischia di essere estremamente difficoltoso. Pertanto si ritiene che, nei casi di importatori non professionali, vadano previsti strumenti specifici di supporto e semplificazione per adempiere alle disposizioni previste.

Obblighi dei distributori

Proposta di emendamento 36

Articolo 17 comma 2

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
2. Before making packaging available on the market, distributors shall verify the following: <i>(a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered</i>	2. Before making packaging available on the market, distributors shall verify the following: <i>(a) the packaging is labelled in accordance with Article 11;</i>

<p><i>in the register of producers referred to in Article 40;</i></p> <p>(b) the packaging is labelled in accordance with Article 11;</p> <p>(c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.</p>	<p>(b) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.</p>
<p><i>4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken. Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected noncompliance and of any corrective measures taken.</i></p>	<p>Delete</p>

Motivazione

Il carico di obblighi previsto in capo alle imprese della distribuzione appare estremamente oneroso. Si prevede in particolare una corresponsabilità ed una funzione sostanzialmente di controllo difficilmente applicabile. La proposta emendativa è volta a mantenere in capo ai distributori solo le verifiche inerenti al rispetto dei requisiti loro attribuibili (ad esempio riferiti alle caratteristiche degli imballaggi), eliminando invece le previsioni volte a prevedere un controllo sui produttori da parte dei distributori.

Riutilizzo e ricarica

Proposta di emendamento 37

Articolo 23 comma 1

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
1. Economic operators who place reusable packaging on the market shall ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI.	1. Economic operators who place reusable packaging on the market may ensure that a system for re-use of such packaging is in place, which meets the requirements laid down in Article 24 and Annex VI. <i>This provision can be considered fulfilled by the existing EPR systems for recycling already in place in the Member States.</i>

Motivazione

Il Regolamento prevede l'obbligo per i produttori di garantire l'esistenza di un sistema per il riutilizzo. Tuttavia, questa disposizione rischia di accavallarsi, con duplicazioni di adempimenti, a sistemi già esistenti di gestione dei rifiuti di imballaggio, che in Italia avviene prevalentemente mediante il sistema CONAI. Pertanto, è da preferirsi una volontarietà su questa disposizione, che dovrebbe ritenersi soddisfatta anche attraverso gli attuali sistemi EPR per il riciclo già esistenti.

Proposta di emendamento 38

Articolo 24 comma 1

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
1. Economic operators making use of reusable packaging shall participate in one or more systems for re-use and shall ensure that the systems for re-use, which the reusable packaging is part of, comply with the requirements laid down in Part A of Annex VI.	1. Economic operators making use of reusable packaging may participate in one or more systems for re-use. <i>This provision can be considered fulfilled by the existing EPR systems for recycling already in place in the Member States.</i>

Motivazione

Il Regolamento prevede l'obbligo per gli utilizzatori di imballaggi di garantire l'esistenza di un sistema per il riutilizzo. Tuttavia, questa disposizione rischia di accavallarsi, con duplicazioni di adempimenti, ai sistemi già consolidati di gestione dei rifiuti di imballaggio, che in Italia avviene prevalentemente mediante il sistema CONAI. Pertanto, è da preferirsi una volontarietà su

questa disposizione, che dovrebbe ritenersi soddisfatta anche attraverso gli attuali sistemi EPR per il riciclo già esistenti.

Proposta di emendamento 39

Articolo 26 commi dal 2 al 10

Testo della Commissione Europea	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
<p>2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:</p> <p>(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 40 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>4. The manufacturer and the final distributor making available on the market within the</p>	<p>2. The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:</p> <p>(a) from 1 January 2033, 15 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2045, 65 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>3. A final distributor that is conducting its business activity in the HORECA sector and that is making available on the market within the territory of a Member State in sales packaging take-away ready-prepared food, intended for immediate consumption without the need of any further preparation, and typically consumed from the receptacle, shall ensure that:</p> <p>(a) from 1 January 2033, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2045, 30 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>4. The manufacturer and the final distributor making available on the market</p>

