

Brussels, XXX  
[...] (2025) XXX draft

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

**of XXX**

**amending Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with foods as regards the management of the Union register, compliance documentation, and other matters regarding enforcement**

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

2 of **XXX**

3 **amending Regulation (EU) 2022/1616 on recycled plastic materials and articles intended**  
4 **to come into contact with foods as regards the management of the Union register,**  
5 **compliance documentation, and other matters regarding enforcement**

6 (Text with EEA relevance)

7 THE EUROPEAN COMMISSION,

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

9 Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the  
10 Council of 27 October 2004 on materials and articles intended to come into contact with food  
11 and repealing Directives 80/590/EEC and 89/109/EEC<sup>1</sup>, and in particular Article 5(1), points  
12 (h), (i), (j) and (k) thereof,

13 Whereas:

- 14 (1) Commission Regulation (EU) 2022/1616<sup>2</sup> ('the Regulation') lays down provisions for  
15 the manufacturing from waste plastic of plastic materials and articles that are intended  
16 to come into contact with food, and for their subsequent placing on the market and  
17 use. The experience gained since its entry into force shows that certain provisions need  
18 further consideration.
- 19 (2) The registration status of decontamination installations has significant impact on the  
20 use of these installations. However, the definitions of the registration status in the  
21 Regulation do not allow to distinguish between different scenarios and do not allow  
22 operators and competent authorities to change the status if the use of their installation  
23 changes. Therefore, it is important for the management of the Union register to clarify  
24 the registration status of installations, and to complement the list of registration status  
25 with categories under which plastic manufactured with an installation may not be  
26 placed on to the market. In addition, unambiguous and enforceable provisions should  
27 be introduced as regards the transitions between registration status.
- 28 (3) To simplify the operation of the Union register the double obligation for operators to  
29 notify the Commission and the competent national authorities should be discontinued.  
30 Instead, an electronic registration system is introduced. It should allow operators to  
31 modify directly their respective information in the Union register as appropriate. That  
32 electronic registration system should reduce burden and prevent the risk of mistakes  
33 by requiring operators to manage directly their registrations. The electronic  
34 registration system should also facilitate the enforcement by the competent authorities  
35 where the installations are located of the new provisions on the registration status.

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<sup>1</sup> OJ L 338, 13.11.2004, p. 4. ELI : <http://data.europa.eu/eli/reg/2004/1935/oj>

<sup>2</sup> 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. ELI : <http://data.europa.eu/eli/reg/2022/1616/oj>

- (4) The lack of appropriate wording and a clear correspondence between the Regulation and Regulation (EU) No 10/2011<sup>3</sup> causes uncertainty over which operators in the supply chain should issue a declaration of compliance. The marketing stages at which a declaration of compliance should be issued in accordance with the Regulation should therefore be clarified.
- (5) The Regulation ensures that recycled plastic materials and articles are appropriately manufactured. To verify this at the final stages of the supply chain, including by food business operators and retailers, it is essential that information on the origin of the recycled plastic is available. In addition, food business operators packing food and other operators incorporating recycled plastic in their food contact materials and articles should receive information concerning restrictions on the use of the recycled plastic to decide which instruction to provide to the final users. A declaration of compliance should therefore be issued at all manufacturing stages other than at the retail stage.
- (6) At the marketing stage, the Regulation does not require the presence of appropriate documentation to support the compliance of recycled plastics. However, food business operators packing food and other operators incorporating recycled plastic in food contact materials and articles should be able to make available to the competent authorities on their demand the supporting documentation. This comprises declarations received from previous manufacturing stages to ensure traceability, as well as any other documentation concerning the compliance of the plastic with the Regulation, including if appropriate verification of the recycled content, analytical tests, analysis of the foreseeable conditions of use, as well as reasoning on appropriate restrictions on the use of the plastic product placed on the market. Since recyclers and food business operators must have this information available, it is appropriate that when requested by the competent authority, it should be submitted within three working days.
- (7) The information requested in the template for Declaration B set out in Part B of Annex III to Regulation (EU) 2022/1616 to be used by converters currently omits the authorisation number for novel technology. For the purpose of traceability of the recycled plastics and enforcement effectiveness this information should be accessible at the converter stage. Therefore, the Annex III, part B should be amended accordingly.
- (8) The template for Declaration B is not adapted to the needs of operators using recycled plastic and recycled plastic materials and articles without modifying their composition, as Part B requires that the declaration is issued for each batch of recycled plastic. In addition, such operators may combine parts of different plastics to which different restrictions may apply, including restrictions on recycled content, into a final product. Those different plastics need to be appropriately identified together with their restrictions as they may affect consumer health if they are not manufactured in accordance with the Regulation. Therefore, a new part C should be introduced in Annex III to provide for a template which lists the amount of recycled plastic in each significant part ('Declaration C'). This Declaration should only be updated if the information that it contains no longer matches with the final product.
- (9) The Regulation does not require a declaration of compliance issued for the batches of input material. This makes it difficult for recyclers to ascertain whether the input

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<sup>3</sup> Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food Text with EEA relevance, OJ L 12, 15.1.2011, p. 1–89

material is compliant with the Regulation and to trace the recycled plastic input in case there are questions over its quality or origin. A declaration of compliance for input material ('Declaration D') should therefore be introduced at all marketing stages of batches of pre-processed plastic. Such batches should be labelled with a batch number to facilitate determining correspondence. Declaration D should follow the template laid down in Annex III part D.

(10) The origin and mode of collection of plastic input may affect its contamination level. However, recyclers could have difficulties in knowing with sufficient certainty the mode of collection of the plastic and its origin if this is not part of the documentation received with the plastic input. To facilitate the verification by recyclers and avoid regular official controls by competent authorities, Declaration D should specify the origin and the mode of collection of the input material.

(11) In case concerns about the quality of a specific batch of input material arise at a later stage of the production, or if it is necessary to assess the average contamination of that material to verify the performance of the process, recyclers should also be required to retain a sample of each batch of plastic input for at least two years.

