

FEDERVINI

Federazione Italiana Industriali Produttori, Esportatori ed Importatori
di Vini, Acquaviti, Liquori, Sciropi, Aceti ed affini



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DOCUMENTO DI POSIZIONE SULLA PROPOSTA DI REGOLAMENTO SUGLI IMBALLAGGI E I RIFIUTI DA IMBALLAGGIO

Federvini, parte di Confindustria, è la Federazione che raggruppa tre categorie merceologiche: il mondo del vino, con particolare focus sulle grandi famiglie imprenditoriali, creatrici di brand iconici e protagonisti dell'export enologico italiano; il mondo degli spiriti, composto sia dalle grandi multinazionali del settore sia dalle piccole distillerie familiari e artigianali che fanno grande il nostro Paese nel campo degli aperitivi, dei liquori, degli amari e dei distillati; infine il mondo dell'aceto, ed in particolare dell'Aceto Balsamico di Modena IGP, prodotto unico nel suo genere e ambasciatore del gusto e dello stile gastronomico italiano nel mondo.

I comparti del vino (€13,2 miliardi), degli spiriti (€6,1 miliardi) e degli aceti (€1 miliardo) rappresentano, complessivamente, il 12% del fatturato totale dell'industria alimentare italiana. L'export aggregato ha raggiunto i €10 miliardi, superando i livelli pre-pandemici, pari al 21% dell'export totale dell'industria alimentare italiana.

La proposta di regolamento sugli imballaggi e i rifiuti da imballaggio

Il 30 novembre 2022 la Commissione europea ha pubblicato la proposta di regolamento sugli imballaggi e i rifiuti da imballaggio.

Il campo di applicazione del provvedimento è piuttosto ampio, poiché, oltre ad applicarsi a tutti gli imballaggi, contiene disposizioni in materia di riduzione, riuso, riciclo, progettazione ed etichettatura degli imballaggi.

La posizione di Federvini

Con riferimento ai settori di interesse della Federazione, si evidenziano i punti salienti della riforma:

- Riciclabilità e progettazione degli imballaggi (art. 6);
- Minimizzazione degli imballaggi (art. 9);
- Etichettatura degli imballaggi (art. 11);
- Restrizioni sull'uso di determinati formati d'imballaggio (art. 22);
- Riuso degli imballaggi (art. 26).

Sulla **riciclabilità**, secondo la proposta della Commissione entro il 1° gennaio 2030 tutti gli imballaggi dovranno essere riciclabili. La valutazione sulla riciclabilità degli imballaggi avverrà in base a **criteri di progettazione per il riciclo** al momento non noti, che saranno stabiliti per ciascuna categoria di imballaggio dalla Commissione europea tramite regolamenti delegati, senza la consultazione degli operatori. Nel processo di definizione dei richiamati criteri si annida il **rischio di standardizzazione degli imballaggi**: infatti, se fra i criteri di progettazione degli imballaggi non dovesse essere confermato quello legato alla funzione di presentazione del prodotto (c.d. *marketing and consumer acceptance criteria*) sono a rischio le forme e il *design* che oggi caratterizzano molti

dei nostri prodotti. Per memoria, nei settori di interesse della Federazione un imballaggio non svolge solo la funzione conservare e preservare un prodotto dal luogo di produzione a quello di consumo, ma anche di presentazione dello stesso ai consumatori, diventando, in molti casi, parte integrante dell'immagine della referenza o, persino, del *brand* aziendale e/o dell'Indicazione geografica/marchio e, con esso, del valore aggiunto creato dall'Impresa per la comunità nazionale.

Sulla **minimizzazione**, secondo la proposta della Commissione, gli imballaggi dovranno essere progettati per ridurre al minimo il peso e il volume. Va ricordato che gli imballaggi impiegati nei settori di interesse di Federvini sono per lo più bottiglie di vetro - quindi riciclabili al 100% - prodotte ricorrendo a moderne tecnologie che negli anni hanno permesso di ridurre il peso di oltre il 30%. Nuovamente, nei nostri settori gli imballaggi svolgono una funzione peculiare. Non sono un mero contenitore. In alcuni casi, sono essi stessi parte dello stabilimento di produzione. Pensiamo ai vini spumanti, la cui seconda fermentazione avviene in bottiglia e che devono resistere ad alte pressioni, oppure ancora ai vini il cui disciplinare di produzione prevede un periodo di invecchiamento/affinamento obbligatorio, anche di anni, in bottiglia. Sono veicolo di presentazione al consumatore di prodotti unici, che si differenziano gli uni dagli altri per territorio di provenienza, persone, storia, tradizioni e valori capaci di rendere i nostri prodotti patrimonio culturale nazionale riconosciuto in Italia e nel mondo. La minimizzazione, quindi, non deve **pregiudicare la funzionalità di quell'imballaggio**, né portare ad una sua standardizzazione.

Sull'**etichettatura**, Federvini sostiene l'obiettivo di **armonizzazione dell'etichettatura degli imballaggi** suggerendo, oltre al **ricorso al digitale** come strumento di informazione del consumatore, che l'introduzione di criteri armonizzati avvenga il prima possibile, per prevenire la proliferazione di diverse misure nazionali così da preservare il buon funzionamento del mercato unico, a vantaggio soprattutto delle PMI.

