



EUROPEAN
COMMISSION

Brussels, **XXX**
PLAN/2025/629
(POOL/E2/2025/629/629 EN.docx)
D107743/01
[...](2025) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**correcting Regulation (EU) 2022/1616 as regards labelling of recycling plastic, the
development of recycling technologies and the transfer of authorisations**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

correcting Regulation (EU) 2022/1616 as regards labelling of recycling plastic, the development of recycling technologies and the transfer of authorisations

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC¹, and in particular Article 5(1), second subparagraph, points (h), (i), (k) and (n), thereof,

Whereas:

- (1) Commission Regulation (EU) 2022/1616² lays down rules concerning recycled plastic materials and articles intended to come into contact with food. During the implementation of that Regulation some errors have been identified.
- (2) Article 4, paragraph 1, of Regulation (EU) 2022/1616 refers to requirements which recycled plastic materials and articles are to meet during their manufacture. As paragraph 8 also lays down such a requirement, it needs to also be referred to in paragraph 1
- (3) In Article 5, paragraph 3, of Regulation (EU) 2022/1616, it should be clarified that it concerns the labelling of containers transporting recycled plastic for the purpose of providing information on the recycled plastic instead of on the composition of the containers themselves.
- (4) Article 10 of Regulation (EU) 2022/1616 lays down obligations for the developer of novel recycling technologies to notify these to the Commission and to the competent authorities of the Member State in the territory of which the developer is located. However, Article 10, paragraph 4, requires that at the time of the notification, the recycler is also to publish a detailed report concerning the safety of the manufactured plastic on its website. As Article 10 provides for obligations of the developer and not the recycler, and the publication of the detailed report is a task of the developer, the first sentence of Article 10, paragraph 4, should refer to the developer.
- (5) Article 10, paragraph 8, of Regulation (EU) 2022/1616 erroneously refers to the requirements set out in paragraphs 1 to 7, and to the requirements forthcoming from

¹ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (OJ L 338, 13.11.2004, p. 4; <http://data.europa.eu/eli/reg/2004/1935/oj>).

² Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008 (OJ L 243, 20.9.2022, p. 3; <http://data.europa.eu/eli/reg/2022/1616/oj>).

paragraph 8, instead of to the requirements set out in paragraphs 1 to 6, and to the requirements forthcoming from paragraph 7.

- (6) Article 11, paragraph 6, of Regulation (EU) 2022/1616 refers to paragraphs 3 and 4 thereof, instead of to paragraphs 4 and 5.
- (7) Article 12, paragraph 3, of Regulation (EU) 2022/1616 incorrectly refers to '*supporting documentation*' instead of to the '*supplementary information*', which is the subject matter of that Article.
- (8) Article 14, paragraph 4, and Article 18, paragraph 1, provide that the European Food Safety Authority ('the Authority') is to publish an opinion. Likewise, in Article 23, paragraph 3, reference is made to the opinion of the Authority published in accordance with Article 18, paragraph 1. Since publication of an opinion may take place significantly after the adoption and given the wording used in Article 10, paragraph 1, of Regulation (EC) No 1935/2004, the respective phrases in Articles 14 and 18 should not refer to the publication of opinions but to such opinions being given. Likewise, Article 23, paragraph 3, should be reworded accordingly.
- (9) Article 14, paragraph 5, of Regulation (EU) 2022/1616 allows the Authority to extent the duration of its assessment. However, it refers incorrectly to the period provided for in paragraph 3, while such period is set out in paragraph 4.
- (10) According to Article 14, paragraph 6, of Regulation (EU) 2022/1616, the Authority may request the developer of novel technology to supplement information available to it with information compiled in accordance with Articles 10 and 12. The reference to Article 10 in its entirety in that provision is incorrect as certain information compiled in accordance with Article 10 is intended only for the competent authorities of the Member States and is not relevant to the work of the Authority. Only the information referred to in paragraphs 3, 4, and 5 is of potential relevance to its activities. Therefore, Article 14, paragraph 6, should be corrected accordingly.
- (11) In Article 14 of Regulation (EU) 2022/1616, paragraph 7 provides that the Commission may decide to adjust the time limits referred to in paragraphs 3, 4 and 5 of that Article for the assessment of a specific novel technology, after consultation of the Authority and of the developers of that technology. The text should be corrected to refer to paragraphs 4, 5 and 6, because paragraph 6 contains a reference to a time limit, while paragraph 3 does not.
- (12) Article 14, paragraph 8, second subparagraph of Regulation (EU) 2022/1616 provides that the Authority is to provide confidential treatment to supplementary information it requests on aspects specific to individual recycling processes and installations used by a recycler. However, information referred to in Article 12(1)(b) and (e), and Article 12, paragraph 3, is not to be treated as confidential. Article 12(1)(a) and (c) both refer to information that is intended to be public, respectively to a short summary of the novel technology and to a block diagram of the manufacturing sequence at the recycling facility. Article 12(1)(b) and (d) refer to similar information, but at a much higher level of detail, respectively to a long summary of the applied recycling installation and to a piping and instrumentation diagram of the decontamination process that is much more detailed than the block diagram. Public disclosure of that detailed information could undermine the commercial interests of the recycler and the developer without providing information meaningful to facilitating public understanding of the novel technology. Therefore, the information contained in Article 12(1)(b) and (d) may be treated as confidential, while the information in 12(1)(a) and

(c) may not be treated as such. Moreover, Article 12(1)(e) referred to in Article 14, paragraph 8, does not exist. Therefore, it is appropriate to replace the present reference to Article 12(1)(b) and (e) with a reference to Article 12(1)(a) and (c).