(12) Plastic input, recycled plastic, and recycled plastic materials and articles are increasingly imported in the Union and should comply with the Regulation when placed on the Union market. To prevent that non-compliant materials are released into free circulation on the Union market, to maintain traceability to the origin of the imported materials and to ensure the effective enforcement of the Regulation, it is appropriate to require that the customs authorities receive the relevant declaration of compliance as required by the Regulation at the time the release into free circulation on the Union market is requested. To facilitate the task of the customs authorities, and to prevent misidentification and fraud, compliance documentation should also include appropriate commodity codes in accordance with EU customs legislation.

(13) For plastic input, recycled plastic, and recycled plastic materials and articles for which documentation must be presented to the customs authorities with a view to their release into free circulation, an appropriate commodity code must be used. Commodity codes for plastics are organised by polymer, and products made from these plastics are subject to other codes related to their kind. Introducing commodity codes for all recycled plastics at the different stages of their manufacturing chain would require many codes, which is impractical, burdensome, and would increase the risks of misinterpretation at the border. As the imports of mechanically recycled PET are the most important, it is therefore appropriate to amend the Regulation only to require the presentation of customs documents for mechanically recycled PET at the relevant stages of its manufacturing chain, as well as to introduce terminology to distinguish such products.

(14) Annex A of ISO 12418-2:2012 lays down a method for the determination of impurities in PET flakes which is in common use. In doing so, the method addresses either directly or indirectly most parameters referred to in Appendix A of the opinions of the European Food Safety Authority. It would be coherent to require the use of this method to control the quality of the washed flakes that constitute the input to all PET decontamination processes. The maximum acceptable values of the parameters evaluated in this method should be set so that the properties of the PET input are unlikely to affect decontamination, and that they are not so low that it creates unnecessary burden to operators. Therefore, it is appropriate to introduce this requirement in Column 5 in row 1 of Table 1 of Annex I to the Regulation.

(15) In order to allow operators to adapt to the changes provided for in this Regulation, it is appropriate to provide that plastic materials and articles complying with Regulation (EU) 2022/1616 as applicable before the date of the entry into force of this Regulation, and with any other relevant Union legislation, are allowed to be first placed on the market for a period of 3 months after the entry into force of this Regulation. By way of derogation, as Declaration C depends on information received from earlier stages and it did not exist before, products complying with Regulation (EU) 2022/1616 as applicable before the date of the entry into force of this Regulation, and which should become subject to Declaration C should be allowed to be first placed on the market for a period of 6 months after the entry into force of this Regulation. These transitional periods are considered appropriate considering that some of the changes are relevant to health protection and that they are of administrative nature. To avoid inconsistent information accumulating in the supply chain for a significant period after the entry into force of this Regulation, it should not be allowed that such recycled plastic materials, articles and products may remain on the market until the exhaustion of stocks.

(16) 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 amended as follows:

(1) In Article 2, paragraph 2, points 21 to 24 are added:

‘(21) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013<sup>4</sup>;

(22) ‘intermediate article’ means an article other than pellets, flakes or similar primary form, that contains recycled plastic and is intended for the manufacture of an article in its finished state;

(23) ‘thermoformed trays’ means self-standing trays suitable for use as packaging and made through the process of heating a plastic sheet and shaping it in a mould;

(24) ‘plastic sheet’ means intermediate plastic articles extruded into a flat shape of sufficient size and thickness to be stiff at ambient temperature and suitable for manufacturing thermoformed trays.

(2) In Article 4, paragraph 8 is replaced by the following:

‘8. The registration status indicated in the Register established in Article 24 for the decontamination installation at the time of manufacture of each batch of recycled plastic contained in the recycled plastic material or article shall be either ‘newly registered’, ‘being established’, or ‘active’.’

(3) The title of Article 5 is replaced by the following:

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<sup>4</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast). OJ L 269, 10.10.2013, p. 1.

‘  
*Requirements for labelling and instructions*’

- (4) In Article 5, paragraph 1 is replaced by the following and paragraph 2 is deleted:
- ‘1. Batches of pre-processed material placed on the market shall be labelled with the sentence ‘*Plastic pre-processed in accordance with Regulation (EU) 2022/1616*’ and the batch number provided for in field 1.2.2 of part D of Annex III’. In case the pre-processed material is suitable as plastic input, the sentence ‘*Suitable plastic input for recycling with technology No.:*’ shall be added, followed by the number of at least one suitable technology in accordance with table 1 of Annex I or novel technology number.’

- (5) A new Article 5a is added:

*‘Article 5a*  
*Requirements for compliance documentation*

‘1. At the marketing stages other than at the retail stage, a written declaration of compliance in accordance with Article 16 of Regulation (EC) No 1935/2004 shall be available for partially pre-processed plastic, plastic input, recycled plastic, recycled plastic materials and articles, and other products in which those materials or articles are contained. Those products shall only be accepted if they are accompanied by the relevant declaration of compliance.

2. Declarations of compliance referred to in paragraph 1 shall be issued by the business operator in accordance with Article 6, paragraph 4 for partially pre-processed plastic and plastic input, and in accordance with Article 29 in all other cases.

3. The business operator shall ensure that supporting documentation to demonstrate that product complies with the requirements of this Regulation is available at the time of its issuance. This documentation shall be made available within three working days to competent authorities on their request. In case of recycled plastic, this shall include all relevant records kept in accordance with Article 7, paragraph 4.

4. Where column 11 of table 1 of Annex I indicates ‘yes’ for a suitable technology, the release into free circulation of products originating from a third country that are intended to be processed or have been partially or fully processed with that technology, is subject to the presentation to the customs authorities of the appropriate documentation in accordance with table 6 of Annex I under the specified commodity codes.

5. By derogation, paragraph 4 shall not apply to food packed in plastic with recycled content, or to kitchenware or food processing equipment that contains it.’

- (6) In Article 6, the following paragraphs 4, 5 and 6 are added:

‘4. At marketing stages in the pre-processing chain, a declaration of compliance stating that the conditions and requirements set out in paragraphs 1, 2 and 3 are met shall be provided with each batch of pre-processed material. To this purpose the



template provided for in part D of Annex III shall be used, and all fields shall be completed. This declaration shall be referred to as 'Declaration D'.