Sulle restrizioni d'uso di taluni formati, la Commissione propone di **eliminare dal mercato alcuni formati di imballaggio**, fra cui, gli imballaggi monouso impiegati nell'Ho.Re.Ca. per i condimenti, aceti e condimenti inclusi.

Sul **riuso**, dal 1° gennaio 2030, per quanto di interesse della Federazione, il 10% delle bevande alcoliche immesse sul mercato da un'Azienda dovrà utilizzare imballaggi inseriti in sistemi di riuso. Dal 1° gennaio 2040, tale soglia salirà al 25% dei prodotti immessi sul mercato. Più precisamente, per i vini, ad eccezione dei vini spumanti, è prevista una soglia del 5% a partire dal 1° gennaio 2030 che salirà al 15% entro il 1° gennaio 2040. Le bevande spiritose, al pari degli aceti e dei condimenti, risultano escluse dagli obblighi di riuso, anche se la Commissione avrà la facoltà di ampliare la platea dei prodotti soggetti agli obblighi di riuso per il tramite di un regolamento delegato. Recenti studi universitari hanno dimostrato che il riuso ha *performance* ambientali migliori del riciclo (vuoto a rendere vs vuoto a perdere) solo entro brevi distanze (non più di 175-200 km); i settori rappresentati da Federvini sono tutti a forte vocazione all'export e, comunque, i 200km sono facilmente raggiungibili anche per vendite che avvengono all'interno dei confini nazionali. Va poi ricordato che per i vini, i prodotti vitivinicoli aromatizzati e le bevande spiritose le gamme delle capacità degli imballaggi che possono essere impiegate per il confezionamento dei prodotti sono regolamentate dalla disciplina UE¹, il che complicherebbe ulteriormente il passaggio da un sistema basato sul vuoto a perdere ad uno sul vuoto a rendere. L'Italia nel 2023 ha raggiunto un tasso di riciclo del vetro pari all'88%, a fronte di un obiettivo UE al 70% entro il 2025. Il riuso implica, tra l'altro, un ampio ricorso all'uso dell'acqua (o di prodotti chimici) per lavare e sanificare le bottiglie, senza contare gli ingenti costi che sarebbero a carico delle Aziende².

¹ Si veda a tal proposito la Direttiva 2007/45/CE, recepita nell'ordinamento nazionale dal d.lgs. 25 gennaio 2010, n. 12.

² Sulle criticità legate al riuso si rimanda al documento [Elaborazione Confindustria di studi ed evidenze empirico-scientifiche del sistema di riutilizzo su salute, consumo di risorse e spreco alimentare](#).

COSA CHIEDIAMO?

- ➔ Che fra i criteri di progettazione degli imballaggi sia confermata direttamente nel testo di base la funzione di presentazione del prodotto;
- ➔ I settori sono già impegnati nella riduzione di pesi e volumi (è nell'interesse dei produttori di vino stessi), ma la minimizzazione non può essere condotta a discapito delle forme e *design* tipici attraverso cui passa la distintività dei nostri prodotti, delle nostre Indicazioni geografiche, dei nostri Marchi e *Brand*;
- ➔ Con riferimento al divieto d'uso di alcuni formati di imballaggi (es. i contenitori monouso per le salse e i condimenti nel canale Ho.Re.Ca in cui potrebbe ricadere anche l'aceto), si propone l'abrogazione perché le citate restrizioni non sono giustificate da alcuna valutazione di impatto e non tengono conto né delle proprietà dei materiali, né dell'efficacia dei sistemi di riciclo già consolidati in alcuni Stati Membri, come l'Italia, che ne consentono una gestione sostenibile, anche se impiegati in applicazioni monouso, oltre che evidenti limiti in materia di sicurezza alimentare e garanzia dell'autenticità dei prodotti;
- ➔ Sull'etichettatura, si raccomanda di chiarire già nel testo base la possibilità di ricorrere a strumenti digitali per assolvere a tali obblighi informativi, in linea con quanto già fatto dal Governo italiano in materia di etichettatura ambientale degli imballaggi;
- ➔ Sul riuso va superato l'obbligo, prediligendo i sistemi che funzionano (il riciclo) e, semmai, incentivato il ricorso al riuso su base volontaria.

