

## PROPOSED AMENDMENTS

### Amendment XXX

**Proposal for a regulation**  
**Chapter I General provisions**  
**Article 3 – paragraph 1 – point 30 a (new) Definitions**

<i>Text proposed by Commission</i>	<i>Amendment</i>  <b>'take-away' means items purchased at attended points of sale , including cold or hot beverages filled into a container at the point of sale and ready-prepared food, intended for immediate consumption without the need for any further preparation, and typically consumed from the receptacle;</b>
------------------------------------	--

*Justification*

Although the draft ENVI report proposes to restructure Article 26 and add a new Article 28 with regards to take-away, there remains a lack of definition of 'take-away' which leads to legal uncertainty and ambiguity in the provisions outlined. In order to ensure full clarity in the legislative text, it is necessary to add a definition of the term 'take-away'.

### Amendment XXX

**Proposal for a regulation**  
**Chapter I General provisions**  
**Article 3 – paragraph 1 – point 30 b (new) Definitions**

<i>Text proposed by the Commission</i>	<i>Amendment</i>  <b>'attended point of sale' means a point of sale, whereby the sale of goods takes place through intervention from employees or staff.</b>
--	--

*Justification*

Providing a definition for 'attended point of sale' is fundamental to ensuring legal clarity within the text. Attended and unattended points of sale have unique characteristics, which require a tailored consideration of the applicability of some provisions.

### Amendment XXX

**Proposal for a regulation**  
**Chapter I General provisions**  
**Article 3 – paragraph 1 – point 30 c (new) Definitions**

<i>Text proposed by the Commission</i>	<i>Amendment</i>  <b>'unattended point of sale' means a point of sale, whereby the sale of goods takes place without intervention from employees or staff.</b>
--	--

*Justification*

Providing a definition for 'unattended point of sale' is fundamental to ensuring legal clarity within the text. Attended and unattended points of sale have unique characteristics, which require a tailored consideration of the applicability of some provisions.

## Amendment XXX

### Proposal for a regulation Annex V – paragraph 3 – Restricted use

<p><i>Text proposed by the Commission</i></p> <p>Single use packaging for foods and beverages filled and consumed within the premises in the HORECA sector, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption</p>	<p><i>Amendment</i></p> <p>Single use packaging for foods and beverages filled and consumed within the premises of <b>attended points of sale within the HORECA sector</b>, which include all eating area inside and outside a place of business, covered with tables and stools, standing areas, and eating areas offered to the end users jointly by several economic operators or third party for the purpose of food and drinks consumption</p>
---	---

#### *Justification*

*The use of specific single-use packaging, in particular in sensitive areas, such as medical and unattended environments, may be preferred. This amendment ensures that the restriction applies only at attended points of sale in the HORECA sector, and not in unattended environments where reusable alternatives may not always be practical or technically feasible.*

---

## Amendment XXX

### Proposal for a regulation Annex V – paragraph 4 – Restricted use

<p><i>Text proposed by the Commission</i></p> <p>Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with takeaway ready-prepared food intended for immediate consumption without the need of any further preparation</p>	<p><i>Amendment</i></p> <p>Single use packaging in <b>attended points of sale within the HORECA sector</b>, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with takeaway ready-prepared food intended for immediate consumption without the need of any further preparation.</p>
---	--

#### *Justification*

*The use of specific single-use packaging, in particular in sensitive areas, such as medical and unattended environments, may be preferred. This amendment ensures that the restriction applies only at attended points of sale in the HORECA sector, and not in unattended environments where reusable alternatives may not always be practical or technically feasible.*

---

Proposal for a regulation

Chapter IV Obligations of economic operators other than the obligations in Chapters V and VII

Article 26 – paragraph 3a (new)

<i>Text proposed by the Commission</i>	<i>Draft ENVI Report amendment</i>	<i>Amendment</i>
<p>The final distributor making available on the market within the territory of a Member State in sales packaging cold or hot beverages filled into a container at the point of sale for take-away shall ensure that:</p> <p>(a) from 1 January 2030, 20 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill;</p> <p>(b) from 1 January 2040, 80 % of those beverages are made available in reusable packaging within a system for re-use or by enabling refill.</p>	<p>3a. Where a final distributor makes non-alcoholic beverages in sales packaging available on the market within the territory of a Member State, it shall ensure that:</p> <p>(a) from 1 January 2030, 20 % of those products are made available in reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 35 % of those products are made available in reusable packaging within a system for re-use.</p>	<p><b>3a. Where a final distributor that is conducting its business activity within an attended point of sale in the HORECA sector</b> makes non-alcoholic beverages in sales packaging available on the market within the territory of a Member State, it shall ensure that:</p> <p>(a) from 1 January 2030, 20 % of those products are made available in reusable packaging within a system for re-use;</p> <p>(b) from 1 January 2040, 35 % of those products are made available in reusable packaging within a system for re-use.</p>

*Justification*

To ensure legal certainty and consistency in the text, it is necessary to specify that the provisions refer to economic operators conducting business activity within the HORECA sector, referring to Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities, as defined in Article 3 (30) of this proposal. This amendment ensures the text is fully consistent with the NACE Rev. 2 definition of the HORECA sector by applying to attended points of sale.

## LIST OF SUPPORTED AMENDMENTS IN DRAFT ENVI REPORT

<i>Draft ENVI Amendment</i>	<i>EVA Comments</i>
Amendment 69	Amendment recognises flexibility for DRS solutions
Amendment 118	Amendment recognises that the a single-use unit needed to hold a coffee or tea can be made of aluminium or plastic and can already be sorted and recycled.
Amendment 130	Amendment means micro-companies are exempt on EU level and the exemption is not left to individual member states. Also introduces exemption in cases where the infrastructure for re-use is not technically feasible, which is helpful in certain unattended vending environments.
Amendment 134	Amendment recognises that food safety problems may arise in the provision of a refill system.
Amendment 137	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (2)
Amendment 138	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)(a)
Amendment 139	Recognises that specific reuse targets for take-away cannot be set due to lack of evidence and deletes Article 26 (3)(b)
Amendment 155	Amendment recognises that hygiene, food safety as well as the environmental impact of the measures should form part of the review.