5. For the purpose of fields 2.1 and 2.2 of Declaration D:

(i) The origin shall be either:

– 'EU;' or,

– 'non-EU'.

'Non-EU' shall be used for plastic input containing more than 10% plastic that was collected or pre-processed in third countries.

(ii) The mode of collection shall be either:

– 'DRS', if the plastic input was collected in accordance with Article 6 or Article 9, as appropriate, and using a deposit return or refund system;

– 'PCW' if the mode of collection is not 'DRS', but the plastic input originates from post-consumer waste and was collected in accordance with Article 6; or

– 'novel technology' if the mode of collection of the plastic input is neither 'DRS' or 'PCW', but was collected in a way specific to a novel technology being developed in accordance with Article 10, paragraph 1. In this case the declaration of compliance shall provide the novel technology number as referred to in Article 24(3), if any.

6. In case the origin indicated in accordance with paragraph 5, point (i), is 'non-EU', the commodity code under which the plastic material is imported shall be included in field 1.3 of Declaration D.'

(7) In Article 7, paragraph 1 is replaced by the following:

'1. The plastic input and the output of the applied decontamination process shall meet the specifications set out in column 3, 5, and 6 of table 1 of Annex I for the relevant recycling technology and, if applicable, the specific criteria set out in the authorisation.

1a. Batches of plastic input material shall only be accepted for decontamination provided they are accompanied by Declaration D issued in accordance with Article 6, paragraph 4.

In the case where the recycler directly obtains plastic waste or partially pre-processed plastic, and applies any further preprocessing operations in order to produce plastic input, the recycler shall ensure that a record concerning that plastic input that contains data and statements similar to Declaration D is stored in its documentation system when the recycling of the input batch starts.

Declaration D, or the equivalent record, shall be retained by the recycler for a period of at least 5 years.

A sample of at least 500 grams of the plastic contained in each input batch shall be retained for a period of at least 2 years.

National competent authorities may make a request to have access to the content of Declaration D and to the samples. The recycler shall make them available to the competent authority within 3 working days.'

(8) In Article 7, paragraph 4 is replaced by the following:

'4. Individual batches of recycled plastic shall be subject to a single record regarding their quality, and shall be identified by a unique number and the name of the manufacturing stage from which they originate.

A repository of these records shall be maintained. Records stored in that repository shall be retained for a period of at least 5 years

The batches shall correspond to the definition in section 2.4 of the compliance monitoring summary sheet referred to in paragraph 3, point (c). The repository shall be as laid out in section 4.1 thereof.'

(9) In Article 8, the following paragraph 1a is inserted after paragraph 1:

'1a. At all post-processing stages where the composition of the recycled plastic may change as a result of mixing with other plastic, the addition of additives, or other processes, individual batches shall be subject to a single record regarding their quality, and shall be identified by a unique number and the name of the manufacturing stage from which they originate.'

(10) In Article 10, paragraph 2 is replaced by the following:

'2. At least 6 months prior to the start of the operation of the first decontamination installation operated on the basis of Article 4, paragraph (3), point (b), the developer shall register the novel technology by means of the electronic registration system referred to in Article 24(5).

For the purpose of the registration of the novel technology in the Register established in Article 24, the developer shall include in the electronic registration its name, address, contact persons, the name of the novel technology, a summary of the novel technology not exceeding 300 words, an Uniform Resource Locator ('URL') locating the reports referred to in paragraph 4 and Article 13, paragraph 4, and the names and addresses or numbers of any recycling facilities at which the development of the technology is foreseen to take place.'

(11) In Article 24, in paragraph 2, point (g) is replaced by the following:

'(g) the registration status of decontamination installations, including whether the status is newly registered, being established, active, inactive, suspended, audit-pending or decommissioned, and the latest date of change of that status;'

(12) In Article 24, paragraphs 3 to 8 read as follows:

3. The Register shall contain unique identification numbers as follows:

- recycling authorisation number ('RAN') for authorised recycling processes;
- recycler operator number ('RON') for recyclers;
- recycling installation number ('RIN') for decontamination installations;
- recycling scheme number ('RSN') for recycling schemes;
- recycling facility number ('RFN') for recycling facilities; and
- novel technology number ('NTN') for novel recycling technologies.

4. For the purpose of point (g) of paragraph 2, the registration status of an installation shall mean:

- (i) 'newly registered': the installation has been registered and may be operating, but the recycler has not submitted the compliance monitoring summary sheet;
- (ii) 'being established': the installation is registered and operating, and the recycler has submitted the compliance monitoring summary sheet to the competent authority in the territory where it is located;
- (iii) 'active': the installation is operating, the compliance monitoring summary sheet has been submitted and the competent authority has established the compliance with this Regulation by means of an audit;
- (iv) 'inactive': the installation is not in use for reasons other than those under points (v), (vi), and (vii);
- (v) 'suspended': the use of the installation was suspended by a competent authority due to non compliance with the Regulation;
- (vi) 'audit pending': the audit referred to in Article 26, paragraph 3 was not completed within the applicable deadline;
- (vii) 'decommissioned': the recycler has permanently stopped using the installation. This status shall be changed only with the deletion of the entry regarding the installation from the Union register.

5. For the purpose of the management of the Register, a non-public electronic registration system shall be used.

The electronic registration system shall contain the information specified in paragraphs 2 and 4, as well as any other information that is necessary for the purpose of managing the Register, such as contact information, the information referred to in Article 10 paragraph 2, and a list of competent authorities.

6. The electronic registration system shall be used by the registered competent authorities and the operators.

Registered competent authorities shall be able to modify the information regarding the entities located in their territory. Only registered authorities from the Member States shall be able to read all the information kept in the electronic registration system.

7. Competent authorities shall ensure the completeness and the accuracy of the information contained in the electronic registration system regarding the entities located in their territory.

The changes made in the electronic registration system by registered competent authorities and recyclers shall be notified as appropriate only through the electronic registration system.