LE NOSTRE PROPOSTE EMENDATIVE	
Riciclabilità e progettazione degli imballaggi (consideranda 20, 22 e art. 6, par. 4)	
Testo proposto dalla Commissione (Considerando 20)	Proposta di emendamento
<p>20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonizing the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective, set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.</p>	<p>Opzione 1</p> <p>20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging, <i>while assuring marketing and consumer acceptance</i>. Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging <i>assuring marketing and consumer acceptance</i>, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective, set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.</p> <p>Opzione 2</p> <p>(20) Designing packaging with the objective of its recycling, once it becomes packaging waste, is one the most efficient measures to improve the packaging circularity and raise packaging recycling rates and the use of recycled content in packaging <i>while ensuring packaging performs its function s as outlined in Article 3 (1). A high</i></p>

	<p><i>standard of quality and the protection of intellectual property, both of which are important to safeguard the reputation which the Union's products have achieved on the global market and prevent the usurpation, imitation, evocation of geographical indication names and trademarks, must also be taken into account.</i> Packaging design for recycling criteria have been established for a number of packaging formats under voluntary industry schemes or by some Member States for the purpose of the modulation of extended producer responsibility fees. In order to prevent barriers to the internal market and provide industry with a level playing field, and with the objective to promote the sustainability of packaging, it is important to set mandatory requirements regarding the recyclability of packaging, by harmonising the criteria and the methodology for assessing packaging recyclability based on a design for recycling methodology at the Union level. In order to meet the objective, set out in the CEAP that, by 2030, all packaging should be recyclable or reusable, in an economically viable manner, packaging recyclability performance grades should be established based on design for recycling criteria for packaging categories as listed in Annex II. However, packaging should comply with them only as of 1 January 2030 in order to give sufficient time to the economic operators to adapt.</p>
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Giustificazione

We consider necessary including marketing and consumer acceptance criteria in the list of criteria for recycling design and performance levels. Otherwise, the Commission's proposal would lead to the standardization of the packaging, limiting the differentiation of the brand. Such exclusion would ignore the cultural heritage attached to EU wines, spirits and vinegars as well as the role of packaging in supporting GI and/or brand identification, elevation and premiumisation, that is integral part of EU wines, spirits and vinegars success. Therefore, the proposed amendment is suggested to ensure that 'Design-for-recycling criteria' does not lose sight of what the essential functions of packaging are. Furthermore, GI and intellectual property protection must also be taken into account when designing packaging, together with the objective of recycling.

<p>Testo proposto dalla Commissione (considerando 22)</p>	<p>Proposta di emendamento</p>
<p>22) 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</p>	<p>22) In order to establish harmonised rules on packaging design to ensure its recyclability <i>while ensuring packaging performs its functions as listed in art. 3.1</i>, the power to adopt delegated acts should be delegated to the Commission to set out detailed criteria for packaging design for recycling</p>

<p>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 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>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 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>Giustificazione</p> <p><i>We consider necessary including marketing and consumer acceptance criteria in the list of criteria for recycling design and performance levels. Otherwise, the Commission's proposal would lead to the standardization of the packaging, limiting the differentiation of the brand. Such exclusion would ignore the cultural heritage attached to EU wines, spirits and vinegars as well as the role of packaging in supporting GI and/or brand identification, elevation and premiumisation, that is integral part of EU wines, spirits and vinegars success. Therefore, the proposed amendment is suggested to ensure that ‘Design-for-recycling criteria’ does not lose sight of what the essential functions of packaging are. Furthermore, GI and intellectual property protection must also be taken into account when designing packaging, together with the objective of recycling.</i></p>	
<p>Testo proposto dalla Commissione (art. 6, par. 4)</p>	<p>Proposta di emendamento</p>
<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</p>	<p>Opzione 1</p> <p>4. The Commission is empowered to adopt delegated acts, <i>in close cooperation with stakeholders</i>, 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, <i>marketing and consumer acceptance criteria</i>, sorting and</p>

<p>of Annex in order to adapt it to scientific and technical development in material and product design, collection, sorting and recycling infrastructure.</p>	<p>recycling processes and shall cover all packaging components.</p> <p>The Commission is empowered to adopt delegated acts, <i>in close cooperation with stakeholders</i>, 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>Opzione 2</p> <p>4. The Commission is empowered to adopt delegated acts, <i>in close cooperation with stakeholders</i>, 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 <i>up-to-date</i> collection, sorting and recycling processes <i>ensuring that packaging is able to perform its functions as outlined in Article 3 (1)</i> and cover all packaging components.</p> <p>The Commission is empowered to adopt delegated acts, <i>in close cooperation with stakeholders</i>, 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>
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Giustificazione

We consider necessary including marketing and consumer acceptance criteria in the list of criteria for recycling design and performance levels. Otherwise, the Commission's proposal would lead to the standardization of the packaging, limiting the differentiation of the brand. Such exclusion would ignore the cultural heritage attached to EU wines, spirits and vinegars as well as the role of packaging in supporting GI and/or brand identification, elevation and premiumisation, that is integral part of EU wines, spirits and vinegars success. Therefore, the proposed amendment is suggested to ensure that 'Design-for-recycling criteria' does not lose sight of what the essential functions of packaging are. Given that this is clearly outlined in Article 3, paragraph 1 it is proposed that this be referenced in this article otherwise, the current text /proposal will lead to confusion and potentially conflict between these two objectives.