<p>territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 25 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that:</p> <p>(a) from 1 January 2030, 5% of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-alcoholic beverages containing milk fat, shall ensure that:</p>	<p>within the territory of a Member State in sales packaging alcoholic beverages in the form of beer, carbonated alcoholic beverages, fermented beverages other than wine, aromatised wine products and fruit wine, products based on spirit drinks, wine or other fermented beverages mixed with beverages, soda, cider or juice, shall ensure that:</p> <p>(a) from 1 January 2033, 10 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2045, 20 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>5. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging alcoholic beverages in the form of wine, with the exception of sparkling wine, shall ensure that:</p> <p>(a) from 1 January 2033, 5 % of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2045, 15 % of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>6. The manufacturer and the final distributor making available on the market within the territory of a Member State in sales packaging non-alcoholic beverages in the form of water, water with added sugar, water with other sweetening matter, flavoured water, soft drinks, soda lemonade, iced tea and similar beverages which are immediately ready to drink, pure juice, juice or must of fruits or vegetables and smoothies without milk and non-</p>
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<p>(a) from 1 January 2030, 10% of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 25% of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:</p> <p>(a) from 1 January 2030, 30 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 90 % of such packaging used is reusable packaging within a system for re-use.</p> <p>8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 50 % of such packaging used is reusable packaging within a system for re-use;</p> <p>9. Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;</p>	<p>alcoholic beverages containing milk fat, shall ensure that:</p> <p>(a) from 1 January 2033, 10% of those products are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2045, 25% of those products are made available in reusable packaging within a system for re-use or by enabling refill.</p> <p>7. Economic operators using transport packaging in the form of pallets, plastic crates, foldable plastic boxes, pails and drums for the conveyance or packaging of products in conditions other than provided for under paragraphs 12 and 13 shall ensure that:</p> <p>(a) from 1 January 2033, 30 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2045, 80 % of such packaging used is reusable packaging within a system for re-use.</p> <p>8. Economic operators using transport packaging for the transport and delivery of non-food items made available on the market for the first time via e-commerce shall ensure that:</p> <p>(a) from 1 January 2033, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2045, 50 % of such packaging used is reusable packaging within a system for re-use;</p> <p>9. Economic operators using transport packaging in the form of pallet wrappings and straps for stabilization and protection of products put on pallets during transport shall ensure that:</p>
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<p>(b) from 1 January 2040, 30 % of such packaging used for transport is reusable packaging within a system for re-use;</p> <p>10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:</p> <p>(a) from 1 January 2030, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 25 % of such packaging they used is reusable packaging within a system for re-use.</p>	<p>(a) from 1 January 2035, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2045, 30 % of such packaging used for transport is reusable packaging within a system for re-use;</p> <p>10. Economic operators using grouped packaging in the form of boxes, excluding cardboard, used outside of sales packaging to group a certain number of products to create a stock-keeping unit shall ensure that:</p> <p>(a) from 1 January 2033, 10 % of such packaging used is reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2045, 25 % of such packaging they used is reusable packaging within a system for re-use.</p>
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Motivazione

I nuovi obiettivi di riutilizzo e ricarica comporteranno probabilmente un aggravio di costi lungo la filiera, con un possibile aumento anche dei prezzi dei prodotti finali. Sembrano peraltro sottostimate le valutazioni d'impatto della Commissione Europea che evidenzia costi per 1,26 miliardi di euro e costi di adeguamento di 4 miliardi di euro per i sistemi di riutilizzo. L'obiettivo generale di favorire il riutilizzo è condivisibile negli intenti, ma si ritiene che tali obiettivi debbano essere riparametrati, proponendo tempistiche più realistiche e focalizzandosi in maniera più specifica solo verso quelle soluzioni nelle quali effettivamente tale impostazione possa essere percorribile con un equilibrio costi/benefici.

Specifiche tecniche comuni

Proposta di emendamento 40

Articolo 32 commi 1 e 2

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
1. Packaging which is in conformity with common technical specifications referred to in paragraph 2, or parts thereof, shall be presumed to be in conformity with the requirements set	1. Packaging which is in conformity with harmonized standards or, when applicable, with common technical specifications referred to in paragraph 2, or

<p>out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common technical specifications or parts thereof.</p>	<p>parts thereof, shall be presumed to be in conformity with the requirements set out in Articles 5 to 11 and 24 to the extent that those requirements are covered by those common technical specifications or parts thereof.</p>
<p>2. The Commission may, by means of implementing acts, establish common technical specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:</p> <p>(a) there is no harmonised standard covering the relevant requirements the reference of which is published in the Official Journal of the European Union or the standard does not satisfy the requirements it aims to cover;</p> <p>(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and <i>either of the following conditions are fulfilled: (i) the request has not been accepted by any of the European standardisation organisations to which the request was addressed; (ii) the request has been accepted by at least one of the European standardisation organisations to which the request was addressed, but the standards requested:</i></p> <ul style="list-style-type: none"> - <i>are not adopted within the deadline set in the request;</i> - <i>do not comply with the request;</i> - <i>are not fully in line with the requirements they aim to cover. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</i> 	<p>2. The Commission may, by means of implementing acts, establish common technical specifications for the requirements set out in Articles 5 to 11 and Article 24 where the following conditions are fulfilled:</p> <p>(a) there is no harmonised standard covering the relevant requirements the reference of which is published in the Official Journal of the European Union or the standard does not satisfy the requirements it aims to cover;</p> <p>(b) the Commission has requested, pursuant to Article 10(1) of Regulation 1025/2012, one or more European standardisation organisations to draft or to revise a harmonised standard for the requirements set out in Articles 5 to 11 and Article 24 and the request has not been accepted by any of the European standardisation organisations to which the request was addressed. <i>To this aim the Commission ensure technical and financial support to European Standardization Organizations to guarantee the fulfilment of the Commission request.</i></p>

Motivazione

Desta perplessità la previsione di una delega in capo alla Commissione Europea per la definizione delle specifiche tecniche comuni in materia di sostenibilità dell'imballaggio.

L'ipotesi che la Commissione ricorra allo sviluppo di specifiche tecniche deve rimanere residuale e limitata a quei casi estremi in cui la normazione tecnica non è in grado di fornire una risposta concreta agli scopi di questo Regolamento. La proposta emendativa mira pertanto a condizionare la delega in capo alla CE per le specifiche tecniche ai soli casi in cui gli Enti europei di Normazione non coprano tale esigenza. Per evitare che questo accada, la Commissione deve garantire adeguato supporto tecnico e finanziario agli Organismi europei di normazione affinché possano assicurare l'elaborazione/aggiornamento delle norme tecniche necessarie allo scopo di questo Regolamento. Analogo sostegno andrà fornito anche agli Organismi nazionali di normazione affinché possano contribuire in maniera adeguata al raggiungimento degli obiettivi.

Sistemi di restituzione e raccolta

Proposta di emendamento 41

Articolo 44 commi 1, 3, 5 e 9

<i>Testo della Commissione Europea</i>	<i>Proposta di emendamento Confartigianato Imprese-CNA</i>
1. By 1 January 2029 , Member States shall take the necessary measures to ensure that deposit and return systems are set up for: (a) single use plastic beverage bottles with the capacity of up to three litres; and (b) single use metal beverage containers with a capacity of up to three litres.	1. By 1 January 2033 , Member States shall take the necessary measures to ensure that deposit and return systems are set up for: (a) single use plastic beverage bottles with the capacity of up to three litres; and (b) single use metal beverage containers with a capacity of up to three litres.
3. Without prejudice to paragraph 1 of this Article, a Member State will be exempted from the obligation under paragraph 1 under the following conditions: (a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 90% by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2026 and 2027 . Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled; (b) at the latest 24 months before the deadline laid down in	3. Without prejudice to paragraph 1 of this Article, a Member State will be exempted from the obligation under paragraph 1 under the following conditions: (a) the rate of separate collection as required under Article 43(3) and (4) of the respective packaging format as reported to the Commission under Article 50(1) point (c) is above 70 % by weight of such packaging placed on the market on the territory of that Member State in the calendar years 2030 and 2031 . Where such reporting has not yet been submitted to the Commission, the Member State shall provide a reasoned justification, based on validated national data, and description of the implemented measures, that the conditions for the exemption set out in this paragraph are fulfilled; (b) at the latest 24

<p>paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 90% separate collection rate by weight of the packaging referred to in paragraph 1.</p>	<p>months before the deadline laid down in paragraph 1 of this Article, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete actions, including timeline that ensure the achievement of the 70% separate collection rate by weight of the packaging referred to in paragraph 1.</p>
<p>5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 90% by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.</p>	<p>5. If the separate collection rate of the packaging referred to in paragraph 1 in a Member State concerned decreases and remains below 70% by weight of a given packaging format placed on the market for three consecutive calendar years, the Commission shall notify the Member State concerned that the exemption no longer applies. The deposit and return system shall be established by 1 January in the second calendar year following the year in which the Commission notified the Member State concerned that the exemption no longer applies.</p>
<p>9. By 1 January 2028, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.</p>	<p>9. By 1 January 2032, Member States shall ensure that all deposit and return systems, including those established under paragraph 5, meet the minimum criteria listed in Annex X.</p>

Motivazione

Il Regolamento ipotizza una soluzione particolarmente stringente e ambiziosa, imponendo per alcune fattispecie l'attivazione di sistemi di vuoto a rendere (*Deposit Return System - DRS*), senza tuttavia fissare obiettivi di raccolta e riciclo. Inoltre, prevedendo l'obbligatorietà del sistema cauzionale per tutti gli operatori interessati, si potrebbero verificare problemi di carattere logistico ed organizzativo. Si propone pertanto di prevedere tempistiche più lunghe e percentuali meno elevate per il tasso di raccolta differenziata degli imballaggi, per permettere una maggiore flessibilità di tali disposizioni.