8. When the registration status of an entry is either ‘suspended’, ‘audit pending’ or ‘decommissioned’ and the status remains unchanged for one year, the relevant installation shall be removed from the Register. Entries related to ‘operators’, ‘facilities’, and ‘novel technologies’ that are linked with a deleted entry shall remain in the Register until all dependent entries have been removed from the Register. After removal, entries shall remain archived in the electronic registration system and shall remain accessible to the Commission and the competent authorities of the Member States.’

(13) The text of Article 25 is replaced by the following:

‘1. Recyclers shall comply with the following administrative requirements:

‘(a) At least 30 working days prior to the start date of the production of recycled plastic in a decontamination installation, the recycler shall register the installation in the electronic registration system referred to Article 24, paragraph 6.

(b) In the registration of the installation in accordance with point (a), the recycler shall include a reference to:

(i) the registered recycling facility where the installation is located;

(ii) the registered company that is responsible for the operation of the installation;

(iii) the recycling authorisation number if it exists;

(iv) the registered novel technology if the installation does not operate on the basis of a suitable technology;

(v) the registered recycling scheme if it is part of one;

(vi) the registered competent authority in the territory where the installation is located.

(c) For the purposes of sub-points (b)(i) and (ii), and if not yet registered, the recycler shall register the recycling facility where the installation is located, and its company name, and include the contact information of responsible contact persons as well as the address of the facility and of its head office in the electronic registration system.

2. Upon registration, the recycler informs the competent authority in the territory where the installation is located via the electronic registration system. The registration status shall then become ‘newly registered’ and Article 26 shall apply.

The recycler shall communicate in the electronic registration system the start date of the production of recycled plastic on the day in which that manufacture begins.’

(14) In Article 26, paragraphs 2, 3 and 4 are replaced by the following and new paragraphs 5, 6 and 7 are added:

‘2. Within 30 days from the start date of the production of recycled plastic with an installation, recyclers shall submit the compliance monitoring summary sheet in the electronic registration system. Recyclers using an installation based on a novel technology, shall also upload the information and documentation referred to in Article 11, paragraph 6.

After submission of the compliance monitoring summary sheet, the status of the registration shall change to ‘being established’, and the competent authority shall be informed accordingly. The compliance monitoring summary sheet may then only be changed following approval from the competent authority. The information and documentation referred to in Article 11, paragraph 6 shall be modified in case of change.

3. The competent authority shall verify whether the information provided in the compliance monitoring summary sheet complies with this Regulation and shall perform an audit of the recycling installation to this purpose in accordance with Article 27.

When compliance is established, the competent authority shall confirm it in the electronic registration system. The status of the registration shall change to ‘active’.

When compliance cannot be established pursuant to the first subparagraph, the competent authority shall request the recycler to provide additional information or to change the configuration or operation of the installation. When needed the recycler shall update the compliance monitoring summary sheet without delay.

In case the competent authority subsequently considers that the configuration or operation of the recycling installation is still not compliant with the requirements of this Regulation, the competent authority shall change the status of the registration in the electronic register to ‘suspended’. This shall apply in particular if the operator cannot demonstrate that the production conditions meet the operational parameters that are to be controlled to guarantee the efficiency of the decontamination when such parameters are laid down in the opinion published by the Authority pursuant to Article 18.

4. As from the date when the registration status is ‘active’, the recycler shall inform the competent authority without delay of any administrative or operational change that affects the information in the electronic registration system.

The recycler shall verify every six months whether the information in the electronic registration system is still accurate and confirm it to the competent authority.

5. If within one year from the start date of the production of recycled plastic in the decontamination installation the status is still ‘being established’, the registration in the electronic registration system shall automatically become ‘audit-pending’.

(15) A new Article 26a is introduced:

#### *Article 26a*

##### *Deactivation, decommissioning and change of process of installations*

1. The status of an installation shall become inactive automatically when:

- (a) the compliance monitoring summary sheet and the required information and documentation are not submitted to the electronic registration system

within three months after the status has become ‘newly registered’, in accordance with Article 26, paragraph 2;

- (b) the recycler does not confirm the accuracy of the registration within 30 working days following the 6 months period referred to in Article 26, paragraph 4, second subparagraph;

30, 10 and 3 working days before the status becomes inactive, the competent authority and the recycler shall be warned.

In case the situation referred to in point (a) and (b) persists for six months after the date in which the status becomes inactive, the registration status shall become ‘decommissioned’ automatically. The procedure set out in the second sub-paragraph of paragraph 4 shall apply. 30, 10 and 3 working days before the status becomes ‘decommissioned’, the Commission, the competent authority, and the recycler shall be warned.

2. When a recycling installation will foreseeably not be used for a prolonged period, and provided its registration status has been ‘active’ or ‘being-established’ for at least 5 months prior to that period, the recycler shall change the registration status to ‘inactive’.

3. After at least 6 months from the date on which the status became ‘inactive’ in accordance with paragraph 2, the recycler may resume its recycling activity using the installation and shall inform the competent authority thereof.

The registration status in accordance with paragraph 2, point (g), of Article 24 shall then change to either:

- (i) the same status as before deactivation, provided the inactive period lasted for less than 20 months, or;
- (ii) ‘being-established’ if the inactive period lasted for 20 months or more, and the procedure of Article 26 shall apply.

If point (i) applies, and the status prior to the change was ‘being-established’ the expiry date of the one-year period referred to in Article 26 paragraph 6 shall be delayed by the duration of the period in which the status was ‘inactive’. If point (ii) applies, the start date of the production shall be the day of change of the registration status to ‘being established’.

4. When a recycling installation is not intended to be used permanently, the recycler shall change the registration status to ‘decommissioned’ and inform the competent authority thereof.

One year after the date of the status change to ‘decommissioned’, the entry concerning the installation shall be removed from the register pursuant to Article 24, paragraph 7.

5. In case the installation is no longer used on a permanent basis pursuant to the authorised process referred to in a given compliance monitoring summary sheet, but it is planned to be used based on a different recycling process, the recycler shall change the registration status of the installation to ‘decommissioned’ in accordance with paragraph 4.

For the needs of the new recycling process, the recycler shall register the installation under a different name in accordance with Article 26. In this case, the number of

working days prior to the start of the production referred to in Article 25, paragraph 1, point (a) shall be one day.

6. In case an installation is used for the manufacture of recycled plastic based on more than one authorised recycling process, the installation shall be registered in accordance with Article 26 for each recycling process. A reference to the name of each process shall then be included as part of the name of the installation. This shall not be mandatory for the first instance that was registered if this is needed to avoid a change of the RIN.

(16) In Article 27 point (b) is replaced by the following:

(b) ‘an examination in accordance with Article 14, points (a) and (e), of Regulation (EU) 2017/625, of the compliance monitoring summary sheet established in accordance with Article 26, and, based on that summary sheet, of the controls that operators have put in place and of documents and records referred to in that summary sheet. Official controls of recycling installations other than the verification that the installation is not being used in accordance with this Regulation shall not take place when the registration status is ‘inactive’, or ‘decommissioned’.

(17) The text of Article 29 is replaced by the following:

‘1. When recycled plastic placed on the market, batches directly originating from a recycling process shall be accompanied by a declaration of compliance in accordance with the description and template set out in Part A of Annex III. This declaration of compliance shall be referred to as ‘Declaration A’ and shall be issued by the recycler.

2. When partially post-processed recycled plastic whose composition still requires modification is placed on the market, batches shall be accompanied by a declaration of compliance in accordance with the description and the template set out in Part B of Annex III. This declaration of compliance shall be referred to as ‘Declaration B’ and shall be issued by the converter that manufactured the batch.

3. By derogation to paragraph 2, when placing recycled plastic materials and articles subject to this Regulation on the EU market, the following operators shall issue a declaration of compliance referred to as ‘Declaration C’ using the template provided in part C of Annex III:

- converters that received Declaration B of which either (B) or (C) is ticked in field 3.2.1 and that did not modify the composition of that material themselves,
- converters that received a recycled plastic material or article that was placed on the market with Declaration C and subsequently converted it,
- business operators manufacturing kitchenware, appliances and processing equipment that contain recycled plastic or recycled plastic materials and articles.

Declaration C shall be issued by the operator that manufactured the recycled plastic material or article. It shall be renewed when substantial changes in the production that bring about changes in the composition of the material occur, or when the information in any of the fields of Declaration C are no longer valid. It shall not be renewed if a different batch of recycled material is used.

4. Declarations A, B and C shall include appropriate instructions to subsequent converters and users to ensure that those can further process the recycled plastic, modify it in any other way, or use it so that the resulting recycled plastic material or article and its use is in compliance with Article 3 of Regulation (EC) 1935/2004. These instructions shall be based on the specifications, requirements or restrictions set out for the recycling technology applied and, where applicable, the recycling process used, as well as the instructions provided in Annex III.

5. Distributors, importers and food business operators, as well as any other operators that do not change a material or article with recycled plastic content, shall pass on the relevant declaration of compliance they received from their supplier to the next operator in the supply chain without issuing their own. Filling with food shall not be considered a change for this purpose.

6. Retailers that use a product intended for food packaging containing recycled plastic materials or articles to pack food at their premises may omit issuing a Declaration C in accordance with this Regulation, provided that relevant instructions based on information received from the supplier of that packaging product are provided to the users of the packed food product by other means, such as labelling.’.

(18) In Article 32, paragraph 4 is added:

‘4. The requirement to present to the customs authorities an appropriate declaration of compliance as set out Article 5a, paragraph 4, shall also apply to sheets containing a layer of recycled plastic used behind a functional barrier if that layer contains PET, as well as to plastic input and recycled PET intended for the manufacture of such sheets, irrespective of the registration date of the recycling installation.’

## Article 2

Annexes I and III to Regulation (EU) 2022/1616 are amended in accordance with the Annex to this Regulation.

## Article 3

### Transitional measure

1. Products within the scope of Regulation (EU) 2022/1616 as applicable before the entry into force of this Regulation may continue to be placed on the market until *[enter date 3 months after the date of entry into force of this Regulation]*. Products to be subject to Declaration C as a result of this Regulation may continue to be placed on the market without that declaration until *[enter date 6 months after the date of entry into force of this Regulation]*.
2. For the purpose of registration in the electronic registration system, operators shall create an account before *[enter date 1 month after the date of entry into force of this Regulation]* in accordance with the detailed instructions thereto provided on the website of the Commission.



542 3. The procedure set out in Article 26a, paragraph 1 shall apply based on point (a)  
543 thereof, irrespective of the registration status of the installation at the date of entry  
544 into force of this Regulation.

545 4. Recycled plastic that cannot be placed on the market due to the registration status of  
546 the installation it was produced with, in accordance with Article 4, paragraph 8, of  
547 Regulation (EU) 2022/1616, is excluded from these transitional measures.

548 *Article 4*

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

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

552 Done at Brussels,

553 *For the Commission*  
554 *The President*  
555 *Ursula VON DER LEYEN*  
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**ANNEX**

5. Row 1 of Table 1 to Annex I of Regulation (EU) 2022/1616 is replaced by the following:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Recycling technology number	Technology name	Polymer type (detailed specification in Table 2)	Short description of the recycling technology (detailed specification in Table 3)	Specification of plastic input	Specification of output	Subject to the authorisation of individual processes	Specifications and requirements (reference to Table 4)	Derogations (reference to Table 5)	Recycling scheme applies	Documentation requirement upon release for free circulation (reference to Table 6)
1	Post-consumer mechanical PET recycling	PET (2.1)	Mechanical recycling (3.1)	(a) Washed and dried PET PCW containing maximum 5 % of materials and articles that were used in contact with non-food materials or substances. The test results of a test in accordance with Annex A of ISO-12418-2:2012 shall be: m1/m0, ≤500ppm, m2/m0≤200 ppm, and m3/m0≤500 ppm.	Decontaminated PET, final materials and articles not to be used in microwave and conventional ovens; additional specifications may apply to output from individual processes	Yes	-	-	No	Yes (6.1)