Minimizzazione degli imballaggi	
(considerando 40; art. 9, parr. 1 – 4; Allegato IV, parte I e II)	
Testo proposto dalla Commissione (considerando 40)	Proposta di emendamento
<p>(40) Packaging should be designed so as to minimize its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:200030, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design, they should not be part of performance criteria justifying on their own additional packaging weight and volume. However, this should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication protection scheme, as part of the Union’s objective to protect cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.</p>	<p>Opzione 1</p> <p>(40) Packaging should be designed so as to minimize its volume and weight while maintaining its ability to perform the packaging functions. The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:200030, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging design <i>and presentation</i> functionality, they should not be part <i>the main of</i> performance criteria justifying on their own additional packaging weight and volume. However, This should not compromise product specifications for craft and industrial products and food and agricultural products that are registered and protected under the EU geographical indication <i>or intellectual property right (patent, license, trademark, design or model)</i> protection schemes, as part of the Union’s objective to protect cultural heritage and traditional know-how and <i>intellectual property</i>. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.</p> <p>Opzione 2</p> <p>40) Packaging should be designed so as to minimise its volume and weight while maintaining</p>

	<p>its ability to perform the packaging functions, <i>including those referred to in Article 3 (1), and without compromising the need for a high standard of quality and the recognition and respect of intellectual property rights.</i> The manufacturer of packaging should assess the packaging against the performance criteria, as listed in Annex IV of this Regulation. In view of the objective of this Regulation to reduce packaging and packaging waste generation and to improve circularity of packaging across the internal market, it is appropriate to further specify the existing criteria and to make them more stringent. The list of the packaging performance criteria, as listed in the existing harmonised standard EN 13428:200030, should therefore be modified. While marketing and consumer acceptance remain relevant for packaging <i>presentation, design and differentiation functionality,</i> they should not be <i>the main part of</i> performance criteria justifying on their own additional packaging weight and volume. However, as set out in Article 9, this should not compromise product <i>or packaging</i> specifications, designs or shapes for craft and industrial products and food, <i>wine, spirit drinks, other alcoholic beverages</i> and agricultural products <i>that which</i> are registered <i>EU geographical indications, and or otherwise protected by under the Union intellectual property law or agreements between the EU and third countries which recognise EU geographical indication protection schemes, products of a distinctive origin,</i> as part of the Union's objective to protect <i>intellectual property,</i> cultural heritage and traditional know-how. On the other hand, recyclability, the use of recycled content, and re-use may justify additional packaging weight or volume, and should be added to the performance criteria. Packaging with double walls, false bottoms and other characteristics only aimed to increase the perceived product volume should not be placed on the market, as it does not meet the requirement for packaging minimisation. The same rule should apply to superfluous packaging not necessary for ensuring packaging functionality.</p>
<p style="text-align: center;">Giustificazione</p> <p><i>The total removal of marketing and consumer acceptance aspects from the performance criteria without any recognition of design and differentiated presentation i.e., through intellectual property including i.e., protected designs, trademarks and GIs would lead to packaging standardisation.</i></p>	

<p><i>Such omission could question the use of specific – and often protected – bottles / packaging attached to a brand, sometimes for years, challenging the legal certainty for companies that invested a lot in building a brand identity. Product/brand design and differentiation are integral to the presentation functionality of the packaging (*The functions of packaging include indeed i.e., containment, protection, handling, delivery or presentation of products (see art. 3. (37)). Therefore, the proposed amendment is suggested to: a) ensure that effective and existing GI category protection and intellectual property which impacts shape i.e., design, patent, copyright, etc. is taken into account and b) ensure that products of distinctive origin protected in an agreement between the EU and a third country are also considered as GIs by this Regulation. Packaging for those categories list above should aim to optimise packaging weight in line with the overall ambitions of this proposal.</i></p>	
<p>Testo proposto dalla Commissione (art. 9, par. 1)</p>	<p>Proposta di emendamento</p>
<p>1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.</p>	<p>Opzione 1</p> <p>1. Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality functions, as listed in the definition of packaging in Article 3(1), taking account of the material that the packaging is made of.</p> <p>Opzione 2</p> <p>1) <i>As of 1 January 2030, packaging shall be designed so that its weight and volume is reduced to the minimum appropriate to its functionality as listed in the definition of packaging set out in Article 3(1) taking account of:</i></p> <p>(i) the material that the packaging is made of</p> <p>(ii) <i>a particular shape or design protected by intellectual property rights, to help distinguish and protect a product, and</i></p> <p>(iii) <i>the preservation of a high standard of quality to ensure the safety of the consumer and to protect the reputation of GIs and other products of distinctive origin protected under Union law.</i></p>
<p style="text-align: center;">Giustificazione</p> <p><i>Federvini welcomes the reference to the material that the packaging is made of, as well as to the packaging functionality, when establishing an obligation of weight and volume reduction. Indeed, arbitrary weight restriction would have ignored the wines, spirits and vinegars industries specificities. However, packaging performance criteria should fully reflect all the functionalities of packaging – including presentation of products - as listed in the definition of packaging: “containment, protection, handling, delivery or presentation of products” (Article 3(1)).</i></p>	

Therefore, the proposed amendment is suggested to: a) ensure that there is a realistic timeline provided to allow / enable industry take the necessary steps to comply with the Regulation, and b) ensure that in the drive to minimise packaging all parties do not lose sight of what are the essential functions of packaging are and how they need to be respected as packaging is reduced.

<p>Testo proposto dalla Commissione (art. 9, par. 2)</p>	<p>Proposta di emendamento</p>
<p>2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.</p>	<p>Opzione 1</p> <p>2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design <i>and/or packaged products</i> is subject to geographical indications of origin <i>and/or intellectual property right (patent, license, trademark, design or model)</i> protected under Union legislation.</p> <p>Opzione 2</p> <p>2. Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the <i>product</i> or packaging design is subject <i>to intellectual property protection, or the product benefits from the Union’s geographical indications of origin protection which apply to EU and third country GIs registered in the Union, or the product has been given distinctive product recognition by the Union, and in each case is protected</i> under Union legislation.</p>

Giustificazione

Federvini regrets that, while acknowledging the fact that marketing and consumer acceptance remain relevant for packaging design (recital (40)), the latter were excluded from the list of performance criteria justifying packaging weight and volume. Such exclusion seems to ignore the cultural heritage attached to EU wines, spirits and vinegars as well as the role of packaging in supporting GI and/or brand identification, elevation and premiumisation, as being an integral part of EU wines, spirits and vinegars success. Such omission could question the use of specific – and often protected – bottles / packaging attached to a brand, sometimes for years, in favour of a standardization, therefore challenging the legal certainty for companies that invested a lot in building a brand identity. Federvini welcomes the flexibility that seems to be offered to GI products. The wording should yet be reviewed to ensure this flexibility is indeed open to all products under

<p><i>GI. Therefore, the proposed amendment is suggested to ensure that effective and existing GI category protection and intellectual property protection which impacts shape i.e. design, patent, copyright, etc. is taken into account when minimising packaging of products that benefit from GI protection in the EU (including non-EU GIs that are registered in the EU), of products of distinctive origin protected in an agreement between the EU and a third country or of products that have packaging design that is subject to intellectual property rights.</i></p>	
Testo proposto dalla Commissione (art. 9, par. 3)	Proposta di emendamento
<p>3. Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p>	<p>3. Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space, <i>unless required to protect and to transport the goods.</i></p>
<p>Giustificazione</p> <p><i>Glass packaging requires protection to avoid breakage during the transport. This must be considered as characteristics justifying additional protective packaging.</i></p>	
Testo proposto dalla Commissione (art. 9, par. 4)	Proposta di emendamento
<p>4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</p> <p>(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;</p> <p>(b) the identification of the design requirements which prevent further reduction</p>	<p>Opzione 1</p> <p>4. Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</p> <p>(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;</p> <p>(b) the identification of the design requirements <i>including related to intellectual property aspects,</i></p>

<p>of the packaging weight or volume, for each of these performance criteria;</p> <p>(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.</p> <p>For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10.</p>	<p>which prevent further reduction of the packaging weight or volume, for each of these performance criteria;</p> <p>(c) any test results, studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.</p> <p>For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10.</p> <p>Opzione 2</p> <p>4) Compliance with the requirements set out in paragraphs 1 and 2 shall be demonstrated in the technical documentation referred to in Annex VII, which shall contain the following elements:</p> <p>(a) an explanation of the technical specifications, standards and conditions used to assess the packaging against the performance criteria and methodology set out in Annex IV;</p> <p>(b) the identification of the design requirements <i>related including those linked to intellectual property</i>, which prevent further reduction of the packaging weight or volume, for each of these performance criteria;</p> <p>(c) any test results studies or other relevant sources used to assess the minimum necessary volume or weight of the packaging.</p> <p>For reusable packaging, the assessment of compliance with the requirements set out in paragraph 1 shall take into account the function of reusable packaging as referred to in Article 10.</p>
<p style="text-align: center;">Giustificazione</p> <p><i>The presentation differentiation i.e., through intellectual property including i.e., protected designs, trademarks and GIs must be recognized as integral to the essential presentation functionality of packaging, which may prevent further reduction of the packaging weight or volume. Otherwise, any packaging differentiation, even if part of the product identity and protected by intellectual property, will not be considered in the choice of packaging (shape, volume, weight), raising a fundamental legal uncertainty for producers that nullifies the value of patented designs and leads to packaging standardization. Therefore, the proposed amendment is suggested to ensure consistency with other amendments aimed at protecting products which have intellectual property protected under Union law.</i></p>	

<p>Testo proposto dalla Commissione (art. 21, par. 1)</p>	<p>Proposta di emendamento</p>
<p>1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.</p>	<p>1. Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %, <i>unless otherwise required to protect and to transport the goods.</i></p>
<p style="text-align: center;">Giustificazione</p> <p><i>Glass packaging requires protection to avoid breakage during the transport, knowing that the empty space is mostly due to the shape of the bottle neck. This must be considered as characteristics justifying additional protective packaging, and not be considered as empty space.</i></p>	
<p>Testo proposto dalla Commissione (art. 21, par. 2)</p>	<p>Proposta di emendamento</p>
<p>2. For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p> <p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging. Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.</p>	<p>2. For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p> <p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging. Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space, <i>unless required to protect and to transport the goods.</i></p>
<p style="text-align: center;">Giustificazione</p> <p><i>Glass packaging requires protection to avoid breakage during the transport, knowing that the empty space is mostly due to the shape of the bottle neck. This must be considered as characteristics justifying additional protective packaging, and not be considered as empty space.</i></p>	
<p>Testo proposto dalla Commissione</p>	<p>Proposta di emendamento</p>
<p style="text-align: center;">Annex IV</p> <p style="text-align: center;">METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT</p>	<p style="text-align: center;">Annex IV</p> <p style="text-align: center;">METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT</p>

PART I Performance criteria	PART I Performance criteria
<p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p> <p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.</p> <p>3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.</p> <p>4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.</p> <p>5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.</p> <p>6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation.</p> <p>7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation</p>	<p>Opzione 1</p> <p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p> <p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.</p> <p>3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.</p> <p>4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.</p> <p>5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.</p> <p>6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation including the protection of geographical indications and relevant intellectual property rights (patent, license, trademark, design or model) protected under Union legislation.</p> <p>7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use, it shall fulfil the requirements laid down in Article 10(1) of this Regulation.</p>

	<p>8. <i>Marketing and consumer acceptance: the packaging design shall ensure brand differentiation and / or GI identification.</i></p> <p><i>OR ALTERNATIVELY</i></p> <p>8. <i>Product presentation: the packaging design shall provide product identification by the user/consumer.</i></p> <p>Opzione 2</p> <p>1. Product protection: packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.</p> <p>2. Packaging manufacturing processes: The packaging design shall be compatible with the packaging manufacturing and filling processes.</p> <p>3. Logistics: The packaging design shall ensure adequate and safe distribution, transport, handling and warehousing of the packaged product.</p> <p>4. Information requirements: The packaging design shall ensure that any necessary information regarding the packaged product itself, its use, storage and care, including safety instructions can be provided to users and consumers.</p> <p>5. Hygiene and safety: the packaging design shall ensure user and consumer safety as well as product safety and hygiene throughout the distribution, end use and disposal.</p> <p>6. Legal requirements: the packaging design shall ensure that the packaging and packaged product can comply with the applicable legislation <i>and relevant intellectual property rights.</i></p> <p>7. Recycled content, recyclability and re-use: The packaging design shall ensure recyclability and inclusion of recycled content as required under this Regulation. If the packaging is intended for re-use,</p>
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	it shall fulfil the requirements laid down in Article 10(1) of this Regulation.
Giustificazione	
<p><i>The recognition of packaging design and consumer acceptance as integral to the packaging functionality shall be included in the performance criteria listed in Annex IV. Such exclusion seems to ignore the cultural heritage attached to EU wines, spirits and vinegars as well as the role of packaging in supporting GI and/or brand identification, elevation and premiumization, that is integral part of EU wines, spirits and vinegars success. Such omission could question the use of specific – and often protected – bottles / packaging attached to a brand, sometimes for years, in favour of a standardization, therefore challenging the legal certainty for companies that invested a lot in building a brand identity. Therefore, the proposed amendment is suggested to ensure consistency with other amendments aimed at protecting products which have intellectual property which impact shape e.g., design, patents, copyright, etc. protected under Union law.</i></p>	
Etichettatura degli imballaggi (art. 11, par. 1 - 4)	
Testo proposto dalla Commissione (art. 11, par. 1)	Proposta di emendamento
<p>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.</p> <p>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 implementing act adopted pursuant to paragraph 5.</p>	<p>Opzione 1</p> <p>1. From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label <i>and/or a QR code or other type of digital data carrier</i> containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging.</p> <p>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 implementing act adopted pursuant to paragraph 5.</p> <p>Opzione 2</p> <p>1. From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label <i>and/or a QR code or other type of digital data carrier</i> containing <i>consumer relevant</i> information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to</p>

	<p>in the first subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.</p>
<p style="text-align: center;">Giustificazione</p> <p><i>This aims at clarifying the possibility of using digital tools in order to fulfil these information obligations. Displaying this information through digital means is an effective labelling solution to provide product-specific packaging information and fits for purpose to help consumers to consult detailed, tailored and up-to-date information. Therefore, the proposed amendment is suggested to future-proof the communication of necessary and important information to the consumer. In doing so it takes account the fact that multiple types of information are now and will in due course be required to be provided by the producer. It is suggested that widening the scope of the type information that can be provided by a combination of QR Codes/digital and on-label communication is the best and most effective way to provide up-to-date, real-time information, in all languages, and accessible by those with audio or visual impairments.</i></p>	
<p style="text-align: center;">Testo proposto dalla Commissione (art. 11, par. 2)</p>	<p style="text-align: center;">Proposta di emendamento</p>
<p>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 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. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p>	<p>Opzione 1</p> <p>2. From [OP: Please insert the date = 48 months after the date of entry into force of this Regulation], reusable packaging shall bear a label on packaging reusability and/or a QR code or other type of digital data carrier that provides further information on packaging reusability 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. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p> <p>Opzione 2</p> <p>From [OP: Please insert the date 0 42 months after the entry into force of this Regulation], where appropriate, packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier or reference that provides consumer relevant information including further information on packaging reusability 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 rotation. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.</p>

Giustificazione	
<p><i>This aims at clarifying the possibility of using digital tools in order to fulfil these information obligations. Displaying this information through digital means is an effective labelling solution to provide product-specific packaging information and fits for purpose to help consumers to consult detailed, tailored and up-to-date information. Therefore, the proposed amendment is suggested to future-proof the communication of necessary and important information to the consumer. In doing so it takes account the fact that multiple types of information are now and will in due course be required to be provided by the producer. It is suggested that widening the scope of the type information that can be provided by a combination of QR Codes/digital and on-label communication is the best and most effective way to provide up-to-date, real-time information, in all languages, and accessible by those with audio or visual impairments. It is also the case that not every sector is subject to re-use /refill targets. The proposed introduction of ‘where appropriate’ suggests making it applicable to those sectors where they do apply.</i></p>	
Testo proposto dalla Commissione (art. 11, par. 3)	Proposta di emendamento
<p>3. Where a unit of packaging covered by Article 7 is marked with a label containing information on the share of recycled content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where a unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).</p>	<p>3. Where a unit of packaging covered by Article 7 is marked with a label containing consumer relevant information on the share of recycled content, that label or a QR code or other type of digital data carrier comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5) and shall be based on the methodology pursuant to Article 7(7). Where a unit of plastic packaging is marked with a label containing information on the share of biobased plastic content, that label shall comply with the specifications laid down in the relevant implementing act adopted pursuant to Article 11(5).</p>
Giustificazione	
<p><i>The proposed amendment is suggested to ensure consistency between paragraphs 1, 2, 3 and 4 of Article 11.</i></p>	
Testo proposto dalla Commissione (art. 11, par. 4)	Proposta di emendamento
<p>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</p>	<p>4. Labels and/or QR code or other type of digital data carrier 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</p>

<p>grouped packaging. 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.</p>	<p>packaging. 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.</p> <p><i>(new) Whereas the information referred to in paragraph 1 to 3 may be provided by electronic means identified on the package or on a label attached thereto, the following requirements apply in such cases:</i></p> <p><i>(a) no user data shall be collected or tracked;</i></p> <p><i>(b) the information shall not be displayed with other information intended for sales or marketing purposes.</i></p>
<p>Giustificazione</p> <p><i>Federvini welcomes the possibility offered by the draft regulation to use the digital labelling to inform consumers and suggests better clarifying it to ensure providing product-specific packaging information through digital means. Federvini supports the goal of harmonizing packaging labelling and suggests the introduction of harmonized requirements to prevent from any data collection or non-compliant displaying.</i></p>	
<p>Restrizione all'uso di determinati formati di imballaggio (art. 22)</p>	
<p>Testo proposto dalla Commissione (art. 22)</p>	<p>Proposta di emendamento</p>
<p>1. Economic operators shall not place on the market packaging in the formats and for the purposes listed in Annex V.</p> <p>2. By way of derogation from paragraph 1, economic operators shall not place on the market packaging in the formats and for the purposes listed in point 3 of Annex V as of 1 January 2030.</p> <p>3. Member States may exempt economic operators from point 3 of Annex V if they comply with the definition of micro-company in accordance with rules set out in the Commission Recommendation 2003/361, as applicable on [OP: Please insert the date = the date of entry into force of this Regulation], and where it is not technically feasible not to use packaging or to obtain access to infrastructure that is necessary for the functioning of a reuse system.</p> <p>4. The Commission shall be empowered to adopt delegated acts in accordance with</p>	<p>Delete</p>

<p>Article 58 to amend Annex V in order to adapt it to technical and scientific progress with the objective to reducing packaging waste. When adopting those delegated acts, the Commission shall consider the potential of the restrictions on the use of specific packaging formats to reduce the packaging waste generated while ensuring an overall positive environmental impact, and shall take into account the availability of alternative packaging solutions that meet requirements set out in legislation applicable to contact sensitive packaging, as well as their capability to prevent microbiological contamination of the packaged product.</p>	
<p style="text-align: center;">Giustificazione</p> <p><i>The elimination of several single-use packaging with the entry into force of the Regulation represents an unjustified market intervention likely to create obstacles to international trade, and is therefore contrary to the rules established by the World Trade Organization, in particular Article 2.2 of the Agreement on Technical Barriers to Trade. According to the latter, the technical standards must not be more restrictive than what is necessary to achieve a given objective. In the specific case, the objective of reducing single-use packaging waste could be achieved through the application of other and less restrictive measures, such as, for example, the introduction of mandatory requirements for separate collection and recycling of single-use packaging products in the HORECA sector. The introduction of bans on the use of single-use packaging in retail distribution and in the HORECA sector does not appear to be justified by an analysis of the life cycle and does not comply with the hygiene, health and food safety requirements established by European legislation. In light of this, the proposed restrictions should be reviewed and their impact on human health properly assessed.</i></p>	
<p style="text-align: center;">Riuso degli imballaggi (art. 26, par. 4 e 5)</p>	
<p style="text-align: center;">Testo proposto dalla Commissione</p>	<p style="text-align: center;">Proposta di emendamento</p>
	<p><i>Recital 142 (new)</i></p> <p><i>For the sake of clarity for food business operators, the nomenclature codes referred to food categories mentioned in Article 26 and Article 44 are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/871¹ and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.</i></p> <p><small>1. Council Regulation (EEC) No 2658/871 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ</small></p>

L 256, 7.9.1987, p. 1).																
Giustificazione																
<i>This proposal aims at providing clarity on the food categories included in the scope of Article 26 (re-use and refill targets) and Article 44 (deposit and return system), to avoid any legal uncertainty or misinterpretation by food business operators.</i>																
Testo proposto dalla Commissione (art. 26, par. 4)	Proposta di emendamento															
<p>4. 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 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>4. 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 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. <i>(new) The obligation laid down in paragraph 4 does not apply to packaging for wines, aromatized wine products and spirituous beverages as defined by the nomenclature codes</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><i>e</i></td> <td style="text-align: center;">220</td> <td rowspan="2" style="text-align: center;"><i>Wine of fresh grapes, including must other than that of heading</i></td> </tr> <tr> <td style="text-align: center;"><i>x</i></td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;"><i>e</i></td> <td style="text-align: center;">220</td> <td rowspan="2" style="text-align: center;"><i>Vermouth and other wine of fruit with plants or aromatic substances</i></td> </tr> <tr> <td style="text-align: center;"><i>x</i></td> <td style="text-align: center;">5</td> </tr> <tr> <td style="text-align: center;"><i>e</i></td> <td style="text-align: center;">220</td> <td rowspan="2" style="text-align: center;"><i>Undenatured ethyl alcohol of agricultural origin of volume of less than 80 % vol, other spirituous beverages</i></td> </tr> <tr> <td style="text-align: center;"><i>x</i></td> <td style="text-align: center;">8</td> </tr> </table>	<i>e</i>	220	<i>Wine of fresh grapes, including must other than that of heading</i>	<i>x</i>	4	<i>e</i>	220	<i>Vermouth and other wine of fruit with plants or aromatic substances</i>	<i>x</i>	5	<i>e</i>	220	<i>Undenatured ethyl alcohol of agricultural origin of volume of less than 80 % vol, other spirituous beverages</i>	<i>x</i>	8
<i>e</i>	220	<i>Wine of fresh grapes, including must other than that of heading</i>														
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<i>x</i>	8															
Giustificazione																
<i>To avoid misreading and legal uncertainty, the scope of the paragraph 4 should be clarified regarding wine and aromatised wine products (AWPs) using, for the sake of clarity for food business operators, the nomenclature codes. The proposal aims at ensuring that the constraints existing for these products are taken into account. It shall be reminded that the wine as well as the AWPs sectors is an export-focused industry, mostly formed of small and medium-size enterprises</i>																

<i>(SMEs), with most products being consumed outside their producing area, making the re-use scheme particularly inappropriate and inefficient. Mandatory reuse targets for glass bottles are structurally unpracticable for the EU wine and AWP's industry. Any introduction or development of the re-use model shall be based on a voluntary basis and supported by governmental resources and incentives.</i>	
Testo proposto dalla Commissione (art. 26, par. 5)	Proposta di emendamento
<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>	Delete
Giustificazione	
<i>Mandatory reuse targets for glass bottles are structurally unpracticable for the EU wine and AWP's industry. It shall be reminded that the wine and AWP's sectors are export-focused industries, mostly formed of small and medium-size enterprises (SMEs), with most products being consumed outside their producing area, making the re-use scheme particularly inappropriate and inefficient. Any introduction or development of the re-use model shall be based on a voluntary basis and supported by governmental resources and incentives.</i>	
Sistemi di deposito e di restituzione (art. 44)	
Testo proposto dalla Commissione (art. 44, par. 2)	Proposta di emendamento
<p>2. The obligation laid down in paragraph 1 does not apply to packaging for:</p> <p>(a) wine, aromatised wine products, and spirit drinks;</p> <p>(b) milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013.</p>	<p>2.The obligation laid down in paragraph 1 does not apply to packaging for:</p> <p>(a) wine, aromatised wine products, and spirit drinks; <i>wines, aromatised wine products and spirituous beverages as defined by the nomenclature codes:</i></p>

	<i>e</i>	220	<i>Wine of fresh grapes, including fortified</i>
	<i>x</i>	4	<i>grape must other than that of heading 200</i>
	<i>e</i>	220	<i>Vermouth and other wine of fresh</i>
	<i>x</i>	5	<i>flavoured with plants or aromatic substance</i>
	<i>e</i>	220	<i>Undenatured ethyl alcohol of an al</i>
	<i>x</i>	8	<i>strength by volume of less than 80 % vol; liqueurs and other spirituous beverages</i>

Giustificazione

To avoid misreading and legal uncertainty, the scope of the paragraph 2 should be clarified regarding wine and aromatised wine products using, for the sake of clarity for food business operators, the nomenclature codes.