Message 301

Communication from the Commission - TRIS/(2025) 1227

Directive (EU) 2015/1535

Notification: 2025/0187/IT

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve – Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20251227.EN

1. MSG 301 IND 2025 0187 IT EN 02-07-2025 07-05-2025 COM INFOSUP COM 02-07-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0187/IT - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 (1), the Italian authorities notified to the Commission on 1 April 2025 the draft ‘Proposed technical regulation for the definition of the requirements for the reusability of plastic products intended to come into contact with foodstuffs, in accordance with the Annex, Part B, to Legislative Decree No. 196 of 8 November 2021’, under the reference 2025/187/IT.
According to the notification message, the notified draft ‘amends the provisions of the Legislative Decree transposing Directive 2019/904 (SUP) in order to provide detailed technical characteristics to ensure the reusability of certain products listed in the Annex, Part B, which are prohibited from being placed on the market pursuant to Article 5 of the same Legislative Decree.
The objective of the proposed technical rule is to define the technical requirements for the reusability of the above-mentioned plastic products for their placing on the market in order to ensure the correct application of the SUP Directive and to avoid the marketing of products labelled as reusable but perceived and used by consumers as disposable’.
In order to allow the Commission services to complete their analysis under the relevant provisions of EU Law, the Italian authorities are kindly invited to clarify on which basis they set the technical characteristics (weight and size limits) for plastic plates, cutlery, straws and beverage stirrers to be considered reusable and capable of ensuring effective multiple uses for the same purposes for which they were designed.
The Italian authorities are also invited to clarify the relationship between the notified draft and the EU packaging legislation, namely, Directive 94/62/EC (2), as repealed by Regulation (EU) 2025/40 on packaging and packaging waste (3) (hereafter, PPWR). Namely, some of the products listed above are also packaging (e.g. plates) and the listed packaging legislation provides for criteria and standards on what is to be considered as reusable packaging. PPWR, which lays down the conditions for reusable packaging to be placed on the market in Article 11, also envisages that the Commission will adopt a delegated act determining the minimum number of rotations for reusable packaging by 12

February 2027. The Italian authorities are invited to clarify how the notified draft, which defines detailed technical characteristics, aligns with Article 11 of PPWR.
The Italian authorities are also invited to confirm that the requirements of the notified draft are without prejudice to the Commission Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food which also sets out requirements for repeated use materials and articles.
The Italian authorities are also invited to confirm that the reference to the repealed acts (Council Directives 90/385/EEC and 93/42/EEC) is to be read as a reference to Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices.
The Italian authorities are kindly invited to reply by 21 May 2025.

(1) Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.
(2) European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31994L0062), OJ L 365 31.12.1994, p. 10, as last amended by Directive (EU) 2018/852 and as repealed by Regulation (EU) 2025/40.
(3) 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, OJ L, 2025/40, 22.1.2025.

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