2	Recycling from product loops which are in a closed and controlled chain	All polymers manufactured as primary materials in compliance with Regulation (EU) No 10/2011	Basic cleaning and microbiological decontamination during remoulding (3.2)	Chemically uncontaminated plastic materials and articles produced from a single polymer or from compatible polymers which were used or intended for use under the same conditions of use and solely obtained from a product loop which is in a closed and controlled chain, and excludes collection from consumers	Remoulded materials and articles intended to be used for the same purpose and under the same conditions of use as the materials and articles circulated in the recycling scheme from which the plastic input was obtained	No	4.1	-	Yes	No
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The following Table 6 is inserted in Annex I after Table 5:

*Table 6*

Documentation requirement upon release for free circulation in accordance with article 5a(4)

Reference number 6.1 CN codes applicable to PET			Declaration of compliance
	ex 3907 61 00	Poly(ethylene terephthalate) having a viscosity number of 78 ml/g or higher, recovered from waste, suitable or intended for food contact use	Declaration A or B
	ex 3907 69 00	Other poly(ethylene terephthalate), recovered from waste, suitable or intended for food contact use	Declaration A or B
	ex 3915 90 20	Waste of poly(ethylene terephthalate), including if it was subjected to pre-processing operations, intended for food contact use	Declaration D
	ex 3923 30 10	Carboys, bottles, flasks and similar articles: of a capacity not exceeding two litres, of poly(ethylene terephthalate), with recycled content suitable for food contact use	Declaration C
	ex 3923 30 90	Carboys, bottles, flasks and similar articles: of a capacity exceeding two litres, of poly(ethylene terephthalate), with recycled content suitable for food contact use	Declaration C
	ex 3920 62 19	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials, of poly(ethylene terephthalate) of a thickness not exceeding 0,35 mm, with recycled content suitable for food contact use	Declaration C
	ex 3920 62 90	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials, of poly(ethylene terephthalate) of a thickness exceeding 0,35 mm, with recycled content suitable for food contact use	Declaration C

ex 3919 10 80	Self-adhesive plates, sheets, film, foil, and other flat shapes, of plastics, in rolls of a width not exceeding 20 cm, of poly(ethylene terephthalate) with recycled content suitable for food contact use	Declaration C
ex 3919 90 80	Self-adhesive plates, sheets, film, foil, and other flat shapes, of plastics, of poly(ethylene terephthalate), with recycled content suitable for food contact use	Declaration C
ex 3923 10 90	Articles for the conveyance or packing of goods, of plastics; boxes, cases, crates and similar articles, of poly(ethylene terephthalate), with recycled content suitable for food contact use	Declaration C
ex 3923 90	Other articles for the conveyance or packing of goods, of plastics; of poly(ethylene terephthalate) with recycled content suitable for food contact use	Declaration C

6. Annex III is replaced by the following:

‘PART A

Declaration A - Declaration of compliance to be used by recyclers

<p><b>RECYCLERS DECLARATION of COMPLIANCE</b> in accordance with Article 29(1) of REGULATION (EU) 2022/1616 (‘Declaration A’)</p> <p>I, the undersigned, declare in name of [ADD NAME OF RECYCLER] as identified in Section 1.1, that the recycled plastic material identified in section 1.2 was produced in accordance with Regulation (EU) 2022/1616. The recycled material to which this Declaration applies is suitable for use in contact with food, provided it is used in accordance with the restrictions set out Section 3 of this Declaration, and with the instructions in this Declaration and with the labelling on the product.</p> <p>Hereby I declare that the contents of this declaration are correct to the best of my knowledge and in compliance with Regulation (EU) 2022/1616.</p>
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Section 1: Identification					
1.1 Recycler		1.2 Recycled product		1.3 Competent authority	
1.1.1 Name		1.2.1 Tradename / designation		1.3.1 Name	
1.1.2 FCM-RON*		1.2.2 Batch No.		1.3.2 Address	
1.1.3 Country		1.2.3 FCM-RIN*		1.3.3 Country/ region	
1.1.4 FCM-RFN*		1.2.4 Other information		1.3.4 assigned Registration Number	
		1.2.5 registration status of installation	<input type="checkbox"/> newly registered <input type="checkbox"/> being established <input type="checkbox"/> active <i>(indicate one)</i>		
		1.2.6 Polymer type****			
		1.2.7 Commodity code used for release into free circulation of the product to which declaration applies			
Section 2: Compliance					
2.1 Basis for authorisation or permission to operate (tick one box only)					
2.1.1	<input type="checkbox"/>	Authorisation Decision	RAN*		
2.1.2	<input type="checkbox"/>	Recycling scheme	RSN*		
2.1.3	<input type="checkbox"/>	No			

		authorisation or recycling scheme required		
2.1.4	<input type="checkbox"/>	Novel technology	NTN*	
2.2 Results of compliance assessment as listed in the compulsory quality assessment stages in Table 3.1 of Annex II; compulsory only if 2.1.1 ticked Important: Fields 2.2.2 to 2.2.4 may be left blank, provided field 2.2.5 is ticked				
Stage**	Decision criteria and outcome(s)		Batch Number(s)	
2.2.1 Exit				
2.2.2 Entry				
2.2.3 Input				
2.2.4 Output				
2.2.5 The undersigned confirms that the information required in fields 2.2.2 to 2.2.4 will be made available to competent authority upon its request, within 3 working days			<input type="checkbox"/>	
Section 3: Instructions and information to users of the product				
3.1	Instructions to converters			
3.1.1	Maximum recycled content (w/w%)	%		
3.1.2	Present recycled content (w/w%)	%		
3.1.3	Restrictions of use***			
3.1.4	Other instructions			
3.2	Instructions to users further down the supply chain, including end users			
3.2.1	Restrictions of use***			
3.2.2	Summary of labelling			
3.2.3	Other instructions			
Section 4: Signature				
4.1 Signature and company stamp				

4.2 Name of person signing	
4.3 Role/position of person signing	
4.4 Date and place	

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580 \* RAN – recycling authorisation number; RON – recycling operator number (recyclers); RIN – recycling installation number; RSN – recycling scheme number;  
581 NTN – novel technology number; RFN – Recycling facility number.

582 \*\* Filling out the fields for the exit stage (the batch that is placed on the market and which is accompanied by this declaration) is compulsory. The completion of the  
583 other fields is voluntary, but in case this information is not provided by means of this declaration, it shall be made available to a competent authority, upon its  
584 request, within three working days.

585 \*\*\* Restrictions of use shall correspond to any applicable conditions in the field of application of the recycled plastic, in accordance with Annex I for the applied  
586 technology, Article 7, 8, or 9, the Authorisation of the recycling process, if any, or any other restriction the recycler deems necessary.

587 \*\*\*\* Polymer type should be one of the following: PET (Polyethylene Terephthalate), HDPE (High-Density Polyethylene), PVC (Polyvinyl Chloride), LDPE (Low-  
588 Density Polyethylene), PP (Polypropylene), PS (Polystyrene), or O (other).

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## 591 PART B

592 Declaration B - Declaration of compliance to be used by converters if the converted plastic material contains recycled plastic

CONVERTERS DECLARATION of COMPLIANCE in accordance with Article 29(2) of REGULATION (EU) 2022/1616 ('Declaration B')		
I, the undersigned, declare in name of [ADD NAME OF CONVERTER] as identified in Section 1.1, that the recycled plastic material identified in section 1.2 was produced in accordance with Regulation (EU) 2022/1616. The recycled material to which this Declaration applies is suitable for use in contact with food, provided it is used in accordance with the restrictions set out Section 3 of this Declaration, and with the instructions in this Declaration and with the labelling on the product. Hereby I declare that the contents of this declaration are correct to the best of my knowledge and in compliance with Regulation (EU) 2022/1616.		
Section 1 Identification		
1.1 Converter	1.2 Product with recycled plastic	1.3 Competent authority



1.1.1 Name		1.2.1 Tradename / designation		1.3.1 Name	
1.1.2 Address		1.2.2 Batch No.		1.3.2 Address	
1.1.3 Country		1.2.3 Polymer type *		1.3.3 Country/ region	
		1.2.4 Other info		1.3.4 Reg. number	
		1.2.5 Commodity code used for release into free circulation of the product to which declaration applies			
Section 2: Compliance					
2.1					
2.1.1	Origin of recycled plastic; RIN numbers / NTN number				
2.1.2	Batch numbers recycled plastic from decontamination installation				
2.1.3	Maximum recycled content indicated by recycler (Declaration A, 3.1.1)				% w/w
2.1.4	Actual recycled content of this product				% w/w
2.1.5	Restrictions provided in the Declaration of compliance received from the recycler are met				<input type="checkbox"/>
2.1.6	Addition of additives or starting substances	<input type="checkbox"/> Added additives or starting substances in accordance with Article 5 or 6 of Regulation (EU) No 10/2011		<input type="checkbox"/> No additions	
2.1.7	Registration status of installations	<input type="checkbox"/> newly registered <input type="checkbox"/> being established <input type="checkbox"/> active <i>(indicate one; if several)</i>		<i>(status per RIN if more than one status)</i>	

		<i>installations with a different registration status, indicate per RIN to the right)</i>		
Section 3: Instructions and information to users of the product				
3.2	Instructions to users further down the supply chain, including end users			
3.2.1	The product identified in section 1.2 is: (tick one as applicable)	(A) a recycled plastic of which the composition was modified or if requires modification in subsequent conversion stages to comply with Regulation (EU) 2022/1616	<input type="checkbox"/>	<i>(for instance, this will be the case if the actual recycled content in field 2.1.4 exceeds the maximum recycled content in field 2.1.3, or if substances were added to the recycled plastic)</i>
		(B) a recycled plastic for which (A) does not apply	<input type="checkbox"/>	<i>(if (B) or (C) are ticked, operators receiving this declaration shall issue Declaration C with their products unless they modified the composition of the plastic)</i>
		(C) a final plastic material or article suitable for contact with food without any further conversion.	<input type="checkbox"/>	
3.2.2	Type or types of food with which it is intended to be put in contact			
3.2.3	Time and temperature of treatment and storage in contact with the food			
3.2.4	The highest food contact surface area to volume ratio for which compliance has been verified			
3.2.5	List of added substances under point 2.1.6 with migration limits; add rows as required. (note: FCM Number and specific migration limit ('SML') may not exist for certain substances)	FCM No.*	Other designation (CAS No., chemical name)	SML* (mg/kg food)

3.2.6	Other relevant information and instructions, including in accordance with points 6 to 11 of Annex IV of Commission Regulation (EU) No 10/2011 <sup>5</sup>	
3.2.7	The recycled plastic to which this Declaration applies is contained in a layer in a multi-layer material or article subject respectively to Articles 13 or 14 of Regulation (EU) No 10/2011 that contains plastic manufactured in accordance with that Regulation in another layer or layers. A separate Declaration of compliance in accordance with Article 15 of Regulation (EU) No 10/2011 regarding that layer or those layers is available and must be taken into account.	<input type="checkbox"/>
Section 4: Signature		
4.1 Signature and company stamp		
4.2 Name of person signing		
4.3 Role/position of person signing		
4.4 Date and place		

593 \* Polymer type should be one of the following: PET (Polyethylene Terephthalate), HDPE (High-Density Polyethylene), PVC (Polyvinyl Chloride), LDPE (Low-  
594 Density Polyethylene), PP (Polypropylene, PS (Polystyrene), or O (other)).