- (13) Article 22, paragraph 4, of Regulation (EU) 2022/1616 requires that in case of a transfer of the authorisation of a recycling process to a third party, this third party is to contact the Commission by means of a registered letter, whilst the authorisation holder is to notify the Commission. However, the means by which the latter notification is to occur is omitted. In order to ensure legal certainty, it is appropriate to correct the first sentence of that paragraph by adding the mode by which the notification is to take place.
- (14) Annex III, part A, of Regulation (EU) 2022/1616 includes three footnotes, marked respectively with one, two and three asterisks. The footnote marked with three asterisks applies to fields 3.1.3 and 3.2.1 which both concern restrictions. However, in the header of these two fields a double asterisk is used. Therefore, it is appropriate to correct the reference in those two field headers.
- (15) These errors affect all language versions.
- (16) Regulation (EU) 2022/1616 should therefore be corrected accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2022/1616 is corrected as follows:

- (1) in Article 4, paragraph 1 is replaced by the following:

‘1. Recycled plastic materials and articles shall only be placed on the market where the requirements set out in paragraphs 2 to 8 are met during their manufacture.’;
- (2) in Article 5, the first sentence of paragraph 3 is replaced by the following:

‘3. Recycled plastic delivered to converters shall bear a label affixed to each container showing the symbol defined in Annex II to Regulation (EC) No 1935/2004, followed by:’.
- (3) Article 10 is corrected as follows:
 - (a) in paragraph 4, the first sentence is replaced by the following:

‘At the time of the notification, the developer shall also publish a detailed initial report on its website using the URL provided in accordance with paragraph 2, concerning the safety of the manufactured plastic based on the information provided in paragraph 3.’;
 - (b) in paragraph 8, the first subparagraph is replaced by the following:

‘A competent authority that was notified in accordance with paragraph 2 shall verify within 5 months from the notification whether the requirements set out in paragraphs 1 to 6 are met and verify the requirements forthcoming from paragraph 7 regularly thereafter.’;
- (4) in Article 11, paragraph 6 is replaced by the following:

- ‘6. The supplementary information referred to in paragraph 4 including any supporting documentation, and the compliance monitoring summary sheet referred to in paragraph 5 shall be provided to the developer and to the competent authorities on their request.’;
- (5) In Article 12, the introductory wording of paragraph 3 is replaced by the following:
- ‘3. For the purpose of paragraph 1, point (b), the supplementary information shall include at least the following elements.’;
- (6) Article 14 is corrected as follows:
- (a) the first sentence of paragraph 4 is replaced by the following:
- ‘Within 1 year after receiving the request for assessing the novel technology, the Authority shall give an opinion concerning the outcome of its assessment.’;
- (b) paragraph 5 is replaced by the following:
- ‘Where the Authority considers that it needs to involve new experts to assess a novel technology, it may extend the period provided for in paragraph 4 by up to 1 year.’;
- (c) in paragraph 6, the first sentence is replaced by the following:
- ‘Where needed for completing its assessment, the Authority may request the developers of the novel technologies under assessment to supplement the information available to it with information compiled in accordance with Article 10(3), (4), and (5) and Article 12, as well as with other information or explanations that it deems necessary for that purpose, and within time limits it specifies, which shall not exceed 1 year in total.’;
- (d) paragraph 7 is replaced by the following:
- ‘The Commission may decide to adjust the time limits referred to in paragraph 4, 5 and 6 for the assessment of a specific novel technology, after consultation of the Authority and of the developers of that technology.’;
- (e) in paragraph 8, second subparagraph, the last sentence is replaced by the following:
- ‘Information referred to in Article 12(1)(a) and (c), and Article 12(3) shall not be treated as confidential.’;
- (7) in Article 18, the first subparagraph of paragraph 1 is replaced by the following:
- ‘1. The Authority shall give an opinion within a time limit of 6 months from the receipt of a valid application as to whether the recycling process is capable of applying the suitable recycling technology it uses so that plastic materials and articles manufactured with it meet Article 3 of Regulation (EC) No 1935/2004 and are microbiologically safe.’;
- (8) in Article 22, the first sentence of paragraph 4, is replaced by the following:
- ‘4. In case the modification concerns a transfer of the authorisation of a recycling process to a third party, the current authorisation holder of the authorised process shall notify the Commission by registered letter before the transfer, indicating the name, address and contact information of that third party.’;
- (9) in Article 23, the first sentence of paragraph 3 is replaced by the following:

‘Based on the opinion of the Authority given in accordance with Article 18(1), the Commission may decide to amend or revoke the authorisation.’;

- (10) in Annex III, part A, section 3, field 3.1.3 and 3.2.1, in the second column, the headings are replaced by the following:

‘Restrictions of use***’;

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN