

**Art. xxx**

**(Modifications to Legislative Decree No 152 of 3 April 2006)**

1. The following amendments are made to Legislative Decree No 152 of 3 April 2006:

a) the following is added after Article 226-*quater*:

*'Article 226-quinquies (Compostability requirement for certain types of packaging)*

*1. From 1 January 2030, the following packaging shall be made available for the first time on the national market, in addition to the formats and for the uses allowed under Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, where such packaging is biodegradable and compostable, certified by accredited bodies, in compliance with standard UNI EN 13432 or equivalent compostability standards recognised at European level:*

*a) single-use plastic packaging for pre-packaged fresh fruit and vegetables weighing less than 1.5 kg;*

*b) single-use plastic packaging for food and beverages, pre-filled and intended for consumption on the premises of hotels, restaurants and catering establishments;*

*c) single-use plastic packaging used in the hotel, restaurant and catering sectors containing individual portions of condiments, including preserves, sauces, coffee cream and sugar, with the exception of the following cases:*

*- such packaging is provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation;*

*- packaging required to ensure safety and hygiene in facilities where individual medical care is provided, such as hospitals, clinics or care homes;*

*d) single-use flexible packaging for cosmetics and hygiene products for use in the hospitality sector, as described in the ATECO 2025 classification of economic activities, intended exclusively for individual bookings and to be disposed of before the arrival of the next guest.*

*2. In applying the provision referred to in paragraph 1, this shall be without prejudice to the obligations to comply with the legislation on the use of materials intended to come into contact with food, adopted in implementation of Regulations (EU) No 10/2011, (EC) No 1935/2004 and (EC) No 2023/2006, as well as the provisions on waste management referred to in paragraph 6 of Article 182-ter of this Decree.*

*3. Pursuant to Annex V, point 2, and Article 25(4) of Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, the packaging referred to in points (a) and (b) of paragraph 1, for which it is demonstrated that their use cannot be avoided, shall be exempt from the restrictions referred to in that paragraph. The packaging referred to in the first sentence shall be identified by decree of the Minister for the Environment and Energy Security, in agreement with the Minister for Health and the Minister for Agriculture, Food Sovereignty and Forestry, to be adopted within twenty-four months of the entry into force of this provision.'*

b) In Article 261, after paragraph 4-*quater*, the following is added:

*'paragraph 4-quinquies. Infringement of the provisions of Article 226-quinquies, including through the use of declarations of conformity or other misleading or elusive statements, shall be punishable by an administrative fine of between EUR 2,500 and EUR 25,000. The administrative penalty referred to in the first sentence shall be increased to up to four times the maximum amount if the breach of the obligation relates to quantities of packaging whose value exceeds 10 per cent of the offender's turnover. The penalties referred to in the first and second sentences shall be imposed in accordance with Law No 689 of 24 November 1981, and administrative police authorities shall investigate infringements, either on their own initiative or following a complaint, without prejudice to the provisions of Article 13 of the aforementioned Law No 689 of 1981'.*