595

596 **PART C**

597 **Declaration C - Declaration to be used by operators in accordance with Article 29(4)**

DECLARATION of COMPLIANCE in accordance with Article 29(3) of REGULATION (EU) 2022/1616 ('Declaration C')
I, the undersigned, declare in name of [ADD NAME OF OPERATOR] as identified in Section 1.1, that the recycled plastic material identified in section 1.2 was produced in accordance with Regulation (EU) 2022/1616. The recycled material to which this Declaration applies is suitable for use in contact with food, provided it

<sup>5</sup> Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food Text with EEA relevance (OJ L 12, 15.1.2011).

is used in accordance with the restrictions set out Section 3 of this Declaration, and with the instructions in this Declaration and with the labelling on the product. Hereby I declare that the contents of this declaration are correct to the best of my knowledge and in compliance with Regulation (EU) 2022/1616.		
Section 1: Identification		
1.1.1	Identity of the operator issuing the declaration	
1.1.2	Address of the operator issuing the declaration	
1.2.1	Identity of the product to which the declaration applies	
1.2.2	Commodity code used for release into free circulation of the product to which declaration applies	
Section 2: Compliance		
2.1.1	Total plastic content in product	gram ( <i>total weight of all plastic parts with or without plastic content in product</i> )
2.1.2	Identity, and recycled plastic content in part, including polymer type* ( <i>add rows as necessary to cover all parts with recycled content</i> )	<div> <div> Recycled content by weight  <i>(weight of the recycled plastic in each plastic parts comprising more than 5% of the total plastic in the product by weight)</i> </div> <div> Origin  <i>(only add RINs which contribute to more than 5% of the content recycled in accordance with Regulation (EU) 2022/1616; add FCM number of substance(s) manufactured from waste, if the recycled content is manufactured in accordance with Regulation (EU) No 10/2011)</i> </div> </div>
	HDPE Cap	RINs/ FCM No (e.g. FCM No 125)
	PET bottle	RINs (e.g. EU1-123-0I2)

2.2	Percentage of overall recycled plastic content in product		(Σ 2.1.2 / 2.1.1) x 100% <sup>†</sup>	
2.3	All recycled plastic materials and articles in this product comply with Regulation (EU) 2022/1616 – except parts manufactured with plastic manufactured from waste in accordance with Article 1(3) of that Regulation	YES / NO <sup>††</sup>		
2.4.1	All plastic materials and articles in this product comply with Regulation (EU) No 10/2011	YES / NO <sup>††</sup>	<i>Note that in accordance with Regulation (EU) 2022/1616 also recycled plastics must comply with Regulation (EU) No 10/2011. However compliance may be assumed if the recycled plastic is fully manufactured in accordance with Regulation (EU) 2022/1616, and added substances/plastics (if any) comply with Regulation (EU) No 10/2011. Note that also Article 11 and 12 of that Regulation should be met, but there is no obligation to verify.</i>	
2.4.2	Adequate information, specifications or statements required in accordance with points 6 to 10 of Annex IV of Commission Regulation (EU) No 10/2011 <sup>6</sup> ; applicable only to parts manufactured fully in accordance with that Regulation.	<i>(please provide information either here or in an annexed document)</i>		
2.4.3	Parts manufactured with substances that have been manufactured from waste are compliant with point (1) of Article 8 of Regulation (EU) 10/2011	YES / NO <sup>††</sup>		
Section 3: Instructions and information to users of the product				
3.1.1	Relevant instructions to the users of the product			

<sup>6</sup> Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food Text with EEA relevance (OJ L 12, 15.1.2011).

Section 4: Signature	
4.1	Signature and company stamp
4.2	Name of person signing
4.3	Role/position of person signing
4.4	Date and place

† Here the sum of the weight of all recycled plastic in plastic parts comprising over 5% of the plastic in the product with recycled content is divided by the total weight of all plastic parts in the product to determine the overall recycled content percentage.

†† cross out or delete which does not apply

\* Polymer type should be one of the following: PET (Polyethylene Terephthalate), HDPE (High-Density Polyethylene), PVC (Polyvinyl Chloride), LDPE (Low-Density Polyethylene), PP (Polypropylene), PS (Polystyrene), or O (other).

## PART D

Declaration D - Declaration to be used by operators in accordance with Article 6(4)

DECLARATION of COMPLIANCE in accordance with Article 6(4), (5) and (6) of REGULATION (EU) 2022/1616 ('Declaration D')
I, the undersigned, declare in name of [ADD NAME OF OPERATOR] as identified in Section 1.1, that the recycled plastic material identified in section 1.2 was produced in accordance with Regulation (EU) 2022/1616. The recycled material to which this Declaration applies is suitable for use in contact with food, provided it is used in accordance with the restrictions set out Section 3 of this Declaration, and with the instructions in this Declaration and with the labelling on the product.  Hereby I declare that the contents of this declaration are correct to the best of my knowledge and in compliance with Regulation (EU) 2022/1616.
Section 1: Identification

1.1.1	Identity of the operator issuing the declaration	
1.1.2	Address of the operator issuing the declaration	
1.2.1	Identity of the product to which the declaration applies	
1.2.2	Batch Number	
1.2.3	Polymer type*	
1.3	Commodity code used for release into free circulation of the product to which declaration applies, if it was imported	
Section 2: Compliance		
2.1	Origin of plastic input	<input type="checkbox"/> EU <input type="checkbox"/> Non-EU**
2.2	Mode of collection (tick only one)	<input type="checkbox"/> PCW*** <input type="checkbox"/> DRS*** <input type="checkbox"/> Novel technology, NTN number: <input type="checkbox"/> If other: <i>(please specify)</i>
2.3.1	Plastic waste subject to this declaration comply with the requirements of article 6 of Regulation (EU) 2022/1616	YES / NO <sup>†</sup>
2.3.2	Certification of the quality assurance system in accordance with Article 6(3) of Regulation (EU) 2022/1616	<i>(Please specify the certifying body and provide the proof of certification of your quality assurance system)</i>
Section 3: Signature		
3.1	Signature and company stamp	

3.2	Name of person signing	
3.3	Role/position of person signing	
3.4	Date and place	

608 \* Polymer type should be one of the following: PET (Polyethylene Terephthalate), HDPE (High-Density Polyethylene), PVC (Polyvinyl Chloride), LDPE  
609 (Low-Density Polyethylene), PP (Polypropylene), PS (Polystyrene), or O (other).

610 \*\* non-EU : shall be used for plastic input containing more than 10% plastic that was collected or pre-processed in a third country in accordance with  
611 Article 6(5)(i)

612 \*\*\* PCW: ‘Post-Consumer Waste’ as defined in preamble to annex I of this Regulation  
613 DRS: ‘Deposit Return System’ as defined in Article 3(1)(62) f Regulation (EU) 2025/40 on packaging and packaging waste<sup>7</sup>.  
614 † cross out which does not apply’  
615  
616

<sup>7</sup> OJ L 22.1.2025, REGULATION (EU) 2025/40 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC