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COMMUNICATION TO THE COMMISSION

**Approval of the draft Commission Notice on the Guidance document for Regulation
(EU) 2025/40 on packaging and packaging waste**

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Regulation (EU) 2025/40 on packaging and packaging waste ⁽¹⁾ (hereafter: PPWR) entered into force on 11 February 2025 and will apply from 12 August 2026.

PPWR harmonises the regulatory framework for packaging and packaging waste across the EU and enhances the smooth functioning of the internal market while reducing the environmental and health impacts linked to packaging.

The practical implementation of the new rules has been generating a lot of questions due to their novelty and complexity. The Commission Notice - Guidance document for Regulation (EU) 2025/40 on packaging and packaging waste ('Commission guidance document') addresses those questions, where there is an evident margin of legal discretion. For the other questions received, DG ENV intends to publish a Frequently Asked Questions (FAQ) document, which will be regularly updated.

Member States were consulted on the interpretation of the issues at a dedicated meeting of the Technical Adaptation Committee on Waste on 13 October. A further meeting was organised at the level of deputy permanent representatives on 5 March 2026. Member States' comments and suggestions were duly considered and included into the final draft.

Before launching the ISC, DG ENV has pre-consulted several DGs and Commission services. The ISC ([ISC/2025/11154](#)) on the draft Commission Notice was launched on 03/12/2025 and closed on 9/12/2025. There were no negative opinions. Positive opinions with comments were received from AGRI, ESTAT, GROW, INTPA, LS, MARE, SANTE, TAXUD, TRADE and SG. Their comments were duly considered, and the draft Commission Notice was adapted, where needed.

Therefore, the Commission is called upon to approve the draft content of Commission Notice - Guidance document for Regulation (EU) 2025/40 on packaging and packaging waste.

This document will be formally adopted by the Commission later, when all languages are available. It is only from that moment that the updated guidelines will be applicable.

The updated draft 'Commission guidance document' is attached as Annex to this Communication.

⁽¹⁾ 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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ANNEX

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Annex

Draft Commission Notice on the Guidance document for Regulation (EU) 2025/40 on packaging and packaging waste

Subject matter and scope of this Commission guidance document

Regulation (EU) 2025/40 on packaging and packaging waste ⁽¹⁾ (hereafter: PPWR) entered into force on 11 February 2025 and will apply from 12 August 2026.

Following its adoption, and in the context of the Commission's environmental omnibus package and broader simplification efforts, the Commission has received a significant number of questions from stakeholders, including Member States' authorities, regarding the interpretation of certain provisions of the PPWR. To support the effective and timely implementation by economic operators and Member States, the Commission has used its best efforts to respond to the questions raised and to provide clarity and legal certainty as quickly as possible.

To this end, the Commission is issuing this guidance document to interpret selected provisions of the PPWR, with the aim of facilitating a uniform application of the Regulation across the Union. This guidance is complemented by a set of frequently asked questions (FAQs) developed as part of the Commission's ongoing dialogue with stakeholders.

This guidance document is based on the settled case-law of the Court of Justice of the European Union concerning the interpretation of EU law, according to which interpretation requires consideration not only of the wording of a provision, but also its context and the objectives pursued by the legal act of which it forms part ⁽²⁾.

This guidance document does not replace, add to, or amend the provisions of the PPWR, which alone establish the applicable legal obligations. It should not be considered in isolation but must be read in conjunction with the relevant legislation and does not constitute a stand-alone reference.

Considering further stakeholder input and practical experience gained with the application of the rules, this guidance document and the accompanying FAQs may be updated as necessary.

However, the binding interpretation of EU legislation remains the exclusive competence of the Court of Justice of the European Union.

Further details will be proposed via several implementing measures, such as implementing acts, delegated acts, standardisation requests and guidelines, to be proposed by the Commission in the

⁽¹⁾ 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)

⁽²⁾ *KRONE-Verlag*, C-65/20, EU:C:2021:471, paragraph 25

coming 2-3 years. It should be noted, in this context, that the Commission does not intend to prioritise the implementing act establishing a methodology for identifying material composition of packaging by digital labelling.

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1. Definition of packaging

Legal provisions:

Article 3(1), point (1), defines ‘*packaging*’ as ‘*an item, irrespective of the materials from which it is made, that is intended to be used by an economic operator for the containment, protection, handling, delivery or presentation of products to another economic operator or to an end user, and that can be differentiated by packaging format based on its function, material and design, including:*

- (a) *an item that is necessary to contain, support or preserve a product throughout its lifetime, without being an integral part of the product, and which is intended to be used, consumed or disposed of together with the product;*
- (b) *a component of, and ancillary element to, an item referred to in point (a) that is integrated into the item;*
- (c) *an ancillary element to an item referred to in point (a) that is hung directly on, or attached to, the product and that performs a packaging function, without being an integral part of the product, and which is intended to be used, consumed or disposed of together with the product;*
- (d) *an item that is designed and intended to be filled at the point of sale in order to dispense the product, which is also referred to as ‘service packaging’;*
- (e) *a disposable item that is sold and filled or designed and intended to be filled at the point of sale and which performs a packaging function;*
- (f) *a permeable tea, coffee or other beverage bag, or soft after-use system single-serve unit that contains tea, coffee or another beverage, and which is intended to be used and disposed of together with the product;*
- (g) *a non-permeable tea, coffee or other beverage system single-serve unit intended for use in a machine and which is used and disposed of together with the product;’*

Annex I to the Regulation provides an indicative list of items that are considered packaging and items that are not. With respect to flowerpots and plant pots, including seed trays, Annex I distinguishes between:

‘Items that are packaging: (...) Flower and plant pots, including seed trays, intended to be used only for selling and transporting.

(...)

Items that are not packaging: Flower and plant pots, including seed trays, used in business-to-business relations throughout different stages of production or intended to be sold with the plant’.

Commission's interpretation:

Whether an item qualifies as packaging must be assessed based on the definition of packaging set out in Article 3(1), point (1). Annex I is indicative only and, in line with the case-law of the Court of Justice of the European Union ⁽³⁾ under Directive 94/62/EC on Packaging and Packaging Waste, applied by analogy, the inclusion of an item in Annex I alone is not sufficient for it to be classified as packaging. It is also necessary to verify whether the item meets the elements of the packaging definition, in particular whether it is intended to be used by an economic operator to contain, protect, handle, deliver or present a product, without being an integral part of that product, and whether it is intended to be used, consumed or disposed of together with the product, or constitutes an integrated component or an ancillary element performing a packaging function.

For example, if a beverage cup is sold empty in a supermarket to consumers for their private use, it is not considered to be packaging. On the other hand, if the supermarket fills such cups with a product (e.g. coffee) at a refill station, such cups are packaging, more particularly, 'service' packaging.

Tea lights or graveside lights' containers, or other candle containers such as filled glasses and ceramic bowls, are not packaging, as these containers do not fit the definition of packaging in Article 3(1), point (1), and '*graveside lights (containers for candles)*' are listed as examples of non-packaging in Annex I of the Regulation.

As regards adhesive films used in the production processes of goods, they can be packaging or not depending on their function. Adhesive process films can be designed to enable or facilitate the transformation of raw or intermediate materials into semi-finished or final products, through manufacturing processes. If such films remain on the semi-finished products until their transformation and/or assemblage into subsequent semi-finished products or final products, and act as enablers of the manufacturing cycle and address distinct technical needs of such processes, they are not packaging under Article 3(1) point (1).

Dust bags for shoes and garments are deemed packaging if they are intended to be used for the containment, protection, handling, delivery or presentation of products to an end user. There is no exemption for textile packaging from the general packaging definition contained in Article 3(1), point (1), but textile sales packaging ⁽⁴⁾ is exempted from the recyclability requirements (Article 6(11)(g)). Dust bags for shoes and garments packaging may be packaging if they meet the regulatory definition of packaging. This will depend on their function, i.e. if they are used for the containment or protection of garments or shoes during their handling, delivery, or presentation,

⁽³⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 [on packaging and packaging waste](#) (OJ L 365 31.12.1994, p. 10)

⁽⁴⁾ According to Article 3(1), point (5), 'sales packaging' means packaging conceived so as to constitute a sales unit consisting of products and packaging to the end user at the point of sale'.

and on their intended use, i.e., whether they have been placed on the market by an economic operator as part of a product supply. Such items are not packaging when they are integral to the product (i.e. part of the product and necessary for its intrinsic use, not just for protection or handling), or if they are not placed on the market for packaging use, i.e. if they are sold separately by the consumer or provided free of charge in a non-commercial context.

Flower and plant pots, including seed trays, qualify as packaging where they are intended to be used for sale or transport, including pots and trays, in which the plant was cultivated at the last stage and in which it is sold to the end user. Conversely, pots and trays used by business operators (such as nurseries and growers) as part of their production cycle are not packaging, as they are mere enablers of the manufacturing cycle. This applies except to the last pot or tray that is intended to be sold together with the plant to the end user. While the wording for both ‘packaging’ and ‘non-packaging’ in Annex I includes the element of selling, in practice, flowers and plants are not transplanted into separate ‘transport’ or ‘sales’ pots for marketing purposes. Rather, the same pots in which the plants were grown are used also for transport and sale. The classification of such pots must therefore follow the general definition of packaging, consider their function and intended use, rather than just relying on the indicative wording of Annex I. While the definition of packaging also covers items used in business-to-business relations, flowerpots that merely enable the production process, such as larger growing pots (for example, those exceeding 10 cm in diameter) used throughout the cultivation cycle, should not be regarded as packaging under Article 3(1), point (1).

Intravenous (IV) bags and syringes do not fall within the definition of packaging under Article 3(1), point (1), including where they are placed on the market pre-filled with medicines or saline. Although they may physically contain a substance, IV bags and syringes are not placed on the market merely to contain, protect, transport or present a product. Rather, they are designed, manufactured and regulated as integral delivery devices that enable safe, sterile and accurate administration of fluids or medicines to patients. When supplied pre-filled, the IV bag or syringe forms an integral part of the medicinal or medical product itself, such that the product cannot perform its intended function independently of the device. In this context, the IV bag or syringe is not a packaging component that is discarded to access its contents, but a functional part of the product placed on the market.

2. Definition of a manufacturer of packaging

Legal provisions:

According to Article 3(1), point (13), “*manufacturer*” means any natural or legal person that manufactures packaging or a packaged product; however:

(a)subject to point (b), where a natural or legal person has packaging or a packaged product designed or manufactured under its own name or trademark, regardless of whether any other trademark is visible on the packaging or on the packaged product, ‘manufacturer’ means that natural or legal person;

(b)where the natural or legal person that has the packaging or packaged product designed or manufactured under its own name or trademark falls within the definition of micro-enterprise set out in Recommendation 2003/361/EC as applicable on 11 February 2025, and the natural or legal person that supplies the packaging to the natural or legal person that has the packaging designed or manufactured under its own name or trademark is located in the same Member State, ‘manufacturer’ means the natural or legal person that supplies the packaging;’

Commission’s interpretation:

A manufacturer is a natural or legal person who manufactures packaging or a packaged product. It is not necessarily the natural or legal person that *physically* produces the packaging. Two elements need to be considered: (1) the role in the design or manufacturing of packaging criterion and (2) the trademark or the branding criterion. If the packaging or packaged product carries a certain name or trademark, it can be assumed that the owner of that name or trademark is the ‘manufacturer’ pursuant to Article 3(1), point (13)(a), as it will have the decisive power in the contractual relation with its suppliers and will therefore be able to determine also the packaging characteristics.

The wording of the definition of manufacturer indicates that there is always only one manufacturer in a supply chain within the meaning of the PPWR.

As regards sales packaging (except service packaging⁵), or grouped packaging (⁶), the manufacturer is normally the economic operator that applies the final processing steps (e.g. cutting, filling, sealing) to the packaging supplied by converters (i.e. suppliers) and fills it with its product in order to then place the packaging or the packaged product on the Union market (Article 3(1), points (5)–(6)). In other words, for sales and grouped packaging, the manufacturer will normally be the filler, who is often also the product brand owner.

⁵ According to Article 3(1), point 1 (d), ‘an item that is designed and intended to be filled at the point of sale in order to dispense the product, which is also referred to as ‘service packaging’

⁽⁶⁾ According to Article 3(1), point 6, ‘grouped packaging’ means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale, irrespective of whether that grouping of sales units is sold as such to the end user or whether it serves as a means to facilitate the restocking of shelves at the point of sale or to create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics’.

As regards transport packaging ⁽⁷⁾, service packaging (in their final form), and primary production packaging ⁽⁸⁾ the manufacturer will normally be the company which manufactures the transport or service packaging, unless such packaging is clearly branded by the user of such packaging, by carrying its name or trademark (Article 3(1), points (1)(d) and (7)). In this case, the user is the manufacturer.

Under the conditions set forth in Article 21, importers and distributors may be considered manufacturers for the purposes of this Regulation. This happens when they place on the market packaging under their own name or trademark or modify packaging already placed on the market in a way that could affect compliance with the relevant requirements of this Regulation.

Pursuant to Article 15(1), *‘manufacturers shall only place on the market packaging which is in conformity with the requirements laid down in or pursuant to Articles 5 to 12.’* The **conformity assessment procedure** (Article 38) can be carried out by the manufacturer or by someone else on their behalf (e.g. a laboratory or a certification scheme), in accordance with Article 15(2). The **EU declaration of conformity** (Article 39) must be drafted by the manufacturer, based on the information and documentation provided by suppliers pursuant to Article 16(1), or by an authorised representative, appointed by the manufacturer by a written mandate pursuant to Article 17. This means that the manufacturer is the sole economic operator bearing legal responsibility for the packaging’s compliance with the sustainability and labelling requirements, regardless of who might have actually drafted the EU declaration of conformity or parts of it.

However, if the company that has the packaging or packaged product designed or manufactured under its own name or trademark is a **micro-enterprise**, and the company supplying the packaging is located in the same Member State, then this supplier of the packaging is the manufacturer (Article 3(1), point (13)(b)). This is regardless of whether the latter company is also a micro-enterprise. For example, if a manufacturer of a packaging container is a micro-enterprise but the manufacturer of the packaged product is not, the exemption does not apply. If a manufacturer of a packaging container is not a micro-enterprise, while a manufacturer of a packaged product is, the exemption applies, and it is the manufacturer of the container which should be considered as ‘manufacturer’ for the purpose of the PPWR.

According to Recommendation 2003/361/EC ⁽⁹⁾, a company is a micro-enterprise if it employs fewer than 10 persons, and its annual turnover or annual balance sheet total do not exceed 2 million

⁽⁷⁾ According to Article 3(1), point 7, ‘transport packaging’ means packaging conceived so as to facilitate the handling and transport of one or more sales units or a grouping of sales units, in order to prevent damage to the product from handling and transport, but which excludes road, rail, ship and air containers.’

⁽⁸⁾ According to Article 3(1), point 4, ‘primary production packaging’ means an items designed and intended to be used as packaging for unprocessed products from primary production as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council’

⁽⁹⁾ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (notified under document number C(2003) 1422) (*OJ L 124, 20.5.2003, pp. 36–41*)

EUR. A franchisee can be considered a micro-enterprise if the franchisor does not directly or indirectly own 25% or more of its capital or voting rights and does not exercise control or decisive influence. If it does, then the relevant thresholds must be calculated by adding the franchisor's corresponding data, as required by Articles 3(2) and 3(3) of the Recommendation 2003/361/EC.

If the packaging does **not bear a tradename** or a brand name, then the 'manufacturer' could be either the supplier (i.e. the person who actually manufactures the packaging) or the person who places packaged products on the market. The decisive criterion is who places the order and decides on the design specifications for that packaging.

The same approach explained above applies also for **reusable packaging**. The decisive criterion is who the natural or legal person who has the packaging designed or manufactured under its own name or trademark is. However, it is useful to clarify this further by putting it in the context of re-use systems.

When packaging is designed following specific requirements of the manufacturers of the packaged product and carries their trademark, the latter (i.e. the users) are the 'manufacturer' of reusable packaging. This will be the case notably in open loop re-use systems ⁽¹⁰⁾.

However, if a company, which has reusable packaging designed and manufactured under its name and trademark, is a micro-enterprise, and the company that manufactures the packaging is located in the same Member State, then the latter company is the manufacturer. This is regardless of whether the latter company is also a microenterprise.

When reusable packaging is designed following specific requirements of a re-use system operator and carries its trademark, the re-use system operator is the 'manufacturer'. This will be the case notably in closed loop re-use systems ⁽¹¹⁾. When reusable packaging does not carry a specific trademark, the manufacturer of the packaging is the 'manufacturer', unless the user (i.e. the re-use system operator) can be identified as the one having ordered such packaging and its specific design.

3. Definition of a producer of packaging

Legal provisions:

Recital (122) mentions that *'[T]his Regulation seeks to clearly define one producer per packaging unit, whether it is for empty packaging or for packaging containing products. As a general rule, the producer should be the economic operator who, as a manufacturer, importer or distributor*

⁽¹⁰⁾ According to Annex VI, point (c), 'open loop system' means a re-use system in which reusable packaging circulates amongst an unspecified number of system participants, and the ownership of the packaging changes at one or more points in the re-use process.

⁽¹¹⁾ According to Annex VI, point (b), 'closed loop system' means a re-use system in which reusable packaging is circulated by a system operator or a co-operating group of system participants without the change of the ownership of packaging.

established in a Member State, makes available packaged products from within the territory of that Member State and on that same territory. This includes any offer for distribution, consumption or use which could result in actual supply. Thus, where a company buys a packaged product from another Member State other than that where the company is located, or from a third country, and supplies that packaged product in the Member State where it is located, that company should be considered to be the producer, as it is the first company making the packaged product available on the territory of that Member State. With regard to online platforms, the initial offering of a product should be considered as being made available in the sense of the producer definition. However, to minimise any unnecessary administrative burden for small businesses that fill transport packaging, primary production packaging or service packaging, whether as a single-use packaging or as reusable packaging, at the point of sale, the producer should be the manufacturer, distributor or importer of such packaging that makes the packaging available for the first time from within the territory of the Member State, since that economic operator is best placed to comply with the extended producer responsibility obligations.'

Article 3(1), point (15) defines 'producer' as 'any manufacturer, importer or distributor to whom, irrespective of the selling technique used, including by means of distance contracts, one of the following applies:

- (a) the manufacturer, importer or distributor is established in a Member State and makes available for the first time from within the territory of that Member State and on that same territory transport packaging, service packaging, or primary production packaging, whether as single-use packaging or as reusable packaging; or*
- (b) the manufacturer, importer or distributor is established in a Member State and makes available for the first time from within the territory of that Member State and on that same territory products packaged in packaging other than those referred to in point (a); or*
- (c) the manufacturer, importer or distributor is established in a Member State or in a third country and makes available for the first time on the territory of another Member State, directly to end users, transport packaging, service packaging or primary production packaging, whether as single-use packaging or as reusable packaging; or*
- (d) the manufacturer, importer or distributor is established in a Member State or in a third country and makes available for the first time on the territory of another Member State, directly to end users, products packaged in packaging other than those referred to in point (c); or*
- (e) the manufacturer, importer or distributor is established in a Member State and unpacks packaged products without being an end user, unless another person is the producer as defined in point (a), (b), (c) or (d);'*

Commission's interpretation:

Producers and manufacturers are defined under the PPWR for different purposes. The producer is responsible for paying the costs for the collection and recovery of packaging waste in the respective Member State (Article 45(1)). To this end, a producer must register and report to the relevant national authorities as specified in Article 44 and pay the extended producer responsibility (EPR) fee in the Member State, in which the packaging is expected to become waste. If fees are paid in a Member State, and afterwards a distributor makes the packaging available for the first time on the territory of another Member State, the fees must be reimbursed. The manufacturer, on the other hand, must ensure that the packaging complies with the sustainability and labelling requirements specified in Articles 5–12, as specified in Article 15(1), before it is made available on the Union market for the first time. There is only one manufacturer throughout the EU (see point 2 on the definition of manufacturer of packaging).

Overview of the different roles of manufacturers and producers in the PPWR

	Manufacturer	Producer
Definition	Manufacturers of packaging or a packaged product. According to the above, it is not the person who manufactures the packaging but the person who ‘orders and decides on the design specifications for packaging’ Exemption for brand owners when they are micro-enterprises, <u>and the person that supplies the packaging is located in the same Member State.</u>	Any manufacturer, importer or distributor who makes packaging or packaged products available for the first time in the Member State where it is present or directly to end users in another Member State.
Quantity	One economic operator EU-wide.	The economic operator who makes packaging available for the first time on the territory of the Member State where the packaging is expected to become waste.
Function	Ensures conformity of the packaging with sustainability and labelling requirements.	Finances waste management in the Member State where packaging is expected to become waste.

A ‘producer’ is the eligible company in the distribution and supply chain which is responsible for fulfilling the extended producer responsibility obligations in a Member State (Article 45).

The PPWR seeks to clearly define one producer per packaging, whether it is for empty packaging, such as transport and service packaging, or situations where packaging is made available on the market containing products, which is the case for sales and grouped packaging.

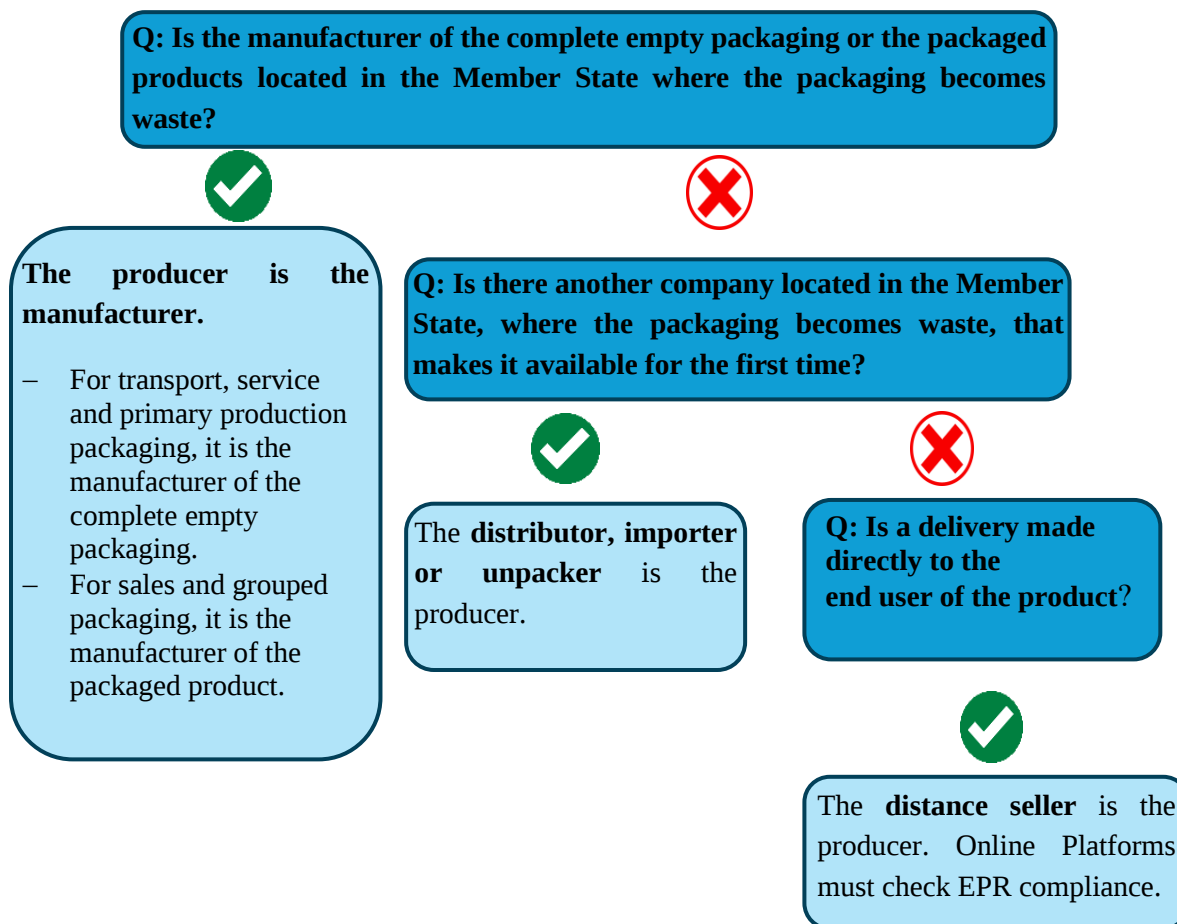
To determine in which Member State EPR obligations apply, it is necessary to check where the packaging is first made available on the territory of a Member State. In practice, this will usually be where the packaging is filled.

The definition of producer seeks to identify the economic operator who is responsible for EPR obligations, whether it is the manufacturer, importer or distributor, in the Member State in which the packaged product is made available for consumption and thereby is expected to become waste. Consequently, the manufacturer and producer may not always be the same economic operator, and the producer of packaging will depend on 1) the type of packaging made available on the market, 2) whether it is in the same Member State as it is manufactured, and 3) whether the packaged product is sold to the end user or is further distributed.

If the packaging or packaged products is exported outside the EU, where it is expected to become waste, extended producer obligations pursuant to the PPWR will no longer apply to the producer.

Packaging is often a part of a long supply and distribution chain in which it is made available several times. Regardless of whether the packaging is further made available in the same Member State or the size of the economic operator, the producer is the economic operator who makes the packaging available for the first time in the Member State. Making available on the market includes any offer for distribution, consumption or use which could result in the actual supply of packaging or packaged products. In the case of online sales, the offering of a product directly to an end user is considered as making available on the market in the Member State of the end user.

Below is a demonstration diagram of how the producer in the EU can be identified.



To identify **producers of transport packaging**, it is necessary to consider the definition of producer and the following factors:

- 1) Is the item ready to serve a packaging function? Transport packaging will often consist of multiple components or ancillary elements, which in themselves do not serve a packaging function. Therefore, if a packaging is only ready to serve a packaging function after other components are added, the assembler will be the manufacturer and the first potential producer.
- 2) Who is the manufacturer of transport packaging? Contrary to sales and grouped packaging, a producer of transport packaging must be identified for the empty packaging, because it is often the empty packaging that is made available on the market for the first time. However, if the transport packaging bears a name or trademark, the producer will normally be the filler of the packaging. If the transport packaging is not uniquely identifiable, then the actual manufacturer of the packaging will normally be the producer (for further details see point 2 regarding the definition of manufacturer).

- 3) In which Member State and to whom is the packaging made available? If transport packaging is made available for the first time in a Member State other than the Member State, where the manufacturer of packaging is located, the manufacturer will only be the producer, if the recipient is the end user of the packaged product. If this is not the case, the recipient will be the producer.

To exemplify, Company A manufactures big cardboard boxes without a name or trademark in a Member State. Company A sells the empty, cardboard boxes to Company B in the same Member State. In this transaction, Company A is the producer. However, if the cardboard box has the name or trademark of Company B, Company B becomes the producer in that Member State. However, should Company B sell the filled cardboard boxes to Company C in another Member State, the producer will be Company C in the other Member State. Lastly, if the cardboard boxes are exported to a third country, there will be no producer in any Member State as the boxes are not expected to become waste in the EU.

As regards **producers of sales packaging**, the producer is the economic operator who fills the packaging and makes it available for the first time on the territory of the Member State. To exemplify, Company D fills fruit in a container and sells the packaged fruits to a supermarket in the same Member State. In this case Company D will be considered the producer in that Member State since it makes the packaging available for the first time and the packaging is expected to become waste there. However, if Company D sells the packaged fruits to a supermarket in another Member State, the supermarket in that Member State will be the producer, since it will make the packaged fruits available on the market for the first time in that Member State, where it will become waste.

In the situation described in Article 3(1), point (15)(d), the producer is identified as a manufacturer, importer or distributor that makes packaged products directly available for the first time to end users on the territory of another Member State. According to Article 3(1), point (23), an ‘*end user*’ is a natural or legal person that resides in the EU and to whom a product has been made available either as a consumer or as a professional end user, and who does not make that product further available on the market in the form supplied to it. To further exemplify, using the example above, if Company D has a web shop where it sells packaged fruit to an end user of the fruit in another Member State, Company D will be the producer and must fulfil the extended producer responsibility obligations in the other Member State.

The determining factor will therefore be whether the professional end user uses the product in its production and thereby does not make the product further available in the form it was supplied. Logistics companies which receive imported packaged goods from third countries and conduct handling activities, such as unpacking or repacking into smaller quantities before sending the packaged product, are not to be considered end users. Rather, they are the producer of the transport packaging if the product is repackaged, even though they do not have ownership of the packaged products.

4. Definition of importer and the status of a ‘branch’

Legal provision:

Article 3(1), point (17) lays down the definition of ‘importer’ as ‘any natural or legal person established within the Union that places packaging from a third country on the market.’

Commission’s interpretation:

The definition of importer is based on the definition of ‘importer’ in Article 3(9) of Regulation (EU) 2019/1020⁽¹²⁾ and should be interpreted in line with the general interpretative guidance provided for in the Blue Guide⁽¹³⁾. It follows from that definition that two cumulative conditions must be satisfied: (a) establishment in the EU, and (b) placing on the market packaging or packaged products originating outside the EU.

The concept of being ‘established’ must be interpreted as having a registered address in a Member State to ensure jurisdiction for enforcement and market surveillance, as well as a guarantee that there is a responsible party within the Union for compliance, traceability, and corrective actions.

In most cases, a branch is not a separate legal entity and, as it only operates under the identity of the parent company, it does not independently assume rights or obligations. Contracts entered into by a branch are therefore legally binding on the parent company.

Under EU and national tax laws, a branch is typically treated as a permanent establishment⁽¹⁴⁾ for tax purposes. However, having tax obligations and tax registration does not confer separate legal personality and does not change the branches’ status for regulatory compliance. Several CJEU rulings⁽¹⁵⁾ confirm that a permanent establishment is not equivalent to incorporation.

Because a branch lacks separate legal personality, it cannot qualify as an importer under the PPWR. The requirement of being ‘established’ refers to a natural or legal person incorporated in the EU, not merely a branch office. A branch may become a separate legal entity (i.e., a subsidiary) when it is incorporated under the law of a Member State, has its own legal personality, rights and obligations, and can own assets, sue and be sued independently.

⁽¹²⁾ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (*OJ L 169, 25.6.2019, pp. 1–44*)

⁽¹³⁾ The ‘Blue Guide’ on the implementation of EU product rules 2022 ([EUR-Lex - C:2022:247:TOC - EN - EUR-Lex](#))

⁽¹⁴⁾ According to Article 5 of the OECD Model Tax Convention, ‘permanent establishment’ means a fixed place of business through which the business of an enterprise is wholly or partially carried on. It includes especially: (a) a place of management, (b) a branch, c) and office (...)

⁽¹⁵⁾ Judgment of 7 April 2022, *Berlin Chemie*, C-333/20, EU:C:2022:291; judgment of 13 June 2024, *Adient*, C-533/22, EU:C:2024:501.

Therefore, a non-EU manufacturer with only a branch in the EU must either incorporate a subsidiary in the EU, or appoint an authorised representative as defined in Article 3(1), point (19) if so, required by the Member State on which territory it is making packaging or packaged products available for the first time.

The same reasoning applies to the question of whether a branch of a non-EU natural or legal person can be a '*distributor*', as defined in Article 3(1), point (18).

The EPR obligations provided under the PPWR apply to '*producers*' (manufacturers, importers or distributors) who make available for the first time packaging or packaged products on the territory of a Member State (see point 3 of this document). The Regulation does not explicitly extend EPR obligations to entities that are only VAT-registered or have a permanent establishment without legal personality. Arguing that VAT registration alone equals '*establishment*' for the purposes of EPR obligations would conflict with the harmonised definition of importer in Article 3(1), point (17). Member States cannot impose additional requirements that undermine the harmonisation of the notion of producer and importer under the PPWR.

5. Enforcement of PFAS restrictions in food contact packaging and exhaustion of stocks

Legal provisions:

Article 3(1), point (13), defines '*manufacturer*' as '*a natural or legal person*' that '*has packaging or a packaged product designed or manufactured under its own name or trademark, regardless of whether any other trademark is visible on the packaging or on the packaged product (...).*'

Article 3(1), point (10), defines '*placing on the market*' '*as the first making available of packaging, whether empty or with a product, on the Union market*'. Article 3(1), point (11), defines '*making available on the territory of the Member State*' as '*any supply of packaging, whether empty or with a product, for distribution, consumption or use (...) whether in return for payment or free of charge.*'

Article 5(5) states: '*From 12 August 2026, food-contact packaging shall not be placed on the market if it contains per- and polyfluorinated alkyl substances (PFAS) in a concentration equal to or above the following limit values to the extent that the placing on the market of packaging containing such a concentration of PFAS is not prohibited pursuant to another Union legal act:*

(a) 25 ppb for any PFAS as measured with targeted PFAS analysis (polymeric PFAS excluded from quantification);

- (b) 250 ppb for the sum of PFAS measured as the sum of targeted PFAS analysis, where applicable with prior degradation of precursors (polymeric PFAS excluded from quantification); and
- (c) 50 ppm for PFASs (including polymeric PFAS); if total fluorine exceeds 50 mg/kg the manufacturer, importer or downstream user as defined respectively in Article 3, points (9), (11) and (13) of Regulation (EC) No 1907/2006 shall, upon request, provide to the manufacturer or the importer as defined respectively in Article 3(1), points (13) and (17), of this Regulation proof of the quantity of fluorine measured as content of either PFAS or non-PFAS in order for them to draw up the technical documentation as referred to in Annex VII to this Regulation.’

Commission’s interpretation:

Food contact packaging is packaging which is intended to be brought into contact with food or is already in contact with food and was intended for that purpose, as per the scope of EU food legislation.

The surveillance authorities as referred to in PPWR, based on Regulation (EU) 2019/1020 on market surveillance rules, are competent to verify compliance with the PFAS limits.

Several protocols and methodologies to test the presence of PFAS in different matrices exist, but there is no harmonised methodology for PFAS in food contact packaging at EU level. In this context, the following stepwise approach, based on state-of-the-art analytical capacities and a meta-analysis of PFAS testing of the relevant matrices, is recommended to enforce the PFAS limits as of their application date, i.e. 12 August 2026:

1. Total Fluorine (TF) quantification (step 1): If TF is below 50 mg/kg ⁽¹⁶⁾, sample could be considered compliant.
2. If TF is above 50 mg/kg, methods such as pyrolysis-GC/MS can be used to confirm whether the fluorine is organic (PFAS) or inorganic in step 2. If the organic fluorine is below 50 mg/kg, the sample could be considered compliant.
3. Direct TOP (total oxidizable precursors) analysis is recommended to check compliance with the 25 µg/kg ⁽¹⁷⁾ and 250 µg/kg concentration limit in step 3.

On the basis of the evidence currently available to the Commission, all samples compliant with test (1) are also compliant with tests (2) and (3).

⁽¹⁶⁾ mg/kg = ppm;

⁽¹⁷⁾ µg/kg = ppb

This is without prejudice to the application of Regulation (EU) 2017/625 to the controls performed for the verification of compliance with the rules on materials and articles intended to come into contact with food, including the rules laid down in Article 5(5) of the PPWR.

As regards packaging containing PFAS, which has been produced before 12 August 2026, the PPWR does not foresee a transitional period for the exhaustion of stocks. Therefore, food-contact packaging placed on the market after 12 August 2026 must comply with the PFAS limits laid down in this Regulation, while packaging placed on the market before 12 August 2026 may remain on the market and does not need to be withdrawn. There are no exceptions regarding packaging containing recycled material.

In general, sales and grouped food-contact packaging are placed on the market when they are filled, insofar as the final processing steps such as the sealing processes, may influence compliance of the packaging, while transport and service packaging are placed on the market empty.

In line with the Blue Guide on the implementation of EU product rules ⁽¹⁸⁾, placing on the market occurs when there is an offer or an agreement between parties regarding ‘*the transfer of ownership, possession or any other property right*’. This can be done ‘*for payment or free of charge*’ once a manufacturing stage of the product is completed. Consequently, a manufacturer could place empty or filled food-contact packaging on the market by a mere transfer of the legal possession. For imported packaging or packaged products, the relevant timestamp is the ‘release for free circulation’ at the end of the customs procedure.

6. Date of application of the requirement to ensure that packaging is recyclable

Legal provisions:

Article 6(1): *‘All packaging placed on the market shall be recyclable.’*

Article 6(2): *‘Packaging shall be considered to be recyclable if it fulfils the following conditions:*

- (a) it is designed for material recycling, which enables the use of resulting secondary raw materials that are of sufficient quality when compared to the original material that they can be used to substitute primary raw materials, in accordance with paragraph 4; and*
- (b) when it becomes waste, it can be collected separately in accordance with Article 48(1) and (5), sorted into specific waste streams without affecting the recyclability of other waste streams and recycled at scale, on the basis of the methodology set out in accordance with paragraph 5 of this Article.*

⁽¹⁸⁾ [EUR-Lex - C:2022:247:TOC - EN - EUR-Lex](#)

Packaging that is in compliance with the delegated acts adopted pursuant to paragraph 4 shall be deemed to comply with the condition set out in point (a) of the first subparagraph of this paragraph.

Packaging that is in compliance with the delegated acts adopted pursuant to paragraph 4 and the implementing acts adopted pursuant to paragraph 5 shall be deemed to comply with the conditions set out in the first subparagraph of this paragraph.

Point (a) of the first subparagraph of this paragraph shall apply from 1 January 2030 or 24 months from the date of entry into force of the delegated acts adopted pursuant to the first subparagraph of paragraph 4, whichever is the latest.

Point (b) of the first subparagraph of this paragraph shall apply from 1 January 2035 or, as regards the recycled-at-scale requirement, from 1 January 2035 or five years from the date of entry into force of the implementing acts adopted pursuant to paragraph 5, whichever is the latest.’

Commission’s interpretation:

Article 6(1) requires that all packaging placed on the market is recyclable without providing a specific deadline for the application of this provision, which means that it applies from 12 August 2026.

Article 6(2)(a) ‘shall apply from 1 January 2030 or 24 months from the date of entry into force of the delegated acts adopted pursuant to the first subparagraph of paragraph 4, whichever is the latest’. According to Article 6(4), this delegated act, which will fully harmonise design for recycling requirements and the related assessment methodology, should be adopted by the Commission by 1 January 2028.

Article 6(1) is similar to an essential requirement in Annex II, point 3(a), of Directive 94/62/EC on packaging and packaging waste (hereinafter, the PPWD), related to the packaging recoverable in the form of material recycling, but it is not the same. For example, while the PPWD contained ‘essential requirements’ on packaging composition and design, it did not create uniform technical documentation obligation tied to harmonised recyclability criteria. Also, the language of the essential requirement on ‘packaging recoverable in the form of material recycling’ (Annex II, point 3(a) PPWD) was vague and difficult to legally enforce. Therefore, it should be understood that until the date of application of Article 6(2)(a) of the PPWR on design for recycling requirements, manufacturers must comply only with the recyclability requirement in accordance with the PPWD and the related harmonised standard EN 13430:2004 - Requirements for packaging recoverable by material recycling ⁽¹⁹⁾.

⁽¹⁹⁾ Harmonised standards [in the framework of the implementation of the European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste](#) (OJ C 44 of 19 February 2005)

From the adoption of the delegated act pursuant to Article 6(4) on, manufacturers will have 24 months to comply with the design for recycling requirements and ensure that only packaging that is recyclable in the sense of PPWR is placed on the market. Should this delegated act enter into force after 1 January 2028, the requirements shall apply 24 months from this date.

Manufacturers do not need to perform the conformity assessment procedure in accordance with Article 38 and Annex VII of the PPWR for recyclability until the entry into force of the delegated act(s) under Article 6(4) PPWR.

7. Exemptions from recycled content targets

Legal provisions:

Recital (50): *‘Food-contact materials containing recycled plastic have to meet the requirements set out in Commission Regulation (EU) 2022/1616, which includes requirements on recycling technologies. Regarding plastic packaging, except where that packaging is made from polyethylene terephthalate (PET), it is appropriate to re-assess the availability of suitable recycling technologies for such plastic packaging sufficiently ahead of the date of application of the related recycled content requirements. That assessment should also cover the state of authorisation under relevant Union rules and the installation in practice of such technology. Based on that assessment, there might be a need to provide for derogations from the recycled content requirements for specific contact-sensitive plastic packaging or to amend the list of exceptions laid down in this Regulation. To that end, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission.’*

Article 7(5) states that ‘Paragraphs 1 and 2 shall not apply to:

(a) plastic packaging that is intended to come into contact with food where the quantity of recycled content poses a threat to human health and results in non-compliance of packaged products with Regulation (EC) No 1935/2004;

(b) any plastic part representing less than 5 % of the total weight of the whole packaging unit.’

Article 7(12): *‘By 1 January 2028, the Commission shall assess the need for derogations from the minimum percentages of recycled content laid down in paragraph 1, points (b) and (d), for specific plastic packaging, or the revision of the list of exceptions in paragraph 4 for specific plastic packaging.’*

Based on the assessment referred to in the first subparagraph of this paragraph, where suitable recycling technologies to recycle plastic packaging are not authorised under the relevant Union rules or are not sufficiently available in practice, taking into account any safety related requirements, especially concerning contact-sensitive plastic packaging, including food

packaging, the Commission is empowered to adopt delegated acts in accordance with Article 64 to amend this Regulation in order to:

(a) provide for derogations from the scope, timing or level of minimum percentage laid down in paragraph 1, points (b) and (d), of this Article, for specific plastic packaging; and

(b) as appropriate, amend the list of the exceptions in paragraph 4 of this Article.’

Commission’s interpretation:

Article 7(5) establishes specific exemptions from the recycled content obligation. The exemption established in Article 7(5)(a) refers to plastic packaging that is intended to come into contact with food where the quantity of recycled content poses a threat to human health and results in non-compliance of packaged products with Regulation (EC) No 1935/2004 ⁽²⁰⁾. The exemption established in Article 7(5)(b) relates to plastic parts representing less than 5 % of the total weight of the packaging unit. The notion of ‘plastic parts’ should be interpreted in line with the definition of composite packaging in Article 3(1), point 24 of the PPWR.

Both exemptions apply directly and therefore do not need to be specifically granted by the Commission or by the national competent authorities. For the exemptions to apply, the manufacturer must substantiate compliance with the requirements of the exemptions in the technical documentation, by providing documented evidence (e.g. on the absence of authorised recycling technologies).

To qualify for the exemption in Article 7(5)(a), the technical documentation must specify, for each plastic part that represents 5% or more of the total weight of the packaging unit, the polymer used. It must confirm that, considering the intended use of the packaging and the target:

- *‘Annex I to Regulation (EU) 2022/1616 does not list a suitable recycling technology for that polymer’; and,*
- *‘no recycling technology is available at an industrial scale to manufacture that polymer in accordance with the processes described in Article 1(3) of that regulation’.*

Finally, the Commission will assess by 1 January 2028 the need for granting further exemptions from the recycled content obligations for plastic packaging or revising the existing exemptions listed in Article 7(4) of the PPWR.

⁽²⁰⁾ OJ L 338 13.11.2004, p. 4

8. Flexibility for Member States to mandate compostable packaging and presumption of conformity

Legal provisions:

Recital (53): *'The bio-waste waste stream is often contaminated with conventional plastics and the material recycling streams are often contaminated with compostable plastics. This cross-contamination leads to waste of resources and lower quality secondary raw materials and should be prevented at source. In light of that concern, Member States should specify the appropriate waste management on their territory for compostable packaging. As the proper disposal route for compostable plastic packaging is becoming increasingly confusing for consumers, it is justified and necessary to lay down clear and common rules on the use of compostable plastic packaging, mandating it only when its use brings a clear benefit for the environment or for human health. This is particularly the case when the use of compostable packaging helps collect or dispose of bio-waste, for example for products where the separation between the content and packaging is particularly complex, such as tea bags.'*

Recital (54): *'For limited packaging applications made of biodegradable plastic polymers, there is a demonstrable environmental benefit in using compostable packaging which enters composting plants, including anaerobic digestion facilities under controlled conditions. Furthermore, where a Member State applies Article 22(1), second subparagraph, of Directive 2008/98/EC and appropriate waste collection schemes and waste treatment infrastructures are available in that Member State, there should be flexibility for that Member State to decide whether to allow the making available on its territory for the first time of compostable packaging for coffee, tea or other beverage system single-serve units that are composed of packaging material other than metal, and very lightweight plastic carrier bags, lightweight plastic carrier bags and the making available on their territory for the first time of other packaging that was subject to a requirement to be compostable before the date of application of this Regulation. In order to avoid consumer confusion about the correct disposal route, and considering the environmental benefit of circularity of carbon, all other packaging should go into material recycling and the design of such packaging should ensure that it does not affect the recyclability of other waste streams.'*

Recital (56): *'As described in the 'EU policy framework on biobased, biodegradable and compostable plastics', set out in the communication of the Commission of 30 November 2022, compliance with standards for industrial composting does not imply decomposition in home composting. In industrial composting, the required conditions are high temperatures and high humidity levels. In home composting, which is carried out by private individuals, including in communities, the actual conditions depend very much on local climate circumstances and consumer practices. Hence, biodegradation in home composting risks being slower than in industrial composting or not to be completed. In particular, home composting for plastic*

packaging should only be considered for specific applications and in the context of specific local conditions under the supervision of the relevant authorities.'

Article 9(2): *'By way of derogation from Article 6(1), where Member States allow waste with similar biodegradability and compostability properties as bio-waste pursuant to Article 22(1) of Directive 2008/98/EC to be collected together with bio-waste, and appropriate waste collection schemes and waste treatment infrastructure are available to ensure that compostable packaging enters the bio-waste management stream, Member States may require that the following packaging shall be made available on their territory for the first time only if the packaging is compostable:*

(a) packaging referred to in Article 3(1), point (1)(g), composed of material other than metal, very lightweight plastic carrier bags and lightweight plastic carrier bags;

(b) packaging other than that referred to in point (a) of this paragraph for which the Member State already required that they be compostable before the date of application of this Regulation.'

Commission's interpretation:

Member States can decide whether packaging additional to packaging formats listed in Article 9(1) and in point (a) of Article 9(2) should be compostable on their territories until 12 August 2026. Member States may only decide that such additional compostable packaging formats are industrially compostable. Member States should communicate any national rules mandating compostability for additional packaging items clearly to the economic operators and to the general public, as well as to the European Commission, to avoid any confusion. Member States are advised to compile explicit lists of such items and make them public to ensure that economic operators can comply with the related labelling and compostability requirements.

While the Regulation allows home-compostability for a limited number of plastic packaging items listed in Article 9(1), reflecting situations where Member States implement home-composting as one of the waste management options for bio-waste, the home-composting should only be considered in the context of specific local conditions and implemented under the supervision of the relevant authorities. Member States should communicate any national rules mandating home-compostability clearly to the economic operators and to the general public, as well as to the European Commission, to avoid any confusion. Member States are advised to compile explicit lists of such items and make them public to ensure that economic operators can comply with the related labelling and compostability requirements.

The PPWR allows Member States to mandate home-compostability before the adoption of the relevant harmonised standards, or even in their absence.

As regards the presumption of conformity of home-compostable packaging, any existing national standards on home-compostability and existing certifications schemes may be used by

manufacturers to demonstrate compliance with Article 9, but such certifications do not create a presumption of conformity with the compostability requirement.

By 12 February 2026, the Commission will request the European standardisation bodies to create a new, EU-wide standard on home compostability, pursuant to Article 9(6).

The existing standard EN 13432 on industrial composting ⁽²¹⁾ can be used *as guidance* until the new standard is adopted. However, the presumption of conformity with the new harmonised standards on compostable packaging will only be possible again from the date when a new decision listing relevant harmonised standards, as requested by the Commission pursuant to Article 9(6), is published in the *Official Journal* of the EU.

9. Definition of the terms ‘permeable’ and ‘soft after-use’ in the context of compostable packaging

Legal provisions:

Article 3(1) states: *‘For the purposes of this Regulation, the following definitions apply:*

(...)

(f) a permeable tea, coffee or other beverage bag, or soft after-use system single-serve unit that contains tea, coffee or another beverage, and which is intended to be used and disposed of together with the product’.

Commission’s interpretation:

Article 9(1) is a material-neutral provision and could refer to permeable tea, coffee or other beverage bags, or soft after-use system single-serve units made of any material, including paper-based single-serve units. Therefore, pursuant to Article 9, such packaging must be designed for composting by 12 February 2028.

10. Packaging minimisation

Legal provisions:

Recital 60: *‘(...) 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. (...)’*

⁽²¹⁾ Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging

Article 10(1): ‘By 1 January 2030, the manufacturer or importer shall ensure that the packaging placed on the market is designed so that its weight and volume is reduced to the minimum necessary to ensure its functionality, taking account of the shape and material from which the packaging is made.’

Article 10(2): ‘The manufacturer or importer shall ensure that packaging which does not comply with the performance criteria set out in Annex IV (...) is not placed on the market, unless (...).’

Article 10(2)(a) and (b) provide for two exemptions, namely:

- (a) the packaging design is protected by a Community design pursuant to Council Regulation (EC) No 6/2002 or by design rights falling within the scope of Directive 98/71/EC of the European Parliament and of the Council, including international agreements having effect in one of the Member States, or its shape is a trademark falling within the scope of Regulation (EU) 2017/1001 of the European Parliament and of the Council or Directive (EU) 2015/2436 of the European Parliament and of the Council, including trademarks registered under international agreements having effect in one of the Member States, the design rights and trademarks are protected before 11 February 2025, and the application of the requirements under this Article would affect the packaging design in a way that it would alter its novelty or its individual character, or would affect the trademark in a way that the trademark is no longer capable of distinguishing the marked product from those of other undertakings; or
- (b) the packaged product or beverage benefits from a geographical indication protected under Union law, such as under Regulation (EU) No 1308/2013 for wine, Regulation (EU) 2019/787 for spirit drinks or Regulation (EU) 2023/2411 for craft and industrial products, or is covered by a quality scheme as referred to in Regulation (EU) 2024/1143.

Article 10(3): ‘By 12 February 2027, the Commission shall request the European standardisation organisations to prepare or update, as appropriate, harmonised standards laying down the methodology for the calculation and measurement of compliance with the requirements concerning packaging minimisation under this Regulation. For most common packaging types and formats, such standards should specify maximum adequate weight and volume limits, and, where appropriate, wall thickness and maximum empty space.’

Annex IV Part A point 4: ‘Packaging functionality: the packaging design shall ensure its functionality, taking into account the purpose of the product and particularities giving rise to its sale, such as sales for gift purposes, or on the occasion of seasonal events.’

Commission’s interpretation:

Packaging minimisation requirements help Member States achieve their general packaging waste reduction targets in a harmonised manner and reduce the need to recur to divergent national measures to comply with the waste prevention target as laid down in Article 43.

These are not new requirements. They already existed under the PPWD as essential requirements with an associated harmonised compliance methodology standard (EN 13428:2004) ⁽²²⁾. While the elements for the assessment of packaging minimisation have been moved from the harmonised standard into the PPWR, ‘*consumer acceptance*’ and ‘*marketing*’ were removed as reasons (‘*performance criteria*’) justifying extra packaging weight and volume. On the other hand, other reasons, such as recyclability, recycled content or re-use, were added as new criteria.

To implement this modification, the PPWR mandates the Commission to request CEN to update the existing standard by 12 February 2027. In addition to the updated methodology for assessment, the updated standard will provide for the maximum adequate weight and volume limits for the most common packaging types and formats.

Standardisation will help industry prove compliance with the minimisation requirements, given that compliance with a harmonised standard creates a presumption of compliance with the sustainability requirement. Member States will have to accept such compliant packaging and allow it to be made available on their markets without the possibility of setting different or additional national requirements.

According to Article 70(1)(b), the existing packaging minimisation requirements and their compliance standard will remain in effect until the end of 2029. After that, both paragraphs 1 and 2 of Article 10 will apply (from 1 January 2030), while the existing harmonised standard EN 13428:2004 can still be used as guidance but only until a new or updated standard is available.

Industry will have the opportunity to contribute to the development of new standards through their experts in the regular standardisation process. In this process, issues such as packaging ‘shape’ and packaging functionality will be duly taken into account.

11. Relationship between the minimisation requirements in Article 10 and the empty space ratio in Article 24

Legal provisions:

Article 10(1): ‘*By 1 January 2030, the manufacturer or importer shall ensure that the packaging placed on the market is designed so that its weight and volume is reduced to the minimum necessary to ensure its functionality, taking account of the shape and material from which the packaging is made.*’

Article 10(2): ‘*The manufacturer or importer shall ensure that packaging which does not comply with the performance criteria set out in Annex IV of this Regulation and packaging with*

⁽²²⁾ EN 13428:2004 - Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction. The reference to this harmonised standard was published in Commission’s Communication OJ C 44 on 19 February 2005

characteristics that aim only to increase the perceived volume of the product, including double walls, false bottoms and unnecessary layers, is not placed on the market, unless: (...).'

Article 24(1): *‘By 1 January 2030 or 3 years from the entry into force of the implementing acts adopted pursuant to paragraph 2, whichever is the latest, economic operators who fill grouped packaging, transport packaging or e-commerce packaging shall ensure that the maximum empty space ratio, expressed as a percentage, is 50%.’*

Commission’s interpretation:

The empty space ratio in Article 24 applies to grouped, transport, and e-commerce packaging and needs to be complied with by the natural or legal person using or filling such packaging. The Commission will establish the methodology for calculation of the empty space ratio in an implementing act which will be adopted before 12 February 2028.

For sales packaging, the minimisation requirements related to empty space are not linked to any predefined threshold and will therefore have to be assessed based on the existing standard EN 13428:2004 ⁽²³⁾, which applies until 1 January 2030, and will be updated in line with the updated performance criteria provided for in Part A of Annex IV and the requirements set out in Article 10. The obligated party is the manufacturer who will need to carry out the conformity assessment and draft the technical documentation and the EU declaration of conformity for the packaging.

12. Reusable packaging placed on the market prior to the application of the requirements in Article 11

Legal provisions:

Article 11(1): *‘Packaging placed on the market from 11 February 2025 shall be considered to be reusable where it fulfils all of the following requirements:*

(a) it has been conceived, designed and placed on the market with the objective to be re-used multiple times;

(b) it has been conceived and designed to accomplish as many rotations as possible under normally predictable conditions of use;

(c) it fulfils applicable requirements regarding consumer health, safety and hygiene;

⁽²³⁾ EN 13428:2004 - Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction. The reference to this harmonised standard was published in Commission’s Communication OJ C 44 on 19 February 2005

(d) it can be emptied or unloaded without being damaged in a way that would prevent its further function and re-use;

(e) it is capable of being emptied, unloaded, refilled or reloaded while maintaining the quality and safety of the packaged product and ensuring compliance with the applicable safety and hygiene requirements, including those on food safety;

(f) it is capable of being reconditioned in accordance with Part B of Annex VI, while maintaining its ability to perform its intended function;

(g) it allows for affixing of labels and the provision of information on the properties of that product and on the packaging itself, including any relevant instructions and information for ensuring safety, adequate use, traceability and shelf-life of the product;

(h) it can be emptied, unloaded, refilled or reloaded without risk to the health and safety of those responsible for doing so; and

(i) it fulfils the requirements specific to recyclable packaging set out in Article 6, so that it can be recycled when it becomes waste.'

Article 11(2): *'By 12 February 2027, the Commission shall adopt a delegated act in accordance with Article 64 to supplement this Regulation by establishing a minimum number for the rotations for reusable packaging, for the purpose of paragraph 1, point (b), of this Article for the packaging formats which are most frequently used in re-use, taking into account hygiene and other requirements such as logistics.'*

Article 15(9): *'By way of derogation from paragraph 8 of this Article, the obligation to bring into conformity, withdraw or recall packaging which is believed not to be in conformity with the requirements laid down in or pursuant to Articles 5 to 12 shall not apply to reusable packaging placed on the market before 11 February 2025.'*

Commission's interpretations:

Article 11 sets re-use criteria applicable from 11 February 2025, which is the date of entry into force of the Regulation. However, the Regulation applies from 12 August 2026. This means that reusable packaging already placed on the Union market before the date of entry into force of the Regulation (11 February 2025) does not need to be brought in compliance with these requirements retroactively. This is explicitly stated in Article 15(9) of the Regulation.

Reusable packaging placed on the market after 11 February 2025 will have to comply with the Regulation. However, the competent authorities will be able to check the compliance of such packaging in accordance with Article 11 and other provisions of the Regulation only after 12 August 2026.

The requirements set out in Article 11 are substantially like the requirements on reusable packaging contained in the previous PPWD and the related harmonised standard EN 13429:2004 ⁽²⁴⁾ on packaging re-use. This means that the requirements on reusable packaging under the PPWR are not completely new.

13. Scope of harmonised packaging labelling

Legal provisions:

Article 12(1): *‘From 12 August 2028 or 24 months from the date of entry into force of the implementing acts adopted pursuant to paragraphs 6 or 7 of this Article, whichever is the latest, packaging placed on the market shall be marked with a harmonised label containing information on its material composition in order to facilitate consumer sorting. The label shall be based on pictograms and be easily understandable, including for persons with disabilities. (...)’*

Commission’s interpretation:

Packaging labelling under the scope of Article 12 is exhaustive and fully harmonised, except as regards deposit and return schemes. National rules which add sorting instructions are not allowed based on the principle of primacy of EU law. Member States will not be allowed to keep their national labels next to EU harmonised labels after 12 August 2028 or 24 months from the date of entry into force of the implementing act specifying the labelling rules and pictograms. As economic operators cannot adapt to a new labelling regime without a transition period, the national measures should be repealed before that date or adapted to allow for that transition. Where national measures concerning sorting instructions might be judged disproportionate in view of their impact on the internal market, such measures should be repealed as soon as possible, regardless of the date of the entry into force of the harmonised EU requirements to be adopted by the Commission in accordance with Article 12(6).

The Commission Decision 97/ 129 of 28 January 1997 establishing the identification system for packaging materials ⁽²⁵⁾, which sets up a system of numbering and abbreviations to identify the material composition of packaging mainly aimed at waste managers to help them sort packaging waste, still applies until 12 August 2028. The use of this decision and of the system of abbreviations that it sets up is voluntary for manufacturers, but Member States are obliged to ensure that no other system to identify packaging materials than the one defined in the Decision is

⁽²⁴⁾ EN 13429:2004 - Packaging re-use. The reference to this harmonised standard was published in Commission’s Communication OJ C 44 on 19 February 2005

⁽²⁵⁾ 97/129/EC: Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste OJ L 50, 20.2.1997, p. 28–31

used. In other words, where an identification system is used, then it must be the one defined in the Decision. However, the use of the abbreviations as established under the Decision will be no longer allowed after 12 August 2028. This is because technological advances in separation of waste after collection are reducing the necessity for such markings for recyclers and to ensure harmonised labelling across the Single Market.

The objective of the labelling requirements provided for in Article 12(1) is to improve the sorting of packaging waste by consumers. Therefore, these requirements do not apply to the packaging of certain products, such as human or veterinary medicinal products, medical devices or in vitro diagnostic medical devices, that can only be used by professional end users in the course of their industrial or professional activities. The Regulation also expressly excludes from this labelling obligation transport packaging, except for e-commerce packaging, and packaging that is subject to a deposit and return system. The specifications for the waste sorting labels will be established in an implementing act by 12 August 2026.

As regards labelling for reusable packaging under Article 12(2), Member States will not be allowed to keep their national labels next to EU harmonised labels after 12 February 2029 or 30 months from the date of entry into force of the implementing act specifying the related labelling rules.

The use of waste sorting labels and labels for reusable packaging is mandatory.

As regards labels for recycled content and bio-based content under Article 12(4), they will be fully harmonised from 12 August 2028 or 24 months after the entry into force of the related implementing act, but the use of these labels is voluntary. This means that economic operators are not obliged to indicate the recycled content or bio-based content on their packaging, but if they wish to indicate this, they must use the EU harmonised technical specifications.

As regards labelling of packaging covered by the mandatory deposit and return systems under Article 50(1), Member States may require that such packaging be marked with a harmonised colour label (Article 12(1), fourth sub-paragraph).

While Member States are not required to use the EU harmonised deposit and return (DRS) label, they cannot prohibit the affixing of DRS labels on their market packaged products carrying DRS labels which have been affixed in other Member States, and this applies to both mandatory and non-mandatory deposit and return systems. By using the harmonised label, Member States will reduce the risk of creating barriers to the internal market via national DRS labels. When providing rules for national DRS labels, Member States are recommended to consider the Communication from the Commission — ‘Beverage packaging, deposit systems and free movement of goods’ (2009/C 107/01) ⁽²⁶⁾.

⁽²⁶⁾ [Communication from the Commission — Beverage packaging, deposit systems and free movement of goods](#)

As regards labels for extended producer responsibility (EPR) ⁽²⁷⁾, the PPWR bans physical labels and allows such information or labels to be provided only in a digital format (Article 12(9)).

As regards the derogation provided for in Article 12(11), for medical devices and in vitro diagnostic medical devices there are no definitions for inner and outer packaging in Regulations (EU) 2017/745 and (EU) 2017/746. To ensure the derogation is correctly applied for those products, the reference to immediate packaging should be understood as referring to the packaging in contact with the device while the outer packaging should be understood as referring to the sales packaging of the device.

As Article 12 fully harmonises packaging labelling in the Union, Member States are not allowed to adopt other national mandatory packaging labelling requirements. This is justified by the significant impact on the internal market impact of packaging labelling requirements.

14. Labelling of existing reusable transport packaging

Legal provisions:

According to Article 12(2) *‘(...) reusable packaging placed on the market from 12 February 2029 or 30 months from the date of entry into force of the implementing act adopted pursuant to paragraph 6, whichever is the latest, shall bear a label informing users that the packaging is reusable. Further information on reusability, including the availability of a local, national or Union-wide re-use system and information on collection points, shall be made available through a QR code or other type of standardised, open, digital data carrier that facilitates the tracking of the packaging and the calculation of trips and rotations, or, if that calculation is not feasible, an average estimation. (...)’*

According to Article 12(3) these requirements do not apply to *‘open loop systems which do not have a system operator in accordance with Annex VI.’*

Article 12(6) gives a mandate to the Commission to define the packaging labels: *‘By 12 August 2026, the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats, including where provided through digital means, for the labelling of packaging referred to in paragraphs 1, 2 and 4 of this Article. (...)’*

Article 12(12) provides: *‘Packaging as referred to in paragraphs 1, 2 and 4 that is manufactured in the Union or imported before the deadlines referred in those paragraphs and that does not comply with the criteria laid down in those paragraphs may be made available on the market*

⁽²⁷⁾ See Article 45 of the PPWR on extended producer responsibility. Accordingly, *‘producers shall have extended producer responsibility under the schemes established in accordance with Articles 8 and 8a of Directive 2008/98/EC and with this Section for the packaging, including packaging of packaged products, that they make available for the first time on the territory of a Member State or that they unpack without being end users.’*

until 3 years from the date of entry into force of the labelling requirements laid down in those paragraphs.'

Article 15(9) provides: *'By way of derogation from paragraph 8 of this Article, the obligation to bring into conformity, withdraw or recall packaging which is believed not to be in conformity with the requirements laid down in or pursuant to Articles 5 to 12 shall not apply to reusable packaging placed on the market before 11 February 2025.'*

Commission's interpretation:

It is necessary to distinguish between:

- (a) reusable transport packaging placed on the market before the entry into force of the PPWR, i.e. before 11 February 2025 and
- (b) reusable transport packaging placed on the market after 11 February 2025 (i.e., after the entry into force of the PPWR) but before the date of application of the implementing act on labelling for reusable packaging, which should be adopted by 12 August 2026 and apply from 12 February 2029 or 30 months from the date of entry into force of the implementing act, i.e., reusable transport packaging placed on the market between 11 February 2025 and 12 February 2029.

Reusable packaging under (a) may remain in circulation until it is removed from the re-use systems due to functional obsolescence or operational limitations.

Reusable packaging under (b) should comply with the labelling requirements at the latest by February 2032. Considering that the new labelling rules will be known by the industry already at the time of the adoption of the implementing act, i.e. in August 2026, a limited amount of reusable transport packaging will need to be brought into compliance. In practice, packaging that will be placed on the market during the period between February 2025 and August 2026 will have to be refurbished with labels according to the new rules by February 2032. It should be recalled that after the entry into force of the PPWR, operators no longer have legitimate expectations to not being subject to the new labelling rules.

The conditions of Article 12(5) warranting the provision of information via websites or accompanying documentation are met in the case of reusable transport packaging in a business-to-business situations (i.e. consumer not being the end user of the transport packaging), managed by a system operator in a closed-loop system.

15. Reporting obligations for waste management operators

Legal provisions:

According to Article 23(1), *'Packaging waste management operators shall, on an annual basis, provide the competent authorities with the information on packaging waste listed in Table 3 of*

Annex XII to this Regulation, with the exception of information on packaging made available on the territory of the Member State for the first time, through the electronic registry or registries, in accordance with Article 35(1) of Directive 2008/98/EC.

The packaging waste management operators shall, on an annual basis, provide the producers, in the case of individual fulfilment of extended producer responsibility obligations, or the producer responsibility organisation entrusted with carrying out those obligations, in the case of collective fulfilment of extended producer responsibility obligations, with all the information necessary to comply with the information obligations laid down in Article 44(10).

Member States may, in accordance with national law, provide that, where public authorities are responsible for the organisation of the management of packaging waste, packaging waste management operators shall, on an annual basis, provide such public authorities with all the information necessary to comply with the information obligations laid down in Article 44(10), or with other means to supplement the electronic registry or registries, in accordance with Article 35(1) of Directive 2008/98/EC.'

According to Article 44(10), 'Producers, in the case of individual fulfilment of extended producer responsibility obligations, the producer responsibility organisation entrusted with carrying out those obligations, in the case of collective fulfilment of extended producer responsibility obligations, or the re-use system operators, in the case where re-use systems are fulfilling the extended producer responsibility obligations, shall submit the information set out in Part B, point 3, of Annex IX to the competent authority for each preceding calendar year on an annual basis.

Where under national law public authorities are responsible for the organisation of the management of packaging waste, Member States may provide that those authorities shall submit the information set out in Part B, point 3, of Annex IX.'

Commission's interpretation:

Waste management operators should be understood as any operator that handles 'the collection, transport, recovery (including sorting), and disposal of waste, including the supervision of such operations and the aftercare of disposal sites, and including actions taken as a dealer or broker' as defined in Article 3(9) in the Waste Framework Directive (WFD).

Article 23 does not specify who the obliged packaging waste management operator is, how the information is to be submitted, or under what circumstances it must be submitted. It is therefore the understanding of the Commission that the obligations for waste management operators to provide information on packaging waste should be interpreted as general requirements to help the Producer Responsibility Organisations (PROs), producers and competent authorities to fulfil their reporting obligations set out in Article 44(10). Member States would therefore need to specify

under what circumstances it is necessary that a packaging waste management operator provides the required information.

The first subparagraph of Article 23(1) lays down that packaging waste management operators must provide competent authorities with the information listed in Table 3 of Annex XII, with the exception of information on hazardous packaging waste, which is already reported to competent authorities, as specified under Article 35(1) of the WFD, and packaging made available on the territory of the Member State for the first time or unpacked, as packaging waste management operators would not have such information. Given that competent authorities will receive the information in Table 3 of Annex XII via the register of producers, to be established under Article 44, packaging waste management operators must provide this information only if it is needed to cross-check that the data reported by the producer responsibility organisation (PRO), producer, or another competent authority is accurate, or under other circumstances specified by a Member State.

16. Relationship between the Single-Use Plastics Directive (SUPD) and PPWR as regards packaging bans

Legal provisions:

Recital (13): *‘(...) The definition of composite packaging in this Regulation should not exempt single-use packaging partially made of plastics, regardless of the threshold level, from the requirements of Directive (EU) 2019/904 of the European Parliament and of the Council.’*

Recital (180): *‘(...) This Regulation provides a restriction on the placing on the market of plastic products listed in Annex V point 3 thereto, while Directive (EU) 2019/904 allows the Member States to take the necessary measures to achieve reduction in the consumption of those single-use plastic products. Since national implementing measures under Directive (EU) 2019/904 can be less restrictive than a ban on the placing on the market, this Regulation should prevail over Directive (EU) 2019/904 as regards such products falling within the definition of packaging, in order to boost the reduction of single-use plastic packaging and reduce the quantity of single-use plastic packaging in the environment. (...).’*

Article 3(1), point (24): *‘ ‘composite packaging’ means a unit of packaging made of two or more different materials which are part of the weight of the main packaging material and cannot be separated manually and therefore form a single integral unit, unless one of the materials constitutes an insignificant part of the packaging unit and in any event no more than 5 % of the total mass of the packaging unit and excluding labels, varnishes, paints, inks, adhesives and lacquers; this is without prejudice to Directive (EU) 2019/904.’*

Article 25(1): *‘From 1 January 2030, economic operators shall not place on the market packaging in the formats and for the uses listed in Annex V.’*

Annex V, point 3: *‘Single-use plastic packaging for foods and beverages filled and consumed within the premises in the HORECA (Hospitality, Restaurant, and Catering) sector, which include all eating areas 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 a third party for the purpose of food and drinks consumption. Establishments in the HORECA sector that do not have access to drinking water are exempted.’*

Directive (EU) 2019/904 (SUPD) ⁽²⁸⁾ (Article 3, point (2)) defines single use plastic products, as *‘a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived.’*

According to Article 4 and Part A of the Annex to the SUPD, Member States have a possibility to impose national restrictions on single-use plastic **rigid food containers used to contain food for immediate consumption and beverage cups**.

According to Article 67(1)(a) ⁽²⁹⁾, the SUPD prevails over the PPWR in case of conflict, unless provided otherwise. Article 67(1)(b) provides otherwise for packaging bans under point 3 of Annex V.

According to Article 70(4) *‘Member States may maintain national provisions restricting the placing on the market of packaging in the formats and for uses listed in points 2 and 3 of Annex V until 1 January 2030. Article 4(3) shall not apply in relation to those national measures until 1 January 2030.’*

Commission’s interpretation:

SUPD and PPWR are two legal instruments that co-exist and have different purposes.

⁽²⁸⁾ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1–19)

⁽²⁹⁾ According to Article 67(1)(a): *‘Directive (EU) 2019/904 is amended as follows:*

(1) Article 2 is amended as follows:

(a) paragraph 2 is replaced by the following: ‘2. Where this Directive conflicts with Directive 94/62/EC or 2008/98/EC, this Directive shall prevail unless provided otherwise by Regulation (EU) 2025/40 of the European Parliament and of the Council’

(b) the following paragraph is added:

‘3. Where Article 4 of this Directive conflicts with Article 25(1) and (6) of Regulation (EU) 2025/40 as regards single-use plastic packaging listed in point (3) of Annex V to that Regulation. Article 25(1) and (6) of that Regulation shall prevail’.

Recitals (13) and (180) addresses the relationship between the PPWR and the SUPD and indicate that composite packaging can be considered single use plastic packaging according to the PPWR.

PPWR defines ‘composite packaging’ by introducing a 5% threshold below which packaging is deemed to be a mono-material. Therefore, ‘single-use plastic packaging’ in Annex V can only refer to packaging that contains more than 5% plastic. However, the definition of ‘composite packaging’ is ‘without prejudice’ to the SUPD (see Article 3(1), point 24 and recital 13 of the PPWR). Consequently, composite packaging, including paper-based packaging containing 5% or more plastic, is covered by the packaging bans in Article 25 and Annex V, points 1– 4 of the PPWR, while packaging containing not more than 5% of plastic is not covered by this ban.

As the PPWR and the SUPD coexist, their respective scopes must be read together. The PPWR prevails with regard to the packaging formats, materials and uses listed in Annex V. In these situations, Member States must apply the PPWR and may not rely on Article 4 of the SUPD to introduce national measures. On the other hand, packaging that is not covered by the restrictions in Annex V, remains subject to the SUPD where it qualifies as a single-use plastic product within the meaning of Article 3, point (2), of the Directive. In such cases, Article 4 of the SUPD continues to apply, requiring Member States to adopt measures to reduce consumption of cups for beverages and rigid food containers used to contain food for immediate consumption. Such national consumption reduction measures can remain in place even after 1 January 2030. Member States must demonstrate, case-by-case-, that any such national measure is proportionate to the objectives pursued by the SUPD and non-discriminatory under EU law. Potential impacts on the internal market need to be considered and whether a specific national measure satisfies these requirements will be assessed by the European Commission.

The obligation under Article 25(2) of the PPWR to repeal national restrictions by 1 January 2030 applies only to measures concerning packaging formats, uses and materials that fall under Annex V.

Therefore, regarding points 2-4 of Annex V: where a packaging format, material and use is not covered by Annex V, points 2 - 4, but qualifies as a single-use plastic product under the SUPD, Article 4 of the SUPD applies.

In this way, the PPWR establishes harmonised restrictions for the packaging covered by Annex V, while the SUPD continues to operate for single-use plastic products that fall outside the scope of those specific restrictions.

Finally, in view of the evaluation of the SUPD due in 2027, the Commission will assess the need to review the Directive, including to ensure coherence and consistency with the PPWR, promote a Single Market for packaging, and secure a level playing field.

As regards expanded polystyrene (EPS) food containers, beverage containers and cups for beverages, they are already banned under the SUPD (Article 5). Article 67(5) PPWR amends the

SUPD to explicitly include also extruded polystyrene (XPS) formats; this will apply from 1 January 2030; no transposition by Member States is necessary.

17. Scope of the packaging bans in Article 25 and Annex V, points 1–4, as regards plastic content

Legal provisions:

According to Article 25(1) *‘From 1 January 2030, economic operators shall not place on the market packaging in the formats and for the uses listed in Annex V.’*

Annex V, points 1–4, restricts the use of *single use plastic packaging* for different packaging applications.

Commission’s interpretation:

Packaging bans under points 1–4 of Annex V do not cover only items that are made of 100% plastic material. Such an interpretation could lead to situations, where adding any insignificant amount of material other than plastic, would exclude packaging from the ban.

Therefore, in the absence of a definition of ‘single-use plastic packaging’, it should be considered that composite packaging, including paper-based packaging containing 5% or more plastic, is covered by the packaging bans in Article 25 and Annex V, points 1– 4 of this Regulation. Packaging containing not more than 5% of plastic is thus not covered by this ban.

18. Re-use targets for sales packaging used for transporting products

Legal provisions:

Article 29(1): *‘From 1 January 2030, economic operators that use transport packaging, or sales packaging used for transporting products, including for products distributed via e-commerce, within the territory of the Union, in the form of pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of any size or material, including flexible formats or pallet wrappings or straps for stabilisation and protection of products put on pallets during transport, shall ensure that at least 40 % of such packaging in total is reusable packaging within a re-use system.’*

Article 3(1), point (5), defines sales packaging as meaning *‘packaging conceived so as to constitute a sales unit consisting of products and packaging to the end user at the point of sale.’*

Article 3(1), point (7), defines transport packaging as meaning *‘packaging conceived so as to facilitate the handling and transport of one or more sales units or a grouping of sales units, in*

order to prevent damage to the product from handling and transport, but which excludes road, rail, ship and air containers.'

Commission's interpretation

'Sales packaging used for transporting products' are packaging formats that can be considered both transport and sales packaging. However, some formats listed in Article 29(1) in which products are being transported, for example pails, drums and canisters, are filled with products, such as pesticides, paints, plasters or adhesives, which may make their re-use either impossible or possible but only at disproportionate costs and resource use, because such viscous filling materials may harden in the packaging after opening or the filling material may migrate into the packaging material and contaminate it.

Therefore, whether sales packaging can be re-used depends primarily on the filling product. Only sales packaging with an evident transport function is covered by the re-use targets. The requirement '*for transporting products*' can be indicated, for example, by a special design, shape or size of the packaging.

The following are some illustrative examples:

- *Plastic buckets filled with paints, chemicals, or sauces altering the properties of the container:* Residues or odours may render challenging the re-use of reusable packaging formats for the transport of such products. Removing such residues or odours from the interior of the used bucket is technically feasible. However, in certain cases, and depending on the type of the packed product, the removal of residues might require intense cleaning in terms of chemicals, water or energy use. This would make the re-use of the plastic buckets a feasible option only if the intense cleaning processes do not result in disproportionate costs and resources.
- *Breakfast cereals or other solid food in rigid packaging formats e.g. drums:* The transport of such food in reusable packaging formats such as drums circulated within the same company (but different sites) or linked enterprises or within the same Member State is feasible. Residues or odours from cereals in the drums do not alter the interior of drums making re-use a feasible option.
- *Bulk materials, e.g. sand, rocks transported in flexible intermediate bulk carrier bags:* The transport of bulk materials in reusable flexible intermediate bulk carrier bags is feasible. These products do not alter the properties of the interior of such packaging and in addition do not require intense cleaning.
- *Fresh fruits transported in plastic boxes or crates:* A box or crate is considered sales packaging when is filled in with fresh fruits. However, considering though that this box or crate contains typically larger amounts of fresh fruits than a single portion and is transported to arrive to points of sale, it is considered sales packaging used for transport. Such packaging format can be reusable.

19. Re-use targets for transport packaging in international trade

Legal provisions:

Article 29:

*‘(1) From 1 January 2030, economic operators that use transport packaging, or sales packaging used for transporting products, including for products distributed via e-commerce, **within the territory of the Union**, in the form of pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of any size or material, including flexible formats or pallet wrappings or straps for stabilisation and protection of products put on pallets during transport, shall ensure that at least 40 % of such packaging in total is reusable packaging within a re-use system.’*

*(2) From 1 January 2030, by way of derogation from paragraph 1 of this Article, economic operators that use transport packaging or sales packaging used for transporting products, in the forms as listed in paragraph 1 of this Article, **within the territory of the Union**, between different sites on which the operator performs its activity, or between any of the sites on which the operator performs its activity and the sites of any other linked enterprise or partner enterprise, as defined in Article 3 of the Annex to Recommendation 2003/361/EC as applicable on 11 February 2025, shall ensure that such packaging is reusable within a re-use system’.*

*(3) From 1 January 2030, by way of derogation from paragraph 1, economic operators that use transport packaging or sales packaging used for transporting products, including for products distributed via e-commerce, in the forms as listed in paragraph 1, to deliver products to another economic operator **within the same Member State** shall ensure that such packaging is reusable within a re-use system.’*

Commission’s interpretation:

The re-use targets for transport packaging (and sales packaging used for transporting products) are limited to situations where such packaging is used ‘within the territory of the Union’. Thus, both operators, i.e importers and distributors, must be located in the EU. In relation to transport packaging (and sales packaging used for transporting products) from third countries, this requirement should be understood as applying from the moment of import, and placing on the market, which means that it has completed all required import procedures and is allowed to circulate on the EU market. This typically takes place in the first warehouse in the EU.

The re-use targets shall apply to imported goods in transport packaging after they are placed on the EU market. These targets shall apply from the first warehouse located within the Union until the final destination within the Union territory, where the first warehouse is not the final destination of the consignment.

For the purpose of this provision, the ‘first warehouse’ means the facility within the Union where goods in transport packaging first arrive and are stored and unpacked for the purpose of onward distribution within the EU supply chain.

Consignments arriving at the first warehouse and destined for a single final destination shall not be required to be unpacked and repacked into reusable packaging. Distribution centres and logistics hubs shall not be considered as final destination.

20. Responsible economic operator for the re-use targets on transport packaging

Legal provisions:

Article 29(1): *‘From 1 January 2030, economic operators that use transport packaging, or sales packaging used for transporting products, including for products distributed via e-commerce, within the territory of the Union, in the form of pallets, foldable-plastic boxes, boxes, trays, plastic crates, intermediate bulk containers, pails, drums and canisters of any size or material, including flexible formats or pallet wrappings or straps for stabilisation and protection of products put on pallets during transport, shall ensure that at least 40 % of such packaging in total is reusable packaging within a re-use system. From 1 January 2040, those economic operators shall endeavour to use at least 70 % of the packaging referred to in the first subparagraph in a reusable format within a re-use system.’*

Commission’s interpretation:

The transport packaging re-use targets are set at the level of economic operators who use transport packaging or sales packaging used for transporting.

Therefore, the re-use targets fall on the user of transport packaging, or user of sales packaging used for transport. The user of transport packaging or the user of sales packaging used for transport, is the economic operator that places a product on the Union market in a relevant transport packaging, be it as a manufacturer, importer or distributor.

21. Exemptions of the custom-designed transport packaging from the re-use targets

Legal provisions:

Article 29(4) states: *‘The obligations set out in paragraphs 1, 2 and 3 do not apply to transport packaging or sales packaging:*

(a) used for the transportation of dangerous goods in accordance with Directive 2008/68/EC;

(b) used for the transportation of large-scale machinery, equipment and commodities for which packaging is custom-designed to fit the individual requirements of the economic operator that made the order.'

Commission's interpretation:

Article 29(4)(b) provides an exemption for packaging used for the transportation of large-scale machinery, equipment and commodities for which packaging is custom designed to fit the individual requirements of the economic operator that made the order. Large-scale machinery, equipment, and commodities should be understood in this context.

Economic operators who want to make use of this exemption must provide proper documentation that shows that the packaging is custom designed for an individual product. This documentation should be provided in the technical documentation for the packaging, and shall cover any design, manufacture and operation of the packaging necessary to access conformity with the conditions for the exemption set forth in Article 29(4b).

22. Definition of 'making available' in the context of compliance with the re-use targets for beverages

Legal provisions:

According to Article 29(6), *'[F]rom 1 January 2030, final distributors that make alcoholic and non-alcoholic beverages in sales packaging available on the territory of a Member State to consumers shall ensure that at least 10 % of those products are made available in reusable packaging within a re-use system'.*

Article 3(11) establishes that *'making available on the territory of the Member State means any supply of packaging, whether empty or with a product, for distribution, consumption or use on the territory of the Member State in the course of a commercial activity, whether in return for payment or free of charge'.*

A final distributor is defined in Article 3(1), point (21), as *'the natural or legal person in the supply chain that delivers packaged products, including through re-use, or products that can be purchased through refill to the end user'.*

Commission's interpretation:

For the purpose of this Regulation, a final distributor making beverages in sales packaging available to consumers shall, in most cases, be a retail shop or bars and restaurants in the HORECA sector. In case of distance sales, the final distributor shall be the economic operator that makes the beverage in sales packaging available to consumers via a website.

Making available shall not require the actual completion of a sale of the beverage in sales packaging to the consumer. It shall be sufficient that the final distributor offers for sale at least 10% of its beverages in reusable sales packaging.

The reference to a “reuse system” in Article 29(6) refers to the requirements applicable to reuse systems as defined in Annex VI, Part A, of the Regulation. The proper functioning of such a system entails, inter alia, the establishment of appropriate information, display or communication arrangements for consumers, in accordance with Article 12(2), enabling the identification and promotion of the offer of beverages in reusable sales packaging, with a view to their effective placing on the market and commercialisation.

The calculation for calculating the re-use targets for beverages shall be laid down in an implementing act adopted pursuant to Article 30(3).

23. Re-use targets for beverages in the HORECA sector

Legal provision:

Article 29(6), first subparagraph, PPWR states:

‘From 1 January 2030, final distributors that make alcoholic and non-alcoholic beverages in sales packaging available on the territory of a Member State to consumers shall ensure that at least 10 % of those products are made available in reusable packaging within a re-use system.’

Commission’s interpretation:

Beverages sold in large reusable beverage containers, such as beer kegs, to bars and restaurants (business-to-business) to be made available to consumers by the operators of the bars and restaurants (i.e. in the HORECA sector) do not contribute to the re-use targets applicable to the HORECA sector operators. Such beverages are not made available to consumers in sales packaging. Only when the filled large reusable container is made available to a consumer, can the beverage container contribute towards the re-use targets of the beverage distributor.

By contrast, in case of smaller beverage packaging, such as reusable bottles, they shall count towards the reuse targets, as they are sales packaging and can be provided directly to consumers.

24. National exemptions from the re-use targets

Legal provisions:

Article 29(14) establishes cumulative conditions under which Member States may exempt economic operators on their territories from the re-use targets for a period of 5 years. These are:

- ‘(a) the exempting Member State reaches 5 percentage points above the targets for recycling of packaging waste per material to be achieved by 2025 and is expected to reach 5 percentage points above the 2030 target according to the report published by the Commission 3 years before that date;*
- (b) the exempting Member State is on track to achieve the relevant waste prevention targets set out in Article 43 and can demonstrate to have reduced the packaging waste generated per capita by at least 3 % by 2028 compared to the packaging waste generated per capita in 2018; and*
- (c) the economic operators have adopted a corporate waste prevention and recycling plan that contributes to achieving the waste prevention and recycling objectives set out in Articles 43 and 52, respectively.*

That period of 5 years may be renewed by the Member State provided that all the conditions are fulfilled.’

The recycling targets to be reached by Member States are laid down in Article 52. The targets are set for the following packaging materials: paper and cardboard, plastic, glass, wood, metal, and aluminium.

Commission’s interpretation:

- a) The possibility for a Member State to exceed all material specific recycling targets

The use of the plural (‘targets’) should be understood against the background that several material specific targets exist but not all these targets must be exceeded simultaneously to comply with the conditions for the application of this exemption.

For example, if the recycling target for aluminium is exceeded in a given Member State, retailers could be allowed to deduct beverages sold in aluminium cans from the products within the scope of the obligation to sell 10% of the beverages in reusable packaging. The retailers will still have to fulfil the re-use target for beverages sold in packaging made from other materials, such as glass and plastic, but the 10% target is proportionally reduced for the share of beverages sold in aluminium cans.

- b) Conditions regarding the exemption applying to composite packaging

In case of composite packaging, the relevant recycling targets for the materials that are used in the packaging must be exceeded. In practice, the recycling targets for all materials representing more than 5% of the packaging unit’s weight should be exceeded.

c) Conditions related to waste prevention target

The respective Member State must be on track to meet the overall waste prevention target for all packaging waste generated in the exempting Member State. There is no material-specific waste prevention target.

d) Conditions for renewal of the exemption:

If a Member State wants to continue using the exemption from the re-use targets after 5 years, it needs to fulfil the waste prevention targets in years 2035 and 2040. The intention of the co-legislators, when allowing the possibility to renew the exemption, was to make certain that economic operators meet the targets on re-use and that Member States continue reducing the generation of packaging waste according to the reduction targets, as laid down for the years 2035 and 2040. If new data is available and new targets apply, those should be considered at the relevant time, otherwise the objectives of PPWR, particularly the reduction of packaging waste, could be compromised.

25. Member States' flexibilities to set up national measures

Legal provisions:

Article 4:

'1. Packaging shall only be placed on the market if it complies with this Regulation.

2. Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with the sustainability, labelling and information requirements laid down in or pursuant to Articles 5 to 12.

3. If Member States choose to maintain or introduce national sustainability requirements, or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with this Regulation for reasons of non-compliance with those national requirements.'

Commission's interpretation:

The PPWR leaves a margin of discretion to the Member States in some matters or sets only minimum requirements or requires implementation by Member States for provisions which are not fully harmonised. In addition, there are delayed deadlines for application of some provisions.

Divergent national provisions for packaging are impacting virtually every economic sector and product's value chain. Therefore, Member States must ensure that national measures do not create disproportionate and unjustified barriers to trade in the internal market or competitive distortions.

Anticipated application of EU harmonised rules, i.e. when Member States adopt binding implementing legislation prior to the harmonised deadlines, in particular if such provisions require implementing measures to be first adopted at EU level, constitutes a breach of the principle of sincere cooperation enshrined in Article 4(3) TEU and of Article 288 TFEU which sets out the principle of direct applicability of regulations. Such anticipation of national legislation, which might be allowed by the existing legal framework (PPWR, Treaty) will have to be repealed at the latest by the entry into force of the harmonised provisions and already be in line with the margin of discretion as provided in specific provisions of the Regulation.

As regards the possibility of Member States to introduce sustainability requirements going beyond those laid down in the Regulation, Article 4(2) PPWR gives assurance to the economic operators that packaging which complies with the requirements of the Regulation will not be restricted from being placed on the market by any national rules.

Article 4(3) PPWR should be interpreted as restricting the freedom of Member States in their action and not as allowing for the possibility of derogating from the general rule contained in Article 4(2) PPWR. Therefore, any national sustainability or labelling requirement may not restrict the placing on the market of packaging that complies with the sustainability and labelling requirements under the PPWR, may not conflict with these requirements, and may not create barriers to the internal market.

Various provisions of the Regulation, specify the margin of Member States' powers to adopt national measures. or allow Member States to introduce additional exemptions or requirements. This is the case for provisions on compostability (Article 9), restrictions on the use of certain packaging formats (Article 25(2) and (3), Article 70(4), Annex V, point 2, Article 29, on re-use targets (see paragraphs 11, 12, 14, 15, 16), and Article 33(6) on re-use offer.

Several provisions ⁽³⁰⁾ require national implementation (e.g. to reach a certain target or to report) and are a mix of fully harmonised requirements and possibilities for national flexibilities. However, the conditions for the use of these 'flexibilities' are always 'framed' with harmonised conditions and Member States must comply with these conditions to comply with the PPWR (see point 26 below on recycling targets). Some of these provisions contain also directly applicable obligations on economic operators, for example, Article 31 on reporting to the competent authorities on re-use targets.

⁽³⁰⁾ Articles 13, 23, 31, 34, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57 58, 59, 60, 61, 62, 63, 67, 68.

26. Flexibility for Member States to set additional recycling targets

Legal provisions:

Article 52(6): *‘A Member State may, while observing the general rules laid down in the TFEU and acting in accordance with this Regulation, adopt provisions which go beyond the minimum targets set out in this Article.’*

Article 4(3): *‘If Member States choose to maintain or introduce national sustainability requirements, or information requirements additional to those laid down in this Regulation, those requirements shall not conflict with those laid down in this Regulation and the Member States shall not prohibit, restrict or impede the placing on the market of packaging that complies with this Regulation for reasons of non-compliance with those national requirements.’*

Commission’s interpretation:

Member States can set higher recycling targets, as well as additional ones, provided that they do not undermine the internal market. Some Member States already have additional targets, for example for liquid packaging board.

The PPWR echoes the previous Packaging and Packaging Waste Directive (PPWD), which gave Member States discretion in terms of organising their waste management.

Additional recycling targets may enhance efficiency in the packaging waste value chain and are therefore beneficial for economic operators. However, Member States must demonstrate, on a case-by-case basis, that such targets do not conflict with the PPWR’s internal market objectives.

27. Flexibility for Member States to set additional or higher re-use targets

Legal provisions:

Article 29(15) lays down: *‘Subject to the conditions set out in Article 51, Member States may set targets for economic operators that exceed the minimum targets set out in paragraphs 1, 2, 3, 5 and 6 of this Article to the extent that such higher targets are necessary for the Member State to achieve one or more of the targets set out in Article 43.’*

Article 29(16) lays down: *‘Subject to the conditions set out in Article 51, Member States may set targets for economic operators with regard to beverages made available in sales packaging which does not fall under paragraph 6 of this Article, if those additional targets are necessary for the Member State to achieve one or more of the targets set out in Article 43.’*

Article 51 on re-use and refill states:

(1) *‘Member States shall take measures to encourage the establishment of re-use systems for packaging with sufficient incentives for return and of refill systems in an environmentally sound manner. Those systems shall comply with the requirements laid down in Articles 27 and 28 and Annex VI and shall not compromise food hygiene or the safety of consumers.*

(2) *The measures referred to in paragraph 1 may include: (...)*

(c) *obligations on manufacturers or final distributors to make available in reusable packaging within a re-use system or through refill a certain percentage of products other than those covered by the re-use targets laid down in Article 29, on condition that that does not lead to distortions on the internal market or trade barriers for products from other Member States.’*

Article 33(6), which is related to the re-use offer obligation in the take-away sector, refers to Article 51 as regards the conditions pursuant to which a Member State may set targets that go beyond the minimum 2030 indicative target of 10% laid down in Article 33(5) PPWR for take-away packaging *‘to the extent that higher targets are necessary for the Member State to achieve one or more of the targets set out in Article 43.’*

Commission’s interpretation:

To achieve the waste prevention targets in the PPWR, Member States may need to complement the EU measures with national measures, such as higher or additional national re-use targets for packaging. However, in doing so, Member States need to comply with certain strict conditions:

(a) As regards the conditions under Article 51, the Commission considers that the cumulative conditions that need to be fulfilled to increase the re-use targets in Article 29(15), need to be fulfilled also for setting new re-use targets pursuant to Article 51(2)(c), which allows Member States to establish re-use targets for products not covered by the re-use targets contained in Article 29. These conditions are the following:

- The new targets are necessary for the Member State to reach its waste reduction targets (5% by 2030; 10% by 2035; 15% 2040), which it must prove with facts and data; and
- The new targets do not lead to distortions on the internal market or trade barriers for products; and
- The new targets are notified via TRIS procedure, which establishes that Member States must notify their legislative proposals to COM to prevent creating barriers to the internal market, since such measures are technical regulations.

Article 51(2)(c) permits Member States to establish re-use targets for products not covered by the re-use targets contained in Article 29, and that are not explicitly exempted in Article 29, which means, for instance, that it allows Member States to set re-use targets for the take-away sector. This is explicitly allowed also by Article 33(6) of the PPWR.

Therefore, if a Member State wants to set new national re-use targets in other sectors or for packaging formats or products other than those listed in Article 29, it needs to prove that this is necessary to meet its waste prevention targets. This assessment should be included when a Member State notifies such measures in the TRIS notification system.

(b) While Article 43 allows Member States to set higher national packaging waste prevention targets than those set out at EU level ⁽³¹⁾, higher national prevention targets cannot be used as a justification to increase the harmonised EU-level re-use targets. This stems from the principle of primacy of EU law over national law as, otherwise, the objective of market harmonisation could be compromised by Member States.

(c) Unless otherwise provided, Member States cannot alter directly applicable and harmonised EU provisions. They cannot:

- set re-use targets for transport packaging, such as cardboard boxes, which are expressly exempted from re-use under PPWR, or
- make indicative re-use targets for year 2040, as laid down in second sub-paragraph of Articles 29(1), 29(5), and 29(6), binding.

28. National exemptions from Deposit and Return Systems (DRS)

Legal provisions:

Article 3(1), point (62), defines ‘*deposit and return system*’ as ‘*a system in which a deposit is charged to the end user when purchasing a packaged or filled product covered by that system and redeemed when the deposit bearing packaging is returned through one of the collection channels that are authorised for that purpose by the national authorities.*’

According to Article 50(1), ‘*By 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of at least 90 % per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year:*

(a) single-use plastic beverage bottles with a capacity of up to three litres; and

(b) single-use metal beverage containers with a capacity of up to three litres.’

Article 50(2) provides that ‘*In order to achieve the targets set out in paragraph 1, Member States shall take the necessary measures to ensure that deposit and return systems are set up for the*

⁽³¹⁾ Ref. Article 43(7) states: ‘*For the purpose of paragraph 5, Member States may introduce packaging waste prevention measures that exceed the minimum targets set out in paragraph 1, while acting in accordance with PPWR.*’

relevant packaging formats referred to in paragraph 1 and that a deposit is charged at the point of sale.'

Article 50(5) offers Member States an exemption possibility from the obligation in paragraph 2 under the following conditions:

- '(a) the rate of separate collection as required under Article 48 of the relevant packaging format as submitted to the Commission under Article 56(1), point (c), is 80 % or more by weight of such packaging made available on the territory of that Member State for the first time in the calendar year 2026; and*
- (b) by 1 January 2028, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete measures, including their timeline, that ensure achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph 1.'*

Commission's interpretation:

PPWR does not provide more lenient conditions for border region retailers. On the contrary, it imposes specific obligations ⁽³²⁾ on cross-border businesses to prevent circumvention, which could undermine the deposit and return system (DRS) objectives and requirements.

The exemption possibility for Member States under Article 50(5) of the PPWR is related to performance criteria and not to geographical criteria and, like any exceptions, must be interpreted restrictively.

The two conditions, namely charging a deposit and establishing a DRS, are cumulative because the charging of a deposit is impossible in the absence of a DRS. This is underlined in the definition of deposit and return systems. Consequently, a final distributor can only be exempted from charging a deposit if the Member State, as a whole, has obtained an exemption from setting up a DRS. In other words, the final distributor cannot be exempted from charging a deposit if the

⁽³²⁾ Article 50(11) provides: *'By 1 January 2029, Member States shall ensure that at least the deposit and return systems established under paragraph 2 of this Article following the entry into force of this Regulation meet the minimum requirements listed in Annex X.'*

(...)

By 1 January 2038, the Commission, in collaboration with the Member States, shall assess the implementation of this Article and identify how to maximise the interoperability of deposit and return systems.'

Annex X provides: *'Member States with regions with high transboundary business shall ensure that the deposit and return systems allows for collection of packaging from other Member States' deposit and return systems at designated collection points and shall endeavour to enable the possibility of return of a deposit that was charged to the end user when purchasing the packaging.'*

Member State in which it is located has a DRS and is therefore obliged to charge a deposit onto consumers from other Member States.

29. Minimum requirements for existing Deposit and Return Systems (DRS)

Legal provisions:

According to Article 50(11) of the PPWR, Member States shall by 1 January 2029, ensure that at least the DRS for single use plastic beverage bottles and single use metal beverage containers meet the minimum requirements listed in Annex X.

Article 50(11) also states that the minimum requirements listed in Annex X shall not apply to DRS established before the entry into force of PPWR, and which achieve the 90 % targets set out in Article 50(1) by 1 January 2029. Member States shall, however, endeavour to ensure that existing DRS comply with the minimum requirements in Annex X, when they are first reviewed. If the 90 % target is not achieved by 1 January 2029, existing single-use DRS shall comply with the minimum requirements in Annex X at the latest by 1 January 2035.

Recital (145) explains that the minimum requirements in Annex X will help deliver greater consistency and higher return rates across Member States. They have been set based on stakeholder views, expert analysis and best practices from the existing deposit and return systems.

Commission's interpretation:

A review of an existing DRS should be understood as any regulative action established through legislation, imposing a substantial change to the DRS.

The minimum requirements can help strengthen the environmental performance of the DRS, notably the collection rate. Before 1 January 2029, Member States shall consider if the DRS can be expected to fulfil the 90 % separate collections targets set in Article 50(2) when they perform a review of the DRS. If the DRS achieves separate collection rates of at least 90 % it does not have to comply with the minimum requirements. However, if it does not, the Member State should consider ensuring that the DRS complies with the minimum requirements in Annex X. After 1 January 2029, a DRS for single use beverage packaging that does not fulfil the separate collection obligations must comply with the minimum requirements by 1 January 2035.

30. Acceptance by retailers of deposit-bearing beverage container

Legal provisions:

According to Point 1, Annex X, 'Member States shall ensure that final distributors are obligated to accept the deposit bearing packaging of the packaging material and format that they distribute and to provide end users with redeemed deposits when the deposit bearing packaging is returned, unless end users have equally accessible means to redeem the deposit after the use of the deposit bearing packaging, through one of the collection channels that, for food packaging, ensure food grade recycling and that are authorised for that purpose by the national authorities. This obligation does not apply where the sale surface area does not make possible for end users to return deposit bearing packaging. However, final distributors will always have to accept the return of the empty packaging of products they sell'.

Article 50(11) sets that 'By 1 January 2029, Member States shall ensure that at least the deposit and return systems established under paragraph 2 of this Article following the entry into force of this Regulation meet the minimum requirements listed in Annex X. The minimum requirements listed in Annex X shall not apply to deposit and return systems established before the entry into force of this Regulation which achieve the 90 % target set out in paragraph 1 of this Article by 1 January 2029. Member States shall endeavour to ensure that existing single-use deposit and return systems comply with the minimum requirements in Annex X when they are first reviewed. If the 90 % target is not achieved by 1 January 2029, existing single-use deposit and return systems shall comply with the minimum requirements in Annex X at the latest by 1 January 2035'.

Commission's interpretation:

According to the minimum requirements for DRS as set out in Annex X, final distributors must accept empty packaging of the products they sell and redeem the deposit. This obligation applies without proof of purchase.

Furthermore, Member States must ensure that final distributors are obliged to accept all the deposit-bearing packaging of the same packaging material and format that they sell and pay out the deposit to the end user. The obligation to redeem the deposit does not apply where the sale surface area of the final distributor does not make it possible for the final distributor to accept the return the deposit-bearing packaging, or if end users have equally accessible means to redeem the deposit through another established and equally accessible collection channel for single use beverage packaging, authorised for that purpose. Member States must establish how these exemptions apply.

The requirements specified in Annex X only apply to DRS established after 11 February 2025 or if a DRS does not achieve the 90 % separate collection targets by 1 January 2029. Consequently, DRS that must not fulfil the minimum requirements are not concerned by the take-back obligations set in PPWR.

31. End of life treatment of separately collected packaging which is designed for recycling

Legal provisions:

According to Article 48(1), *'Member States shall ensure that systems and infrastructures are set up to provide for the return and separate collection of all packaging waste from the end users, and to facilitate its preparation for re-use and high-quality recycling. Packaging that complies with design for recycling criteria established in delegated acts adopted pursuant to Article 6(4) of this Regulation shall be collected for recycling. Incineration and landfill of such packaging shall be prohibited, with the exception of waste resulting from subsequent treatment operations of separately collected packaging waste for which recycling is not feasible or does not deliver the best environmental outcome'*.

Article 48(2) establishes that *'in order to facilitate high-quality recycling, Member States shall ensure that systems and infrastructures for comprehensive collection and sorting are in place to facilitate recycling and to ensure that plastic feedstock is available for recycling'*.

Article 48(3) states that *'Member States may derogate from the return and separate waste collection obligation in paragraph 1 of the Article for certain formats of waste, provided that collecting fractions of packaging waste together, or collecting packaging waste or fractions of such packaging waste together with other waste does not affect the capacity of such packaging or fractions of packaging waste to undergo preparing for re-use, recycling or other recovery operations and generates output from those operations which is of comparable quality to that achieved through separate collection'*.

Article 49: *'By 1 January 2029, Member States shall set mandatory collection objectives and take the necessary measures to ensure that the collection of the materials listed in Article 52 is consistent with the recycling targets set out in that Article and with the mandatory recycled content targets set out in Article 7'*.

Commission's interpretation:

According to Article 48(1) of the PPWR, incineration and landfilling of packaging that complies with the Design for Recycling (DfR) criteria under Article 6 is not allowed. As the DfR criteria will be set in delegated acts specified set out in Article 6(4) by 1 January 2028 and apply two years later, the ban will take effect from 1 January 2030.

The packaging of the formats and materials that are exempted from the DfR criteria are also exempted from the ban on incineration and landfilling. The exemptions include packaging materials such as lightweight wood, cork, textile, rubber, ceramic, porcelain or wax. There are also exemptions for certain packaging applications, such as medical devices and transport of dangerous goods. The exempted packaging can be collected with the residual waste and be incinerated or

landfilled. All other packaging that will have to comply with the design for recycling criteria will have to be separately collected and, in principle, recycled.

Packaging designed for recycling will not be allowed to be incinerated or landfilled when it becomes waste, except for the packaging waste, which has been separately collected, sorted and treated, but for which recycling is not feasible or does not deliver the best environmental outcome, as specified in Article 48(1).

Member States can decide that packaging waste that is not separately collected, as described above, is sorted prior to energy recovery operations to remove packaging designed for recycling (Article 48(4) PPWR).

Article 48(3) allows for a derogation from the separate collection requirements, if, first, such collection does not affect the capacity of packaging waste or fractions of packaging waste to be recycled and if, second, the resulting recycled material is of comparable quality as if it was separately collected. Even if such a derogation is used, the ban on incineration and landfilling still applies to the packaging waste collected by commingling streams of packaging waste.

It is the obligation of the Member States to ensure that sufficient systems and infrastructure are set up to provide for separate collection of all packaging waste. To facilitate that the collection of packaging waste is consistent with the binding recycling targets and requirements for recycled content, Member States must also set mandatory collection objectives by 1 January 2029.

32. Separate collection rate of deposit-bearing packaging in 2026 and obligation to set up a DRS by 2029

Legal provisions:

Article 50(1) states that *'by 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of at least 90 % per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year: (a) single-use plastic beverage bottles with a capacity of up to three litres; and (b) single-use metal beverage containers with a capacity of up to three litres'*.

Article 50(2) establishes that *'in order to achieve the targets set out in paragraph 1, Member States shall take the necessary measures to ensure that deposit and return systems are set up for the relevant packaging formats referred to in paragraph 1 and that a deposit is charged at the point of sale'*.

Article 50(5) states that *‘Member States may be exempt from the obligation under paragraph 2 if:*

(a) the rate of separate collection as required under Article 48 of the relevant packaging format as submitted to the Commission under Article 56(1), point (c), is 80 % or more by weight of such packaging made available on the territory of that Member State for the first time in the calendar year 2026; and

(b) by 1 January 2028, the Member State notifies the Commission of its request for exemption and submits an implementation plan showing a strategy with concrete measures, including their timeline, that ensure achievement of the 90 % separate collection rate by weight of the packaging referred to in paragraph

It is further specified, that for the purposes of point (a), where the information on the rate of separate collection of the relevant packaging format has not yet been submitted to the Commission, the Member State shall provide a reasoned explanation as to how the conditions for the exemption set out in this paragraph are otherwise fulfilled. The reasoned explanation shall be based on validated national data and include a description of the measures implemented’.

Commission’s interpretation:

Member States must ensure that 90% of single use plastic bottles and metal containers, as specified in Article 50(1), are separately collected by 1 January 2029. To achieve these collection targets, Member States should ensure that they have established a deposit and return system (DRS) for the relevant packaging formats, that is fully operational by 1 January 2029, unless the Member State has asked for an exemption by 1 January 2028 and has received a positive reply or no answer within three months from the receipt of the implementation plan.

If Member States fulfil the cumulative requirements for an exemption from setting up a DRS laid down in Article 50(5), they can be exempted from the obligation of setting up a DRS. If a Member State wishes to use that exemption, it needs to separately collect 80 % of single-use plastic bottles and metal containers made available on the territory of that Member State in the calendar year 2026. This is to be reported to the European Commission at the latest by 1 July 2028. Such data would be based on estimated collection rates, but Member States should include available data for collection of single-use plastic bottles as required under SUPD. If the Member State does not fulfil the 80% collection target, it does not qualify for an exemption. According to the PPWR, a Member State must also present an implementation plan at the latest by 1 January 2028. It is the Commission’s interpretation that the option for an exemption is to be considered a ‘one-off option’. If a Member State does not apply for an exemption following the provisions and dates established in Article 50, it must establish a DRS.

If a Member State has received an exemption and does not separately collect 90% of the single-use beverage packaging for three consecutive years, the exemption will no longer apply, as specified in Article 50(7) of the PPWR. The Member State will then have to establish a DRS by 1

January of the second calendar year following the year in which the Commission notified the Member State that the exemption no longer applies.

33. Member States' 90% collection target for single-use plastic beverage bottles and metal beverage cans and the contribution of regional deposit return schemes

Legal provisions:

Article 50(1) states that *'by 1 January 2029, Member States shall take the necessary measures to ensure the separate collection of at least 90 % per year by weight of the following packaging formats made available on the market for the first time in that Member State in a given calendar year: (a) single-use plastic beverage bottles with a capacity of up to three litres; and (b) single-use metal beverage containers with a capacity of up to three litres'*.

Article 50(2) lays down that *'in order to achieve the targets set out in paragraph 1, Member States shall take the necessary measures to ensure that deposit and return systems are set up for the relevant packaging formats referred to in paragraph 1 and that a deposit is charged at the point of sale'*.

Commission's interpretation:

The 90% separate collection targets for single-use plastic beverage bottles and metal beverage containers in Article 50(1) applies to the Member State as a whole and is based on the quantity of such packaging formats made available on the territory of a Member State in a year.

All single-use plastic beverage bottles and metal beverage containers, except those expressly exempted from this obligation by Article 50(4), are required to be part of a DRS. Member States must ensure that their whole territory is covered by the separate collection for these packaging formats, but may implement DRS schemes at a subnational level to take relevant national administrative divisions and overseas territories into account.

Packaging and Packaging Waste Regulation (PPWR)

Frequently Asked Questions

EUROPEAN COMMISSION

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Abbreviations

CMO:	Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products
DfR:	Design for recycling
DRS:	Deposit and Return System
DSA:	Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services
ECHA:	European Chemicals Agency
EO:	Economic Operator
EPR:	Extended Producer Responsibility
EPS:	Expanded Polystyrene
ESPR:	Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of eco-design requirements for sustainable products
FCM:	Food-contact material, as regulated under Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food
FIBC:	Flexible Intermediate Bulk Container
HoReCa:	Hotel, Restaurant and Catering
IBC:	Intermediate bulk containers
JRC:	Joint Research Centre
NACE:	Statistical classification of economic activities / classification of economic activities in the European Union (EU)
OJEU:	Official Journal of the European Union
PFAS:	Per-and polyfluoroalkyl substances
PPWD:	European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste
PPWR:	Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste
PRO:	Producer Responsible Organisation
REACH:	Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency
SoC:	Substances of Concern
SUPD:	Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment

TRIS: Procedure under Directive 2015/1535 to prevent creating barriers in the internal market

WFD: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste

XPS: Extruded Polystyrene

I. INTRODUCTION ON THE SUBJECT MATTER AND SCOPE

Regulation (EU) 2025/40 ⁽¹⁾ establishes a harmonised legal framework for packaging and packaging waste across the European Union. Its primary objective is to ensure the smooth functioning of the internal market while significantly reducing the environmental and health impacts associated with packaging throughout its life cycle. By replacing Directive 94/62/EC ⁽²⁾, this regulation introduces clearer, stricter, and more uniform requirements for all economic operators and Member States, fostering a transition towards a circular economy.

The scope of the Regulation is comprehensive. It applies to all packaging placed on the EU market, whether empty or filled, regardless of the material used, and whether produced within the Union or imported from third countries. It also covers all packaging waste generated within the EU. Packaging is defined broadly, as any item intended for containment, protection, handling, delivery, or presentation of products, including its components. However, items that form an integral part of a product and are disposed of together with it are excluded.

Through these provisions, Regulation (EU) 2025/40 seeks to harmonise national measures on packaging, prevent market fragmentation, and promote sustainable practices. It introduces obligations such as recyclability and reuse targets, restrictions on hazardous substances, and requirements for eco-friendly design and labelling. In doing so, it not only addresses pressing environmental challenges but also creates a level playing field for businesses operating across multiple Member States.

The PPWR **entered into force** on 11 February 2025, and its general **application date** is 12 August 2026, but certain provisions apply later (e.g., recyclability, recycled content targets, packaging bans and reuse targets by 2030).

Some of the **main provisions** of the PPWR are:

- **Waste Prevention Targets:** 5% by 2030, 10% by 2035, 15% by 2040 (compared to 2018 levels) (Article 43).
- **Recyclability:** All packaging must be recyclable in an economically viable way by 2030 (Article 6).
- **Reuse Targets:** For transport, e-commerce, and beverage packaging (Article 29).
- **Restrictions:** Ban on certain single-use formats from 1 January 2030 (Article 25 and Annex V); PFAS in food contact packaging prohibited from 12 August 2026 (Article 5(5)).
- **Empty Space threshold:** Max 50% for grouped, transport, and e-commerce packaging (Article 24).
- **Mandatory Deposit-Return Systems:** For beverage cans and plastic bottles (Article 50).
- **Labelling:** Harmonised sorting labels for all packaging (Article 12(1)).
- **Extended Producer Responsibility (EPR):** Strengthened obligations for producers (Articles 44–47).

This document clarifies some issues and answers questions that have been received by DG Environment since the adoption of the Regulation. This document complements the Commission Notice - Guidance document for Regulation 2025/40 (EU) on packaging and packaging waste (hereinafter ‘Commission guidance document’).

⁽¹⁾ 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).

⁽²⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (*OJ L* 365 31.12.1994, p. 10).

II. DEFINITIONS

1) Does the wording packaging ‘...whether empty or with a product...’ modify the definitions of packaging and of manufacturer under the PPWR?

Article 3(1), point (1), contains a definition of packaging, which remained largely unchanged compared to the packaging definition in the Directive 94/62/EC. However, the new definition contains the new wording ‘...whether empty or with a product...’. This new wording does not modify the definition of packaging or the definition of manufacturer but is intended to cover all different factual situations and types of packaging that come within the scope of the PPWR. For further information on the packaging definition, please consult the Commission guidance document.

2) Why does the definition of packaging for tea and coffee mention ‘machine use’ only in point (g) and not in point (f) of Article 3(1)?

The wording indicates the difference between systems for filter coffee/tea bags and those for coffee extraction machines. Machine use is one of the key criteria to decide if a tea/coffee capsule falls under Article 3(1), point (1)(f), or point (1)(g). Permeability is another element that needs to be considered.

This distinction is important in relation to the compostability requirements in Article 9. Permeable tea, coffee or other beverage bags, or soft after-use system single-serve units that contain tea, coffee or another beverage, which are intended to be used and disposed of together with the product (point (1)(f)), are mandatorily compostable. Non-permeable tea, coffee or other beverage system single-serve units intended for use in a machine, and which are used and disposed of together with the product (point (1)(g)) are not. However, Member States may decide to make the latter mandatorily compostable on their territories, under certain conditions, such as the existence of an appropriate collection and waste treatment infrastructure for bio-waste. Member States cannot ban or require compostability as regards metal capsules.

3) Why does the wording ‘making available on the market’ sometimes refer to the Union market and other times to the territory of a Member State?

The definitions ‘making available on the market’ (Article 3(1), point (9)) and ‘placing on the market’ (Article 3(1), point (10)) refer to the Union market. These definitions apply throughout the PPWR reflecting the harmonisation of requirements that apply directly to economic operators.

However, in the provisions on waste management, such as waste reduction and recycling targets, separate collection and extended producer responsibility, the requirements are mainly addressed to Member States.

To reflect the territorial scope of the above-mentioned requirements, the Regulation uses the term ‘making available on the territory of a Member State’ (Article 3(1), point (11)). The definition has the same meaning as the definition of ‘making available on the market’, the only difference being that it circumscribes the actions to the territory of a Member State instead of the Union market.

4) How can producers know if a packaged product is made available to an end user or whether it is made further available?

A product is considered to have been *made available on the market* when it is supplied for distribution, consumption, or use in the course of a commercial activity. An **end user**, whether a consumer or a professional end user, is a person or entity to whom a product is made available **and who does not make that product further available on the market in the form in which it was supplied**.

The determining factor is therefore **not the legal status of the recipient**, but **how the product is used**. A professional end user is considered as an end user where it uses the product on its own operations or production process and does not resell or otherwise place the product back on the market in the same form.

A producer of a packaged product should be able to determine, based on the nature of the packaging and the chosen marketing and distribution channels, whether the intended recipient is an end user (consumer or professional), or a commercial buyer who will resell the packaged product in another Member State.

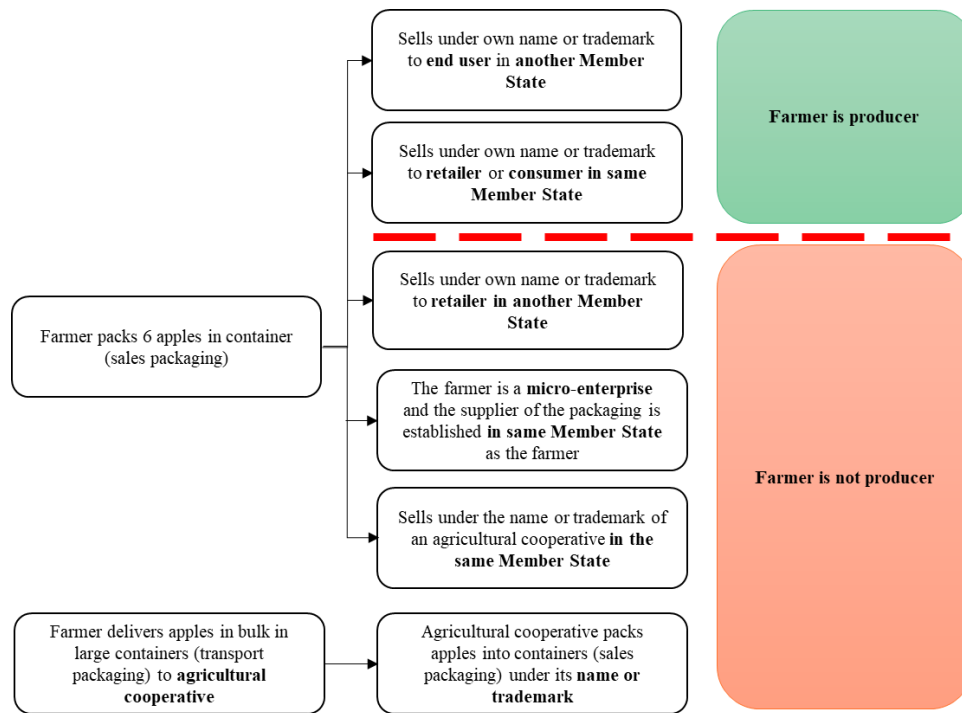
It should be noted that **logistics companies** that receive packaged goods, such as imported products from third countries, and perform handling activities (e.g., unpacking, repacking, or dividing products into smaller quantities) **are not considered end users**.

5) Is a farmer producer for the purpose of EPR obligations?

Whether a farmer is a ‘producer’ will depend on the specific situation. There is no general exemption for specific sectors such as farmers in terms of extended producer responsibility obligations since all economic operators making packaging available on the territory of a Member State for the first time will have to comply with these obligations.

The following examples show some typical examples of when a farmer would normally be considered a producer and when it would not.

- If a farmer packs a few apples in a container (sales packaging) and sells it under its own name or trademark to a retailer or consumer in the same Member State, the farmer is a producer.
- If the farmer sells the packed apples under its own name or trademark in another Member State, the farmer is only the producer if the recipient is the end user of the apples. This means that the farmer is not the producer if it sells the apples to a retailer in another Member State.
- If the farmer is a micro-enterprise, which is often the case, and the supplier of the apple container is established in the same Member State, such supplier becomes the producer in the Member State where the farmer and supplier are located.
- If the container is produced under the name or trademark of an agricultural cooperative of which the farmer is part, then this cooperative, and not the individual farmer, is the producer.
- If the farmer delivers apples in bulk in large containers (transport packaging) to a agricultural cooperation, who then packs the apples into containers (sales packaging) under the name or trademark of the cooperative, the agricultural cooperative is the producer.



The producer definition addresses packaging used in primary production. ‘Primary production’ is to be understood as *‘the production, rearing or growing of primary products including harvesting, milking and farmed animal production prior to slaughter’* ⁽³⁾. Packaging material, for example foil or straps used for hay bales, is only considered to be made available on the market, and thereby packaging, when the bales are placed on the market and not when it is used in a production process, in this case on the same farm.

6) When is packaging considered ‘composite packaging’?

If the total mass of materials which are different from the main packaging material constitutes more than 5% of the total mass of the packaging unit, such packaging is composite packaging, regardless of whether the total mass of each other packaging material is less than 5% of the total mass of the packaging unit (Article 3(1), point (24)).

An example of composite packaging is a multilayer flexible packaging of which the main material is Polypropylene (PP) (83–90%) used for the structural layer and printability. Such packaging usually uses a barrier layer of aluminium foil or metallized PET (3–4%) to provide oxygen and a light barrier to preserve freshness. It may also have a barrier made of low-density polyethylene (LDPE) or ethylene vinyl acetate (EVA) (3–4%) that ensures heat-sealing for airtight closure. Printing inks and bonding adhesives used for branding and lamination are also used in such packaging and constitute 1–2% of the total mass. However, they are not taken into account to determine whether something constitutes composite packaging.

This type of packaging consists of one main packaging material, in terms of weight, and additional materials which, taken together constitute more than 5% of the total mass of the packaging unit. It therefore qualifies as composite packaging within the meaning of Article 3(1), point (24), even where all packaging materials are plastics. In this context, the notion ‘different materials’ should be understood as referring to different material categories or functional layers (e.g. barriers), rather than to variants within the same polymer family. For example, polymer grades or variants within

⁽³⁾ Article 3(17) of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 031 1.2.2002)

polyethylene (such as LDPE, LLDPE or HDPE) would normally be considered the same material for the purposes of this assessment, whereas the combination of polypropylene with polyethylene layers, aluminium foil or metallised materials would constitute the use of different materials. This interpretation is without prejudice to the classification of packaging formats set out in Annex II, Table 1, which serves a different purpose and does not limit the scope of the legal definition of composite packaging laid down in Article 3. Further details will be provided in the implementing legislation under Article 7(8).

If the packaging consists of components of different materials that can be manually separated, it is not considered a composite packaging. The definition of composite packaging is without prejudice to Directive (EU) 2019/904 ⁽⁴⁾.

7) Are crown corks for beverage bottles an integrated or separate component?

Crown corks for glass bottles are considered separate components, as per Article 3(1), point (44), of the Regulation. Such closures, which are not permanently attached to the bottle, need to be separated completely and permanently from the main packaging unit in order to access the product and, therefore, to ensure the functionality of the packaging unit. The future delegated act on design for recycling (DfR) will further specify the rules for integrated and separate components.

8) Are the derogations provided for in Directive 2008/68/EC ⁽⁵⁾ applicable to all packaging that is used for the transport of dangerous goods? Are the derogations also applicable to the transport of non-dangerous goods?

The provisions on recyclability, recycled content and reuse targets contain specific exemptions for packaging used for transport of dangerous goods. If the packaging is used for transport of dangerous goods in accordance with Directive 2008/68/EC, even though it does not require UN approval, e.g. packaging used under limited quantities (LQ) marking, the PPWR derogations are applicable.

For UN approved packaging used for the transport of non-dangerous goods, the PPWR derogations do not apply, which means the general rules apply.

⁽⁴⁾ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (SUPD).

⁽⁵⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (*OJ L 260, 30.9.2008, pp. 13–59*).

III. SUBSTANCES OF CONCERN

- 1) **In the definition of Substances of Concern (SoC), which refers to the ESPR, should the conditions in Article 2(27) points (a), (b), (c), (d) of the ESPR be considered as cumulative? How should the wording ‘negatively affects the reuse and recycling of materials in the product in which it is present’ be understood?**

It is sufficient that only one of the conditions under points (a) to (d) of Article 2(27) ESPR is fulfilled for a substance to be considered as a SoC ⁽⁶⁾.

As regards the meaning of the wording ‘negatively affects the reuse and recycling...’ the Commission and the European Chemicals Agency (ECHA) are currently conducting a study on identifying the SoC that could affect human health and impact packaging reusability and recyclability.

- 2) **What is the difference between substances and substances of concern (SoC)? Does the Ecodesign for Sustainable Products Regulation (ESPR) and the PPWR address substances of concern (SoC) in the same manner?**

The definition of substances of concern (SoC) refers to the ESPR (Article 3(1), fourth paragraph of the Regulation), which means that substances of concern are defined in the same manner in the PPWR and the ESPR. The ESPR establishes the criteria for identification of substances of concern. They are mainly based on their hazardous properties and classification in accordance with the CLP Regulation ⁽⁷⁾ but also include a reference to negative effects on the reuse and recycling of materials in the product in which they are present ⁽⁸⁾. The conditions are *not* cumulative, which means that if one **of the conditions** is fulfilled, the substance is considered as SoC.

- 3) **How will the PPWR deal with the addition of substances of concern (SoC) and the use of recyclates?**

The objective of the Regulation is the minimisation of the presence of SoC in packaging. This will be done via the identification of substances of concern, as a first step, and their limitation, if they

⁽⁶⁾ The ESPR FAQ can be found here: [Circabc](#).

⁽⁷⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (*OJ L 353, 31/12/2008, p. 1–1355*).

⁽⁸⁾ According to Article 2, point (27) of ESPR, ‘a substance of concern’ means a substance that:

- a) meets the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation;
- b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:
 - a. carcinogenicity categories 1 and 2;
 - b. germ cell mutagenicity categories 1 and 2;
 - c. reproductive toxicity categories 1 and 2;
 - d. endocrine disruption for human health categories 1 and 2;
 - e. endocrine disruption for the environment categories 1 and 2;
 - f. persistent, mobile and toxic or very persistent, very mobile properties;
 - g. persistent, bioaccumulative and toxic or very persistent, very bioaccumulative properties;
 - h. respiratory sensitisation category 1;
 - i. skin sensitisation category 1;
 - j. hazardous to the aquatic environment — categories chronic 1 to 4;
 - k. hazardous to the ozone layer;
 - l. specific target organ toxicity — repeated exposure categories 1 and 2;
 - m. specific target organ toxicity — single exposure categories 1 and 2.
- c) is regulated under Regulation (EU) 2019/1021; or
- d) negatively affects the reuse and recycling of materials in the product in which it is present.

are relevant for recycling, via the DfR criteria, to be adopted under Article 6(4) PPWR, or via the update of REACH restrictions for substances that affect human health or the environment. The identification of the relevant substances is on-going via a study lead by the Commission and the European Chemicals Agency (ECHA).

4) How many substances could fall under the definition of substances of concern (SoC)?

There is no definite number or list of substances of concern (SoC) in packaging. The study, which the Commission and ECHA are undertaking to comply with its implementation obligation established in Article 5(2), will look into this issue and will provide a list of SoC on the basis of the information currently available about packaging manufacturing and waste treatment. There are several sources of information that can be consulted for each criterion listed in Article 2(27) of Regulation (EU) 2024/1781 (ESPR) to identify Substances of Concern (e.g. the ‘Candidate list of Substances of very high concern for Authorisation’ managed by ECHA ⁽⁹⁾; Annex VI of Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures ⁽¹⁰⁾) could be also used as a source for identifying SoCs.

5) How is the supplier of packaging obligated to comply with the data requirements of substances of concern (SoC)?

Obligations of packaging suppliers are detailed in Article 16 PPWR. Accordingly, suppliers must provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of packaging and the packaging materials with this Regulation, either in paper or in electronic format. Manufacturers need this information from suppliers of packaging materials or converters in order to identify PFAS or other SoC present in packaging and draft the declaration of conformity demonstrating compliance with Article 5 PPWR.

6) At which value are the concentration limits for SoC set?

The Regulation includes an obligation to minimise the SoC content in material and emissions. The main driving principle is that human health and environment are protected, i.e. unacceptable adverse effects should be avoided. The Regulation does not set a general concentration limit for SoC. Nevertheless, specific concentration limits are established for certain substances (e.g. PFAS and certain heavy metals).

More information and knowledge on SoC are expected to come from the on-going Commission and ECHA-led study. But substances meeting the substances of concern (SoC) criteria can already be identified by the manufacturer based on the existing definition of SoC. The SoC criteria refer mainly to hazardous properties but also include, on a case-by-case basis, considerations related to recycling and re-use.

The possibility to establish new concentration limits for SoC in packaging may result from the evaluation to be carried out by the Commission by 2033, which will consider if the Regulation has sufficiently contributed to minimising the presence and concentration of SoC in packaging. Moreover, the Commission may adopt delegated acts in accordance with Article 6(4) to limit the presence of SoC that negatively affect recycling.

7) What is the implementation date for Article 5(1) PPWR?

⁽⁹⁾ <https://echa.europa.eu/candidate-list-table>.

⁽¹⁰⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (*OJ L 353, 31.12.2008, pp. 1–1355*).

The Regulation and therefore the obligation to minimise SoC content will apply from 12 August 2026. Already PPWR contained the obligation to minimise substances of concern with regards to their presence in emissions, ash or leachate when packaging or its packaging waste residues are incinerated or landfilled and has set specific concentration limits for four heavy metals (lead, cadmium, mercury and hexavalent chromium).

8) Is the harmonised standard, EN 13428:2004 still applicable to ensure conformity with the requirements as regards SoC?

These requirements concerning SoCs have been strengthened in the PPWR. Under the PPWR, packaging must be manufactured so that the '*presence and concentration of substances of concern*', both in the material itself and in emissions or waste outcomes, is minimised. It also explicitly ties these requirements to effects on reuse, recycling and chemical safety rather than merely end-of-life disposal. EN 13428 focuses primarily on minimising dangerous substances in emissions and disposal, not on the holistic lifecycle impacts, as required by Article 5 of the PPWR. Furthermore, the standard does not reflect the expanded hazard scope of the PPWR covering SVHCs under REACH, CLP hazard classes and recyclability impacts. Therefore, Annex C of the existing harmonised standard, EN 13428:2004⁽¹⁾ related to the '*minimisation of dangerous substances or preparations and demonstration of conformity*', can therefore no longer create a presumption of conformity after 12 August 2026. The report on the presence of substances of concern in packaging, under preparation by the European Chemicals Agency (ECHA), will help packaging manufacturers to identify substances of concern in packaging and minimise their presence in packaging'.

9) Does the obligation to minimise the presence of substances of concern (SoC) in packaging apply to all economic operators?

The obligation applies to all packaging placed on the market, according to the definition in the Regulation (Article 3(1), point (10)). The manufacturer placing packaging on the market or a supplier, in case a manufacturer is a microenterprise, must make sure that the provisions are complied with.

10) When does the obligation on minimisation of substances of concern (SoC) start to apply for packaging that is not food-contact sensitive?

The general obligation to minimise SoC in Article 5(1) and the limits on four heavy metals in Article 5(4) apply to all packaging from 12 August 2026. The limits set in Article 5(5) for PFAS will apply to food-contact materials only.

11) Member States may submit data on a substance they believe to be of concern before 31 December 2025. If Member States inform the Commission about new substances of concern, will this information be accessible before the Commission delivers its report in 2026?

According to Article 5(2) of the PPWR, Member States should inform the Commission about relevant information on SoC before 31 December 2025. This information will be considered in the development of the study. The monitoring of SoC is a permanent task for the Commission.

⁽¹⁾ Harmonised standards published in [Commission communication in the framework of the implementation of the European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste \(OJ C 44 of 19 February 2005\)](#), EN 13428:2004 'Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction'.

12) Does the derogation for glass packaging introduced by Commission Decision 2001/171/EC ⁽¹²⁾ in relation to heavy metal concentration levels in packaging and packaging waste continue to apply?

Commission Decision 2001/171/EC continues to apply and has not been repealed by the PPWR. This means that the packaging may exceed the concentration limit of 100 ppm by weight for the sum of lead, cadmium, mercury and hexavalent chromium, when this exceedance is due to the addition of recycled glass. No lead, cadmium, mercury or hexavalent chromium is allowed to be intentionally introduced during the manufacturing process. The Commission may adopt delegated acts to amend the limit established in Article 5(4), but only to lower the permitted sum of concentration levels. The Commission is not empowered to extend the application date of the heavy-metal restrictions laid down in the PPWR.

13) Will Regulation (EC) 1935/2004 on food contact materials, Regulation (EU) 10/2011 ⁽¹³⁾ on plastic articles intended to come into contact with food, Regulation (EU) 2019/1021 on persistent organic pollutants and the REACH regulation be amended by reference to the PPWR's ban on PFAS?

The PPWR does not establish a PFAS ban but rather sets maximum concentration levels. Also, it is not provided that the PFAS limits in the PPWR would be taken over into other, 'vertical', EU legislations. Based on Article 5(5), the Commission will carry out an evaluation to assess the need to amend or repeal the PFAS restriction in the PPWR in case of identified overlaps with restrictions or prohibitions on the use of PFAS under the FCM Regulation, the REACH Regulation or the POPs Regulation.

14) Do the PFAS restrictions in Article 5(5) apply both to intentionally added and unintentionally present PFAS?

The PFAS restriction adopted by the PPWR does not differentiate between intentionally added and unintentionally present PFAS. Therefore, the provisions in Article 5(5) apply to both. To be noted, preliminary PFAS laboratory analyses results on a number of selected packaging ⁽¹⁴⁾ showed that in practice only packaging where PFAS have been intentionally added would give results above the PFAS limit values.

15) Do the restrictions apply only to materials used in packaging manufacturing or also to the materials and the associated inks, varnishes, glues and adhesives?

The limits apply to the packaging unit as a whole, including the associated inks, varnishes, glues and adhesives placed on the market by the manufacturer. The latter is the person responsible for drawing the technical documentation needed to prove compliance (for further information, see Commission guidance document).

16) Will a list of the PFAS concerned by the ban (with CAS numbers for identification) be published?

A list of PFAS subject to this restriction will not be published. The limits apply to all PFAS falling under the definition provided in the PPWR and possibly contained or contaminating the packaging.

⁽¹²⁾ Commission Decision of 19 February 2001 establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste (*OJ L 62, 2.3.2001, pp. 20–21*).

⁽¹³⁾ Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (*OJ L 012 15.1.2011*)

⁽¹⁴⁾ Skedung L.¹ and Bjarnemark F.¹: A Harmonized Workflow for PFAS Compliance Testing under EU Packaging and Packaging Waste Regulation and Emerging Universal Restrictions: A Food Contact Packaging Case Study. ¹RISE Research Institutes of Sweden

17) How will the PFAS limits be enforced, considering there are no harmonised methodologies for PFAS in food-contact packaging at EU level?

As explained in the Commission guidance document, the Commission is striving to ensure a harmonised approach of the national market surveillance authorities for the enforcement of the PFAS limits. There are intense works ongoing involving industrial stakeholders, civil society associations and the competent authorities in the Member States aiming to deliver a harmonised testing protocol for PFAS in food-contact packaging. This work stream includes engaging with the EURL on Food Contact Materials, which coordinates the network of national reference laboratories for food contact materials.

18) As the starting point for enforcement of the PFAS limits seems to be the total fluorine analysis, what laboratories offer such testing methodology?

There are already plenty of commercial and university laboratories offering Total Fluorine / Total Organic Fluorine analysis. It can be expected that many other commercial and accredited laboratories will in view of the PPWR PFAS limits invest into testing capacities, and that those already doing it increase theirs.

IV. RECYCLABILITY

1) In the context of recyclability performance grade assessment:

- how is a packaging unit defined,
- what is the difference between integrated and separate components, and
- what is the main body of the packaging unit?

A 'unit of packaging' is defined in Article 3(1), point (45), of the Regulation as a unit, including any integrated or separate components, which as a whole serves a packaging function, such as the containment, protection, handling, delivery, storage, transport or presentation of products. A unit of packaging is independent from units of grouped or transport packaging where the latter are discarded prior to the point of sale. The term 'unit of packaging' should be considered equal to 'packaging unit', which is a term also used in the PPWR. Integrated and separate components are also defined in the Regulation, in Article 3(1), points (43) and (44), respectively.

An illustrative example of a packaging unit is a plastic ketchup bottle made available to consumers at the point of sale. Such a ketchup bottle consists of the following packaging components: plastic bottle, removable lid (i.e. peelable foil), which is typically fully removed by consumers to access the product, label, and the closure system. If a removable lid needs to be fully completely and permanently separated by consumers to access the ketchup, then it should be considered as a separate component. As regards the closure system, it typically does not need to be completely and permanently separated by consumers and is thus disposed of together with the ketchup bottle. Assuming that the closure system on a ketchup bottle is not meant to be separated by consumers, it should be considered as an integrated component. As for the label, it is typically attached to the plastic bottle and disposed of together with a ketchup bottle. Hence, it is considered an integrated component; in this context, the plastic bottle itself is the main body of the packaging unit.

Against this background, it could be considered that the main body of the packaging unit is the packaging part of the packaging unit with the highest share, by weight, except closure on flexible packaging.

According to Article 6(9), *'where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the recycled-at-scale requirements shall include all integrated components. A separate assessment shall be carried out for integrated components that can become separated from each other as a result of mechanical stress during transportation or sorting'*.

2) If there is no recyclable alternative for a specific packaging or its components on the market, could such packaging or its component get an exemption under Article 6?

The exemptions from the recyclability obligations are listed in Article 6(11). The Commission is not empowered to grant any further exemptions. However, in case of innovative packaging, as brought to the attention of the competent authorities in the Member States, the Commission must assess the requests from the competent authorities and update or adopt new delegated acts under Article 6(4). Innovative packaging is defined as *'packaging that is manufactured using new materials, resulting in a significant improvement in the functions of the packaging, such as the containment, protection, handling, or delivery of products, and in overall demonstrable environmental benefits, with the exception of packaging that is the result of modification to existing packaging for the main purpose of improving the presentation of products and marketing'* (Article 3(1), point (46)).

The Commission will monitor the impact of the derogations contained in Article 6(11) and derogations as regards innovative packaging contained in Article 6(10), and may propose amendments to the Regulation, if necessary.

Therefore, if a packaging or its components does not fall under the established exemptions in Article 6(11), and does not qualify as innovative packaging, the manufacturers must improve packaging design to be compliant with the DfR guidelines from 2030 or two years after the entry into force of the delegated acts adopted under Article 6(4), specifying DfR requirements. Non-recyclable integrated components may lower the recyclability grade of a unit of packaging or may even make the entire packaging unit non-compliant.

3) What is the process for granting the derogation and what are the expected timelines for its completion? What specific criteria does the Commission use to assess innovativeness?

The process is outlined in Article 6(10). Member States enjoy a margin of discretion implement the process in their national legislation while respecting the rules outlined in that provision.

The criteria are outlined in Article 3(1), point (46), and the Commission is currently not envisaging the adoption of further guidance in this regard. Manufacturers using this exemption from the recyclability requirements must evidence compliance with these criteria in the technical documentation.

4) Can Member States apply their own eco-modulation criteria?

Under Article 6(4)(d), the Commission will outline a framework concerning the modulation of financial contributions based on the packaging recyclability performance grades to be paid by producers to comply with their EPR obligations set out in Article 45(1).

This harmonised framework is necessary to ensure the proper functioning of EU internal market, by preventing regulatory fragmentation and ensuring legal uncertainty for economic operators, in particular those placing packaging on the market in several Member States, while at the same time incentivising more sustainable packaging design. Divergent national eco-modulation schemes based on recyclability performance could otherwise create obstacles to trade and distort competition within the internal market.

The harmonised framework will not set the actual amounts of such fees but will instead harmonise the criteria for the modulation of EPR fees based on the recyclability performance grade obtained through the recyclability assessment. Until the entry into force of the harmonised eco-modulation rules, Member States will remain able to eco-modulate fees based on the recyclability of packaging in accordance with their national provisions adopted under the PPWD. In doing so, Member States must consider the potential impact of such measures on the internal market. Where national eco-modulation measures constitute technical regulations or rules affecting products, they must be notified to the Commission in accordance with Directive (EU) 2015/1535 ⁽¹⁵⁾ through the TRIS notification system.

Following the entry into force of the delegated act on design for recycling, which will establish a harmonised framework for eco-modulation of EPR fees based on packaging recyclability performance grade, Member States will be required to apply this harmonised framework. This obligation aims to ensure the consistent application of eco-modulation rules across the Union and to safeguard the free movement of goods.

⁽¹⁵⁾ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148, (OJ L 333 27.12.2022)

However, Member States will continue to be able to eco-modulate financial contributions of producers on the basis of other criteria, such as recycled content, the presence of substances of concern, or the reusability of packaging. If Member States decide to introduce eco-modulation based on the presence of recycled content in plastic packaging, they will be required to take into account sustainability criteria of recycling technologies and the environmental cost, which are to be developed by the Commission under Article 7(9) by the end of 2026.

5) If Member States do not reach the recycling targets, is there any mechanism foreseen to take this into account in the recyclability ‘at scale’ assessment?

The ‘at scale’ assessment will be based on a recycling target of 55% ⁽¹⁶⁾ to be achieved at EU level per packaging categories listed in Table 2 of Annex II. The Commission is empowered to amend the list of these categories to adapt them to the technical and scientific developments regarding packaging and packaging waste management. The ‘at scale’ assessment is not based on the recycling rates achieved at national level and therefore there is no need for a specific mechanism in the recyclability at scale assessment, which would take into account the fact that a specific Member State did not reach specific recycling targets.

However, it is important that all Member States strive to optimise their collection, sorting and recycling systems to improve the overall recycling rate at the Union level and the availability of secondary feedstock. The Regulation provides for several support measures, such as the obligation to set up deposit and return systems, mandatory harmonised waste sorting labels, the obligation on Member States to establish mandatory collection targets, and the prohibition to landfill or incinerate recyclable packaging. The implementation of these requirements will help increase the overall recycling rate in the EU and thus allow economic operators to fulfil the recycling ‘at scale’ requirement.

6) What is the scope of the exemption under Article 6(11)(e) for baby food?

The exemption for baby food as referred to in Regulation (EU) No 609/2013 ⁽¹⁷⁾ should be understood in line with the definition given in its Article 2(2f). Therefore, the exemption should not be understood as covering all fruit juices and purees and other products that are marketed for consumption by babies.

7) Will the recyclability ‘at scale’ assessment be based on all packaging waste generated regardless of its origin, sector or type?

The recyclability ‘at scale’ assessment and the related 55% recycling target for all packaging materials and 30% for wood indeed refers to all plastic packaging waste generated and recycled in the EU, regardless of its origin (household, commercial and industrial waste), sector or type. Calculation of the recycling rate should be based on the existing rules for the calculation of recycling rates laid down in Commission Decision 2005/270, as amended, which will be replaced by a new decision under Article 56(7) PPWR.

8) Does Article 6 apply to reusable sales and transport packaging placed on the EU market prior to the entry into force of the requirements under Article 6(1) PPWR?

⁽¹⁶⁾ For all materials except for wooden packaging, where it is 30%.

⁽¹⁷⁾ Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (*OJ L 181*, 29.6.2013, pp. 35–56)

Recital (14) explains that *'packaging should be placed on the market only if it complies with the sustainability requirements and labelling requirements laid down in or pursuant to this Regulation'* (emphasis added). Packaging already placed on the Union market before the date of application of relevant requirements, including packaging in the stocks, does not need to meet the sustainability and labelling requirements laid down in or pursuant to this Regulation and does not need to be withdrawn.

Article 6(2) requires that all packaging placed on the market 24 months from the date of entry into force of the delegated acts adopted pursuant to Article 6(4) is recyclable according to the DfR principles laid down therein. This obligation refers to every type of packaging, regardless of whether it is reusable or single-use, or sales, grouped or transport packaging.

Therefore, since the delegated acts under Article 6(4) are to be adopted by 1 January 2028, reusable or transport packaging which manufacturers will have placed on the market before 1 January 2030, can stay on the market even if it is not compliant with the recyclability requirements. Placing on the market refers to every single packaging unit and not to the packaging design.

9) Are the exemptions from the recyclability requirements for packaging made from cork, lightweight wood, textile, ceramics rubber, porcelain and wax valid until 2035?

Article 6(1) requires that all packaging be recyclable. Article 6(11) establishes exemptions from this requirement for certain packaging materials and sectors. The Commission will review these exemptions by 1 January 2035 to consider if it is appropriate to maintain them. Based on this assessment, it may propose to amend or remove them.

The exceptions for packaging made from cork, lightweight wood, textile, ceramics rubber, porcelain and wax apply only to sales packaging and mean that such packaging will not have to undergo the recyclability assessment for the purpose of determining if it can be placed on the market.

However, the obligation to adjust the EPR fees based on the recyclability performance will apply also to such sales packaging. The recyclability assessment for such packaging will thus be carried out only for the purpose of determining the EPR fee modulation.

V. RECYCLED CONTENT IN PLASTIC PACKAGING

1) How should compliance with the recycled content requirements be demonstrated?

Compliance with the recycled content targets in the PPWR must be demonstrated in the technical documentation for the packaging as specified in Annex VII. Compliance with the recycled content requirements can be exemplified as follows.

An economic operator places a plastic tray made of polyethylene (PET) with a peelable lid made of polypropylene (PP) on the market. In this case, we could assume that the PET tray and PP lid are manufactured in different manufacturing plants within the EU and supplied to the economic operator who assembles the packaging components into a tray with a lid, fill it with product, and eventually places it on the market.

The two manufacturing plants which manufacture, respectively, the tray and the lid must each disclose information about the compliance with the minimum recycled content requirements for their components, as provided for in Article 7(2). Based on the information from these manufacturing plants, the economic operator who eventually places the tray with the lid on the market (i.e. the manufacturer), must draw up the technical documentation that demonstrates compliance with the legal requirements for recycled content.

The same principle applies to intermediate plastic packaging components, empty plastic packaging or filled plastic packaging imported into the EU. The economic operator must also ensure that the requirements for the recycled content meet the sustainability and equivalence criteria, which will be set out in the implementing acts pursuant to Article 7(9) and (10), respectively.

2) What is to be understood by ‘average per manufacturing plant and year’ in the context of recycled content in plastic packaging?

A manufacturing plant must be understood as the industrial facility in which packaging is manufactured. An average per year refers to the amount of recyclates (recycled content) in each plastic packaging type and format over the period of a calendar year, produced for each manufacturer in a specific manufacturing plant. The manufacturing plant will have to provide documentation demonstrating that the average supply per year to the specific manufacturer fulfils the targets for recycled content.

Manufacturers usually produce several packaging formats in one manufacturing plant and will therefore have to calculate the recycled content targets for each packaging type and format.

The implementing act to be adopted under Article 7(8) will outline the rules on how to calculate and verify the recycled content in plastic packaging.

3) Are adhesives, paints and inks covered by the recycled content requirements for plastic packaging?

Adhesives, paints and inks are not deemed plastic under the PPWR and therefore do not need to fulfil the recycled content requirements. This is regardless of whether they represent less than 5% of the packaging unit.

4) Are environmental claims on recycled content in plastic packaging allowed?

Environmental claims on recycled content in plastic packaging are allowed where the recycled content exceeds the applicable minimum requirements set out in Article 7(1) and (2) of the PPWR.

Article 14 specifies that the economic operator is allowed to make environmental claims for a packaging unit, the part of the packaging unit that contains the recycled content, or all packaging placed on the market over a calendar year by the economic operator. This is exemplified in the table below.

Example	PPWR recycled content requirements	Environmental claim for:	Allowed environmental claim
PET plastic bottle with a closure system made of PP	PET bottle: 30% PP closure: 10%	Packaging unit (bottle and a closure system)	The recycled content exceeds 30% for the PET bottle or 10% for the PP closure system.

Regardless of the choice to make environmental claims or not, compliance with the legal requirements must be demonstrated in the technical documentation.

5) How do economic operators know which recycled content requirements to fulfil?

The recycled content requirements apply to sales, grouped, and transport plastic packaging. Firstly, the economic operator must determine whether the packaging is contact-sensitive. Secondly, the economic operator must determine what polymer the packaging is made from. Based on this information, the economic operator can then determine what recycled content requirements to fulfil.

This logic is illustrated in the following table.

	Packaging format	1 st step: Is the packaging contact-sensitive?	2 nd step: What is the polymer made from?	2030 applicable target
Example A	Pallet wrapping film to transport goods	Non-contact sensitive	Other than PET	Art. 7(1)(d), 35%
Example B	Beverage carton	Contact-sensitive	Other than PET	Art. 7(1)(b), 10%
Example C	Single-use plastic beverage bottle:	Contact-sensitive	PET	Art. 7(1)(c), 30%

6) Do the requirements for recycled content apply to packaging placed on the market before 2030?

The recycled content requirements apply only to packaging placed on the market from 1 January 2030 or three years after entry into force of the implementing act in Article 7(8), whichever is the latest. However, no exhaustion of stocks is envisaged for packaging supplied to manufacturers and not yet placed on the market by the latter before the due date.

7) Will also a plastic cap and a label on a glass bottle need to comply with the recycled content requirements?

Article 7(5)(b) exempts plastic parts that represent less than 5% of the total weight of a packaging unit from the recycled content requirements. This exemption applies exclusively to plastic parts and does not extend to non-plastic materials.

By way of example, in the case of a glass bottle with a metallic cap and a label, the metallic cap is not a plastic part and therefore falls outside the scope of the recycled content requirements. A

plastic label, however, is exempted only if its weight accounts for less than 5% of the total weight of the packaging unit, the bottle.

8) Recycled plastic in plastic caps is mandatory for milk but not for infant formula packaging. Must an economic operator that uses the same caps for these products meet the targets for recycled plastic content to comply with the requirements for milk packaging?

As of 2030, manufacturers must ensure that the plastic part of the packaging placed on the market is compliant with the recycled content targets of Article 7(1).

Milk is not exempted from the recycled content requirements. Therefore, a manufacturer must ensure that plastic caps that are used for the milk packaging fulfil the recycled content requirements. On the other hand, plastic caps for instant baby formula are not required to include recycled content due to the exemption set out in Article 7(4), point (g).

9) Is there a difference between ‘contact-sensitive plastic packaging’ and ‘immediate packaging’ as used in the exemptions of Article 7?

The term ‘immediate packaging’ refers to the ‘(...) *packaging immediately in contact with the medicinal product*’⁽¹⁸⁾, whereas according to Article 3(1), point (49), of the PPWR contact-sensitive packaging means packaging that is intended to be used for food and medicinal products.

In the context of medical devices and other medicinal products ‘immediate packaging’ will generally qualify as ‘contact-sensitive plastic packaging’ according to Article 3(1), point (49), of the PPWR, and while the concepts are not identical, they should be understood in the same way for the purpose of implementation of Article 7 of the PPWR.

10) Could the Commission clarify the reporting obligations related to recycled content under the PPWR and SUPD and their interplay?

Article 6(5), points (a) and (b) of SUPD (i.e. recycled content targets for beverage bottles listed in Part F of Annex to SUPD), and Article 13(1)(e) on related Member States’ reporting remain in force until 1 January 2030 or 3 years after the entry into force of the implementing act on the calculation of recycled content referred to in Article 7(8).

There are some differences in scope between the PPWR and the SUPD, which should be taken into account:

- In the SUPD, the target is at Member State level, whereas the PPWR sets the requirements per packaging type/format, calculated as an average per manufacturing plant and year.
- There is no minimum threshold in the SUPD for composite materials, whereas the PPWR contains an exemption for the plastic part if it represents less than 5% of packaging unit weight.
- There is no exemption regarding compostable plastic packaging in the SUPD.

11) Recycled content requirements for imported plastic packaging

Regulation (EU) 2022/1616 and its provisions (especially Article 6) apply to all recycled plastics for food contact materials placed on the EU market, including imported packaging.

Therefore, importers of plastic materials with recycled content that intend to use this material as food-contact material, including food-contact packaging, should ensure that these materials comply

⁽¹⁸⁾ Article 1(23) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311 28.11.2001, p. 67)

with the requirements outlined below. If not compliant, these materials may not be placed on the market for food contact applications, including food-contact packaging. However, they may be used for other purposes. Article 6 of that Regulation mandates the following:

- Separate collection of plastic waste;
- A certificate obtained with third-party certification of the pre-processing activities in accordance with Article 6, including all activities from sorting to recycling of plastic waste;
- Proof that the recyclates have been produced in accordance with Regulation (EU) 10/2011.

VI. COMPOSTABILITY

- 1) Article 9(1) mandates a compostability requirement for certain packaging types. Will these packaging types be allowed in the bio-waste stream even before 12 February 2028?**

Indeed, the Regulation changed the definition of packaging to include tea and coffee bags which are not left empty after use. Such new packaging items will be classified as packaging when the Regulation becomes applicable, that is on 12 August 2026.

As Article 9 on compostability applies from 12 February 2028, Member States *are not required* to accept such packaging in the bio-waste stream before that date, but they are *encouraged* to accept them.

- 2) How should manufacturers deal with the fact that not all industrial composting facilities operate in accordance with EN 13432:2000? Will waste management operators in all Member States have to accept compostable packaging if it is certified according to the harmonised standard EN 13432:2000?**

While the Regulation does not state explicitly that composting facilities must operate in accordance with the harmonised standard, the Commission expects that this will indeed be the case. For example, Article 9(2) conditions the Member States' flexibility to add additional packaging items to the national lists of mandatorily compostable packaging to the existence of '*appropriate waste collection schemes and waste management infrastructure to ensure that compostable packaging enters the bio-waste management stream*'. The Commission will ensure that associations representing industrial composting will be fully involved in the development of the updated industrial compostability standards.

- 3) If a product is nowadays compostable, and on the market, can economic operators continue to market it after the Regulation has entered into force and become applicable?**

The answer is 'yes', if there is a clear legal requirement in the territory of a Member State where the economic operator is marketing their products that a particular packaging format must be compostable.

As explained in point 8 of the Commission guidance document, Member States have the possibility until 12 August 2026 to decide that packaging formats additional to items listed in Article 9(1) and 9(2)(a) must be compostable on their territories.

VII. PACKAGING MINIMISATION

1) Do both Article 10(1) and (2) on packaging minimisation apply by 1 January 2030?

Yes. Both Article 10(1) and (2) apply by 1 January 2030. Until the end of 2029, the essential requirements from the PPWD continue to apply and thus also the existing standard EN 2004:13428. This results from Article 70(1)(b) of the Regulation.

2) How should the term ‘increase the perceived volume of the product’ in Article 10(2) be understood?

The use of certain packaging characteristics, such as double walls or false bottoms, is not allowed when the perceived volume of the product is increased.

An illustrative example below is provided to help better understanding.

Example	Packaging minimisation	Choices that might increase the perceived volume of the product
Plastic or glass 50 ml jar for facial cream	Plastic or glass jars are reduced to the minimum volume necessary to protect the product inside	Use of double walls or false bottoms to make it appear that the content of the cream as more than 50 ml Use of cardboard boxes around the jar which make it appear that the content of the cream larger than 50 ml

Moreover, the Impact Assessment that supported the legislative proposal of the PPWR outlines a few examples on ‘increase the perceived volume of the product’ ⁽¹⁹⁾.

Overall, the economic operator must prove that double walls, false bottoms, frontal flaps and additional layers are used only in circumstances where the packaging functionality cannot be ensured otherwise and/or in cases where these components add legitimate functionality to the packaging. This will have to be demonstrated via tests and proven in the technical documentation, by providing a sufficient justification.

3) How will the requirements of packaging minimisation be enforced for other than the most common packaging types and formats?

By 12 February 2027, the Commission will request the European standardisation organisations to prepare or update, as appropriate, harmonised standards laying down the methodology for the calculation and measurement of compliance with the minimisation requirements. These standard(s) will be an update of the existing standard EN 13428:2004 to account for the changed performance criteria set out in Annex IV of the Regulation and will outline the methodology for demonstrating compliance with the minimisation requirements for all packaging. Once adopted, economic operators will be able to use the updated standard and thus benefit from the presumption of conformity with the minimisation requirement.

⁽¹⁹⁾ [Assessment of options for reinforcing the Packaging and Packaging Waste Directive’s essential requirements and other measures to reduce the generation of packaging waste - Publications Office of the EU](#), page 26: an identical packaging format in terms of size, weight and volume is used to pack different amounts of the same type of screws. In the first case, the packaging fits 100 screws, whereas in the second case the same packaging contains 20 screws of the same size. Therefore, the second case (i.e. pack of 20 screws) is considered over-packaged, both in terms of the volume and weight of the pack.

In addition, for the most common packaging types and formats, the Commission will request the European standardisation bodies to prepare standard(s) specifying the maximum adequate weight and volume limits and, where appropriate, wall thickness and maximum empty space.

4) What are the ‘most common packaging types and formats’ mentioned in Article 10(3)?

The Commission will identify the ‘most common packaging types and formats’ in its forthcoming standardisation request pursuant to Article 10(3) PPWR.

These types and formats will be identified in collaboration with the industry and other stakeholders and be based on the available market data in terms of units placed on the market, on a level of granularity which accounts for the packaging functionality, packaging material and shape, as well as the packaged product. The potential for minimisation will also be considered in the framing of the standardisation request.

5) Which packaging is exempted from the minimisation requirements?

The following packaging is excluded from the minimisation requirements (Article 10(2)):

Packaged products or beverages that benefit from a geographical indication protected under Union law, such as under Regulation (EU) No 1308/2013 for wine, Regulation (EU) 2019/787 for spirit drinks or Regulation (EU) 2023/2411 for craft and industrial products or is covered by a quality scheme as referred to in Regulation (EU) 2024/1143.

If packaging design is protected by a Community design pursuant to Council Regulation (EC) No 6/2002 ⁽⁶⁴⁾ or by design rights falling within the scope of Directive 98/71/EC of the European Parliament and of the Council ⁽⁶⁵⁾, including international agreements having effect in one of the Member States. For the exemption to apply, the packaging design must be protected before 11 February 2025, and the application of the minimisation requirements affect the packaging design in a way that it would alter its novelty and its individual character

If packaging shape is a trademark falling within the scope of Regulation (EU) 2017/1001 ⁽⁶⁶⁾ or Directive (EU) 2015/2436 ⁽⁶⁷⁾, including trademarks registered under international agreements having effect in one of the Member States. For the exemption to apply, the trademark must be protected before 11 February 2025, and the application of the minimisation requirements affect the packaging in a way that the trademark can no longer distinguish the marked product from those of other undertakings.

If the economic operator wants to use these exemptions, it will need to provide evidence related to them in the technical documentation. It will not be sufficient to provide a licencing number. It will also be necessary to demonstrate the existence and assessment of other conditions.

6) How will the packaging ‘shape’ affect the packaging minimisation assessment?

Firstly, the economic operator will have to consider if its packaging is covered by the exemption in Article 10(2)(a) related to shapes which are protected trademarks and if the conditions set out in that provision for exemption from the minimisation requirements are fulfilled. The verification of said conditions needs to be demonstrated by the economic operator.

If the packaging is not covered by the exemption, economic operators will apply the updated harmonised standard on the methodology for packaging minimisation assessment to be requested by the Commission pursuant to Article 10(3). This updated harmonised standard will take the packaging shape into account in its methodology. For example, if a specific shape is necessary to provide packaging for the packaging functionality, such as safe-handling design, child resistance, anti-tamper, anti-theft, anti-counterfeit, hazard warnings, or specific product characteristics.

7) What is the relationship between the minimisation requirement in the PPWR and the ones in the ESPR?

The general principle is that acts under the ESPR only take the lead on regulating products when their environmental sustainability dimensions either cannot or have not been fully and appropriately addressed by other instruments. This principle applies also to packaging. As explained in Recital 25 of the ESPR, if needed, the ESPR may complement the PPWR by setting product-based requirements that focus on the packaging of specific products. The ESPR will not, however, set general eco-design or sustainability requirements for packaging as a product group because these requirements are laid down in PPWR.

VIII. LABELLING

1) Will labelling requirements for reusable packaging under Article 12(2) apply at the level of each individual packaging?

Reusable packaging must be designed to ensure a minimum number of rotations, which will be established in the delegated act to be adopted under Article 11(2). The obligation to calculate and report on the number of rotations for reusable transport packaging will depend on the type of reuse system. Namely, open-loop reuse systems without a system operator are exempted from this obligation and from the obligation to bear a reusable packaging label and a QR code.

According to Article 12(2), reusable transport packaging circulating within closed-loop systems will have to bear a reusable packaging label and a QR code or another standardised open digital data carrier that will allow for tracking of the individual packaging and the calculation of its rotations. The detailed rules, including the label informing consumers that a packaging is reusable, will be clarified in the implementing act to be adopted under Article 12(6). This act will also specify situations when it is considered that an individual QR code and tracking of rotations is not feasible and the calculation of rotations can thus be made based on an average estimation.

2) Under what circumstances are labels, marks, symbols, or inscriptions considered misleading?

Marks, symbols, labels, or inscriptions should not mislead consumers regarding sustainability requirements of packaging such as its recyclability, recycled content, reusability, compostability, bio-based content, hazardous substances content or waste management options (Article 12(8)).

To further understand the notion of misleading claim please refer to Directive (EU) 2024/825 ⁽²⁰⁾ ‘Empowering Consumers for the Green Transition’. Claims are considered misleading if they cause the consumers to make decisions that they would not otherwise make.

3) Should a packaging bear a national DRS label when it is imported from one Member State to another?

Labelling of packaging covered by the mandatory deposit and return systems has not been harmonised in the PPWR. Therefore, products will have to comply with the DRS label of the Member State where they are made available on the market. Member States may require that such packaging be marked with a ‘*harmonised colour label*’ as specified in Article 12(1), fourth subparagraph. If products are imported in the context of private imports, i.e. directly by the end user and with no intention to commercialise them, this is not considered ‘making available on the market’. Member States cannot prohibit the affixing of DRS labels in place in other Member States.

4) Which are the substances of concern that need to be identified by the labelling requirements in Article 12(7), second subparagraph?

The European Chemicals Agency (ECHA) is currently conducting a study to identify the substances of concern (SoC) in packaging that could affect human health and those that can impact packaging reusability and recyclability. Based on this input, the Commission will develop an implementing act establishing the methodology for labelling of SoC by means of digital labelling.

⁽²⁰⁾ Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information (*OJ L*, 2024/825, 6.3.2024)

IX. ENVIRONMENTAL CLAIMS

1) Will businesses be allowed to make environmental claims about features that are equivalent to those established by the Regulation?

Article 14 applies only to *'properties for which legal requirements are set out in this Regulation'*. Environmental claims and sustainability labels related to, e.g., recyclability, compostability, recycled content, reusability, weight and volume minimisation, fall under the PPWR and manufacturers will need to make sure that such claims comply with Article 14, i.e. relate to properties that go beyond minimum requirements set by the PPWR and specifies if the claim refers to the whole packaging unit or a specific part of it.

As regards environmental claims related to sustainability requirements outside the scope of this Regulation, for example recycled content in aluminium packaging, they must comply with the existing EU rules on environmental claims, in particular the Empowerment of Consumers Directive (EU) 2024/825, which amends the Unfair Commercial Practices Directive (2005/29/EC) and the Consumer Rights Directive (2011/83/EU). For further information on the relationship between the Unfair Commercial Practices Directive and other legislation, please, consult the Commission Guidance document on its interpretation⁽²¹⁾, in particular parts 1.2.1. on relationship with other EU legislation and part 4.1.1.1 on the Interplay with other EU legislation on environmental claims, which explains that *lex specialis* (e.g. PPWR) prevails over *lex generalis* (UCPD) in case of conflict.

2) In case the manufacturer wants to make a claim about the share of recycled content on the packaging unit, which threshold should be considered as the minimum requirement established by law? Will it be possible to make claims about 10, 20 or 50% of recycled content in each unit?

In case a manufacturer makes a claim about the share of recycled content in packaging placed on the market, the applicable minimum targets (calculated as an average per manufacturing plant and per year), will apply and the manufacturers will be allowed to make the claim only if the recycled content exceeds those targets. For recycled content, the calculation and verification methodology will be established by 31 December 2026 in an implementing act, and environmental claims will need to comply with these rules. The voluntary label for recycled content will be developed by the Commission.

3) Does Article 14 apply only for environmental claims which refer to requirements stated in the PPWR (e.g. recyclability) or also for any other kind of environmental claims on sustainable packaging?

Article 14 applies only to *'properties for which legal requirements are set out in this Regulation'*. Therefore, as regards environmental claims which are not regulated under the PPWR, e.g. related to recycled aluminium content, they must comply with the existing EU rules on environmental claims, in particular the Empowerment of Consumers Directive (EU) 2024/825.

⁽²¹⁾ [Commission Notice – Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market](#) (OJ C 526, 29.12.2021, pp. 1–129).

X. OBLIGATIONS OF MANUFACTURERS

- 1) **Article 15(1) states that manufacturers must place on the market only packaging which complies with the requirements set out in Articles 5 to 12. Does this obligation apply exclusively to packaging manufacturers?**

The obligation to place on the market only compliant packaging does not apply only to economic operators defined as the manufacturer, but also to importers and distributors.

Pursuant to Article 15(1), *‘manufacturers shall only place on the market packaging which is in conformity with the requirements laid down in or pursuant to Articles 5 to 12.’* The **conformity assessment procedure** (Article 38) can be carried out by the manufacturer or by someone else on their behalf (e.g. a laboratory or a certification scheme), in accordance with Article 15(2). The **EU declaration of conformity** (Article 39) must be drafted by the manufacturer, based on the information and documentation provided by suppliers pursuant to Article 16(1), or by an authorised representative, appointed by the manufacturer by a written mandate pursuant to Article 17. This means that **the manufacturer is the sole economic operator bearing legal responsibility for packaging compliance with the sustainability and labelling requirements**, regardless of the fact who might have actually drafted the EU declaration of conformity or parts of it.

- 2) **When is the effective date of application of Articles 15 and 18 of the PPWR on obligations of importers and manufacturers?**

PPWR will become applicable on 12 August 2026, and this includes provisions on the obligations of manufacturers and importers. However, these provisions must be read in conjunction with the substantive obligations, as defined in various provisions of the Regulation, notably in Articles 5 – 12. Some substantive provisions have different application dates, which are often linked to the adoption of a specific implementing measure by the Commission.

For example, as regards recyclability, manufacturers must comply with the recyclability requirements and perform the conformity assessment procedure in accordance with Article 38 and Annex VII of the PPWR only two years from the adoption of the delegated act on design for recycling requirements. On the assumption that this delegated act will be adopted by the Commission in January 2028 and will fully harmonise design for recycling requirements and the related assessment methodology, the binding recyclability performance criteria will only apply from 1 January 2030 or two years from the date of entry into force of the delegated act.

Other effective dates of application of sustainability and other key requirements under PPWR:

- Recycled content in plastic packaging: 1 January 2030 or three years from the date of entry into force of the implementing act referred to in Article 7(8) PPWR.
- Minimisation (Article 10(1) – (2)): 1 January 2030.
- Void space requirement for transport, grouped and e-commerce packaging: from 1 January 2030 or three years after the entry into force of the implementing act under Art. 24(2); as regards void space in sales packaging, see Art. 10.
- Reusable packaging (Art. 11): from the date of entry into force of the Regulation (11 February 2025), but minimum number of rotations will have to be complied with depending on the date that will be specified in the implementing act referred to in Article 11(2) to be adopted by 12 February 2027.
- Reuse targets: from 1 January 2030 or 18 months from the date of entry into force of the implementing act on the calculation of reuse targets, referred to in Article 30(3), to be adopted by 30 June 2027.

3) Should suppliers be required to mark ‘plain’ packaging, such as plastic carrier bags, with a serial number?

Suppliers of packaging or packaging material are not manufacturers according to the definition of manufacturer in Article 3(1), point (13), except when the ‘manufacturer’ is a microenterprise and the supplier is located in the same Member State.

The Regulation does not require that suppliers of packaging are identifiable on the packaging or via a data carrier. They must only ensure that the manufacturer has all the information and documentation necessary to demonstrate packaging conformity.

The Regulation does not require either that suppliers identify packaging with a type, batch or a serial number; this is an obligation that falls on manufacturers. However, in practice, it may well be that it will be the suppliers of packaging who will ensure that packaging is identifiable, as this is often done at the production stage.

4) Do importers or distributors who supply packaging materials need to comply with any requirements in the Regulation?

Suppliers do not have the legal responsibility to comply with the Regulation. However, **their clients** who place packaging or packaged products on the EU market (manufacturers, importers) will need to ensure that they use compliant packaging or packaging material. It is therefore normal to assume that suppliers that sell non-compliant packaging will lose their clients.

XI. EMPTY SPACE

1) Who is the obligated party to comply with the empty space requirements under Article 24?

Article 24(1) establishes maximum empty space ratio for grouped, transport and e-commerce packaging which needs to be met by the economic operator who fills such packaging. This may be the manufacturer as defined in Article 3(1), point (13), as well as other economic operators who make packaged products available on the market.

2) How should the term ‘minimum necessary’ in Article 24(4) be understood?

The empty space ratio for sales packaging means the difference between the total internal volume of the sales packaging and the volume of the packaged product. For assessing compliance with this paragraph, 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. For empty space ratio in sales packaging, there is no maximum threshold established in the PPWR; instead, it is left to the relevant economic operator who fills sales packaging to minimise the empty space and to demonstrate this in the technical documentation. This provision should be read in conjunction with Article 10 on packaging minimisation.

3) Are the design patents covered by the 50% empty space ratio requirement?

Contrary to Article 10 on packaging minimisation, Article 24 does not have specific exemptions for packaging covered by packaging design rights or trademarks. However, the 50% threshold applies only to grouped packaging, transport packaging and e-commerce packaging (Article 24(1)).

4) How will round products and other irregular shapes be addressed by the methodology for the calculation of the empty space?

By 12 February 2028, the Commission shall adopt implementing acts to establish the methodology for the calculation of the empty space ratio for grouped packaging, transport packaging and e-commerce packaging (Article 24(2)). That methodology shall consider the special characteristics of packaging which needs to be placed in an empty space that is large enough to comply with the applicable legal requirements or to protect the product. The methodology shall take into account packaged products of irregular shape, packaging containing more than one sales packaging or product, packaging containing liquid products, packaged products the content of which can easily be damaged and packaged products that can be damaged by larger products due to their small dimensions, and the minimum space on the transport packaging to enable shipment labels to be affixed. Economic operators will need to comply with the empty space ratio threshold by 1 January 2030 or 3 years after the entry into force of this implementing act.

The methodology will be based on a wide range of examples, including irregular shapes.

XII. BANS AND THE USE OF CERTAIN PACKAGING

1) What instruments are available to ensure legal harmonisation and predictability of the implementation of Annex V?

The Regulation empowers the Commission to adopt guidelines by February 2027, in consultation with Member States and EFSA (European Food Safety Authority), to *explain* Annex V in more detail, including examples of packaging formats in scope, and any exemptions from the restrictions, and provide a non-exhaustive list of fruits and vegetables that are excluded from point 2 of Annex V (Article 25(6) PPWR).

The Commission has started preparatory works for the guidelines and intends to ensure that these guidelines are based on science and on the latest technological developments. The intention is to ensure a common understanding and the equal implementation of the packaging formats in scope, and any exemptions from restrictions. While the Regulation does not empower the Commission to harmonise the list of exempted fruits and vegetables via an implementing or delegated act, the Commission, together with EFSA, has been working hard to ensure a solid scientific basis for the future guidelines, and expects that Member States will follow the guidelines, once published.

Finally, the Regulation contains a specific review clause requiring the Commission to assess, by 2032, the packaging bans and empowering it to propose new restrictions or to amend the existing derogations and exemptions.

2) What do the terms ‘unprocessed fresh fruits and vegetables’ and ‘demonstrated need’ in point 2 of Annex V mean?

The terms ‘*unprocessed fresh fruits and vegetables*’ and ‘*demonstrated need*’ will be further clarified after the formal consultation with the related stakeholders and EFSA, in the context of the development of the Commission guidelines.

The term ‘*unprocessed fresh fruits and vegetables*’ refers to fresh fruit and vegetables that have not been altered.

When such fruits and vegetables weigh less than 1,5 kg, they cannot be prepacked. The Commission will develop guidelines explaining, based on scientific studies, which unprocessed fresh fruit and vegetables are appropriate for exemptions.

3) Is it possible to extend the scope of the illustrative formats and products covered by point 4 of Annex V to additional sectors (e.g. schools), beyond the exemptions explicitly listed?

Point 4 of Annex V concerns single-use plastic packaging for condiments, preserves, sauces, coffee creamer, sugar and seasoning in the HORECA sector. It expressly exempts only (a) take-away ready-prepared food intended for immediate consumption and (b) the healthcare sector. The illustrative formats will be developed in the guidelines. The PPWR does not provide a legal basis to enlarge the list of exemptions to other sectors.

4) How shall the term ‘necessary to facilitate handling’ under point 1 of Annex V to be understood?

The restriction in question concerns ‘*single- use plastic grouped packaging used at the point of sale (...), designed as convenience packaging to enable or encourage consumers to purchase more than one product*’. What is targeted is unnecessary single-use plastic grouped packaging designed for ease of use and portability, and which also incites consumers to buy more.

Both conditions should be fulfilled for the ban to apply. The most common examples of such packaging are collation films and shrink wraps, grouping two or more stock keeping units (SKUs).

Other examples and other guiding principles will be provided in the guidelines. As regards B2B situations, they are not covered by the ban.

The Commission guidelines will further specify how the term ‘necessary to facilitate handling’ will be operationalised, through illustrative examples.

5) Are biodegradable or compostable bags banned by Annex V, point 6?

All very lightweight plastic carrier bags (thus including compostable or biodegradable bags) are banned under Annex V, point 6. However, if such bags are needed for hygiene purposes or provided as sales packaging for loose food to prevent food waste, they are excluded from this harmonised ban.

Very lightweight plastic carrier bags, which are needed for hygiene purposes or provided as sales packaging for loose food to prevent food waste’, although not banned by Annex V, point 6, are in principle included in the 40% reduction target set out in Article 34(1) PPWR for all lightweight plastic carrier bags. However, Member States may decide to exempt that specific type of bag from the reduction target (Article 34(4) PPWR). To reach the 40% target, Member States may decide to ban very lightweight plastic carrier bags, including compostable or biodegradable bags, which are needed for hygiene purposes or provided as sales packaging for loose food to prevent food waste

However, marketing restrictions (bans) by Member States must be proportionate and non-discriminatory (Article 34(2) PPWR).

6) Can hotel miniature cosmetics be available on demand? Can we expect derogations for products packaged for hygienic reasons, such as toothbrush and cotton pads?

Annex V, point 5, refers to ‘*single-use accommodation sector packaging intended for an individual booking*’.

The Regulation does not define the terms ‘cosmetics, hygiene and toiletry product’, nor does it exempt miniature packaging available *on demand or purchased* at the hotel premises, but only those intended for an individual booking. To ensure a harmonised approach, the Commission is mandated to explain Annex V in more detail, including examples of the packaging formats in scope, and any exemptions from the restrictions, by publishing guidelines by 12 February 2027 (Article 25(6) PPWR). The timely adoption of the Commission guidelines will ensure that the scope of the provision is sufficiently clear almost three years ahead of the application date.

The Commission intends to consult the relevant stakeholders, including the hospitality sector, before publishing them. Furthermore, it should be recalled that only packaging is banned and not products as such, which could therefore still be made available without packaging.

7) Will single-use plastic food and beverage packaging be banned from entertainment and sporting events and festivals?

Sport and entertainment venues and festivals are included in the ‘HORECA’ definition (Article 3(1), point (35)), which refers to ‘Accommodation and Food Service Activities according to NACE Rev. 2 – Statistical classification of economic activities. NACE Rev. 2 includes guidance which explains that the decisive element is that meals, including beverages, fit for immediate consumption are offered at the facility, and not *the kind of facility* providing them. However, establishments in the HORECA sector that do not have access to drinking water are expressly exempted from the ban, pursuant to Annex V, point 3.

8) Is hotel room service covered by the ban in Annex V, point 3? How about if a hotel delivers food outside the restaurant’s premises?

The packaging ban in Annex V, point 3, applies to the HORECA sector, which should be understood in line with the definition in Article 3(1), point (35), which in turn refers to NACE Rev. 2. Hotels are included in the HORECA sector, which means that room service falls under the ban.

However, if a hotel delivers food and beverages in packaging outside their premises, then such packaging is not banned under Article 25 and Annex V, point 3. However, in that case, the obligations relating to refill and re-use in the take-away sector, as specified under Articles 32 and 33, apply.

9) Is the list of examples outlined in the ‘*illustrative example*’ column of Annex V exhaustive?

The list is not exhaustive, as its wording (‘*illustrative example*’) demonstrates. The formats that fall within the scope of the bans will be further explained in the Commission guidelines to be developed by 12 February 2027, as mentioned in the answers to the previous questions.

XIII. REUSE AND REFILL

Reusable packaging (Article 11)

1) How will the rotations or trips of reusable packaging be calculated?

Reusable packaging must be designed to ensure a minimum number of rotations, which will be established in the delegated act to be adopted under Article 11(2). The obligation to calculate and report on the number of rotations for reusable transport packaging will depend on the type of reuse system. In particular, open-loop reuse systems without a system operator are exempted from this obligation (Annex VI, Part A, section 1 (i)). Closed-loop reuse systems with system operators must report on the number of rotations or trips for each individual reusable packaging, or for an average estimation if the calculation for each individual reusable packaging is not feasible.

The detailed rules on the calculation of the achievement of the re-use targets contained Article 30 will be clarified in the implementing act to be adopted under Article 12(6). This act will also specify the situations where it is considered that an individual QR code and tracking of rotations is not feasible and the calculation of rotations can be made based on an average estimation.

Manufacturers need to demonstrate that the design of reusable packaging and the related system for reuse allow packaging to comply with the minimum number of rotations requirement. This will need to be done at the time of placing packaging or a packaged product on the market in the technical documentation and applies both to reusable packaging circulating in open loop and closed loop reuse systems.

According to Article 27 and Annex VI, reuse systems must be designed to ensure that reusable packaging rotating within them completes at least the minimum intended number of rotations as set out in the delegated act. This will be verified by the Member States' market surveillance authorities (Article 62(1), point (h)).

Reuse systems

2) What is an 'open loop' reuse system and what are some concrete examples of such systems?

Open loop reuse systems are characterised by interoperability where reusable packaging can circulate across different companies, locations, product categories, or sectors rather than being returned to the single system operator. Open loop reuse systems do not necessarily mean that reusable packaging becomes the property of the consumer once paid for; this will depend on the business model. Such reuse systems are normally characterised by using standardised packaging, shared infrastructure (e.g. for collection, washing and redistribution), and are often coordinated by a system operator, who manages the logistics and ensures quality, even if the existence of a system operator is not a legal requirement under the PPWR.

Under the PPWR, open-loop systems without a system operator are exempted from the reuse labelling requirements and from the reporting on the number of rotations achieved.

Examples of open loop systems without a system operator are the following:

The 0.33-liter longneck reusable bottle system (in Germany): this system is mostly used by brewers, but also by mineral water companies and other carbonated soft drink producers. Although there is a standard for the bottle issued by the German Brewers Association and a licensing system for participants, there is no system operator.

The Euro Pallet: this system has a standard for the pallets, and licensees for production are issued, but there is no system operator or system management, even though an association (i.e., EPAL) is responsible for licensing and some other services.

3) How can economic operators using reusable packaging ensure that a proper reuse system is in place?

According to Article 27 PPWR, economic operators using reusable packaging must participate in one or more re-use systems and ensure that these systems comply with the requirements laid down in the PPWR, Part A of Annex VI. Economic operators also have the possibility to set up their own re-use system, which must comply with Annex VI. The PPWR establishes the minimum requirements for the reuse systems in its Annex VI, and the sector needs to find ways to cooperate and find the most appropriate solutions, depending on their respective products and the local circumstances, to optimise the functioning of the reuse system.

4) Does a reuse system need to be open for all end users?

Re-use systems can vary in size and geographical coverage and range from smaller local systems to larger systems that may span over one or several Member States' territory. Reuse systems do not have to cover the entire MS. They must however provide equal access and fair conditions to the end users in the area in which they operate.

Reuse targets for transport packaging

5) Would the exemption for cardboard boxes from the reuse targets for transport packaging cover interlayers and corrugated cardboard?

Article 29(4)(d) exempts cardboard boxes from the scope of the reuse targets. This should be understood as including corrugated cardboard boxes. However, the list of exemptions contained in Article 29(4) must be understood strictly and is limitative, in terms of material, format and use. Therefore, the exemption of cardboard refers only to cardboard boxes and does not include interlayers. Nevertheless, since they are also not a format that is explicitly listed in Article 29(1) and therefore, interlayers are also not concerned by the reuse targets in the first place.

6) What packaging formats are covered by the exemption for flexible formats for transport packaging?

Article 29(4)(c) excludes from the targets transport packaging flexible packaging formats that are used for transportation and that are in direct contact with food and feed, as defined in Article 2 and in Article 3, point (4), of Regulation (EC) No 178/2002 or with food ingredients as defined in Article 2(2), point (f), of Regulation (EU) No 1169/2011.

Therefore, all flexible formats, such as big bags or flexible intermediate bulk containers, as listed in Article 29(1), which are not used for direct contact with food and feed, and also not used for the transportation of dangerous goods (exemption envisaged under Article 29(4)(d)), and not custom-designed for the transportation of large-scale machinery (exemption envisaged under Article 29(4)(b)) should comply with the reuse targets set forth in Article 29(1) to (3).

These will be further specified in the context of the Implementing Act under Article 30 on the rules on the calculation of the achievement of the re-use targets.

7) Do 'pallet wrappings and straps' count as one format or two separate formats?

Pallet wrappings and straps are different packaging formats, but they may be part of the same transport unit for the purpose of calculating compliance with reuse targets under Article 29. This will be further clarified in the implementing act under Article 30 on the rules on the calculation of the achievement of the re-use targets.

8) If a format is not indicated in Article 29(1), can it still be in the scope of the reuse targets for transport packaging? Are all flexible packaging formats, such as sealed bags, in that scope or only those formats listed in paragraph 1?

Article 29(1) lays down an exhaustive list of packaging formats covered by reuse targets, including their flexible formats. If a sealed bag is an intermediate bulk container, it is within the scope of the reuse targets, unless it is in direct contact with food and feed, as specified in Article 29(4)(c), in which case it is exempted.

9) What is the definition of a transport unit?

The term is not defined nor used in the Regulation, but it might be defined in the future for the purpose of the rules on the calculation of the achievement of the re-use targets in the implementing act to be adopted under Article 30(3).

Reuse targets for beverages

10) Do the reuse targets for beverages apply to non-alcoholic and alcoholic beverages individually considered or are they joint targets?

The reuse target for beverages provided for in Article 29(6) applies to both alcoholic and non-alcoholic beverages. Final distributors, such as retailers, bars and restaurants, can decide what type of beverages (alcoholic, non-alcoholic or both) they offer for sale to consumers in reusable packaging in order to fulfil the reuse target. Final distributors shall, however, ensure that beverages of their own brand contribute on a fair and proportionate basis towards the achievement of the reuse target.

11) What beverages fall under the scope of the reuse targets for beverages?

The beverages within the scope of the reuse targets for beverages in Article 29(6) will be clarified in Commission guidelines to be adopted by 12 February 2027. The guidelines will be developed in consultation with the Member States and other relevant stakeholders.

Article 29(7) specifies that certain beverages are exempted from the reuse targets. This includes:

- Beverages which are highly perishable within the meaning of Article 24 of Regulation (EU) No 1169/2011 ⁽²²⁾.
- Milk and milk products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013 ⁽²³⁾ and their dairy analogies falling within codes 2202 99 11 and 2202 99 15 of the Combined Nomenclature (CN) in Annex I to Council Regulation (EEC) No 2658/87 ⁽²⁴⁾. Categories of grapevine products listed in points 1, 3 to 9, 11, 12, 15, 16 and 17 of Part II of Annex VII to Regulation (EU) No 1308/2013. Aromatised wine products as defined in Regulation

⁽²²⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304 22.11.2011, p. 18)

⁽²³⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, pp. 671–854)

⁽²⁴⁾ Regulation (EU) 2018/196 of the European Parliament and of the Council of 7 February 2018 on additional customs duties on imports of certain products originating in the United States of America ((OJ L 044 16.2.2018, p. 1)

(EU) No 251/2014 of the European Parliament and of the Council. Products that are similar to wine products and aromatised wine products and that are obtained from fruit other than grapes and vegetables, and other fermented beverages falling within CN code 2206 00. Alcohol-based spirituous beverages corresponding to CN heading 2208.

12) Can Member States set national reuse targets for beverages?

By 2030, Member States shall fulfil the waste prevention targets specified in Article 43(1). Member States may need to complement the harmonised EU measures with national measures, as specified in Article 51(2)(c). Member States may increase the harmonised reuse targets set forth in Article 29(6) or set reuse targets for other beverages. This may include beverages that are expressly exempted under Article 29(7).

To implement national reuse targets, a Member State needs to prove that this is necessary to meet the waste prevention targets, so as to avoid compromising the objective of market harmonisation. The targets will need to be notified to the Commission via the TRIS procedure, since such measures are technical regulations.

Member States can keep existing national reuse obligations in force until 1 January 2030, but from this date onwards the reuse targets in the PPWR will prevail. For further information on under what conditions that Member States can set national reuse targets, please consult the Commission guidance document.

13) Are operators of restaurants or bars covered by the 10% reuse obligation set on beverages?

All final distributors, including the ones in the HORECA sector, are obliged to fulfil the reuse targets for beverages provided for in Article 29. However, to minimise burdens on smaller businesses, final distributors with a sales area of less than 100 m² are exempted from this obligation by Article 29(6). Final distributors which make less than 1000 kg of packaging available on the territory of the Member State per year and fall under the definition of a micro-enterprise, are also exempted from the reuse target for beverages by Article 29(13)(a).

14) Is single use beverage packaging exempted from the reuse targets for beverages if it is part of a deposit and return system?

The obligation to fulfil the reuse targets for beverages in Article 29(6) applies to final distributors such as retailers and restaurants.

The PPWR does not contain a general exemption for single-use beverage packaging in a deposit and return system, but it provides a large number of exemptions and flexibilities. These includes:

- All final distributors with a sales area under 100 m² are fully exempted (Article 29(10))
- Member States can exempt final distributors on small islands with less than 2000 habitants (Article 29(11))
- Member States can exempt final distributors if their sales area is located in a municipality with population density of less than 54 persons/km². However, the targets will apply to final distributors with a sales area in population centres with more than 5000 inhabitants (Article 29(11)).
- Member States can allow final distributors to form pools for the purpose of meeting their reuse obligations jointly. This means that up to 5 final distributors, for example in densely and remote areas, can share the reuse obligation (Article 29(12)).

- All final distributors, who are micro-enterprises and do not make more than 1000 kg. of packaging available in a Member State a year, are fully exempted (Article 29(13))
- Member States can provide further exemptions for final distributors under certain conditions according to Article 29(14) and specified in point 25 of the Commission guidance document.

If all exemptions and flexibilities are fully applied in a Member State, the number of final distributors that are required to fulfil the reuse targets for beverages, will be limited. These final distributors would enjoy a high degree of flexibility in meeting the targets ensuring that national circumstances can be taken into consideration.

15) The reuse targets for beverages apply from 2030, which allows time to make the necessary adjustments to apply to the 10 % target. The Commission will review the reuse targets in 2034 in the light of the experiences gained. Under what circumstances will the Commission use its empowerment to exempt certain packaging formats or economic operators from the reuse targets?

The Regulation empowers the Commission to adopt delegated acts supplementing the harmonised reuse targets for transport packaging, grouped packaging and beverages provided for in Article 29. Such delegated acts can be adopted under strict legal conditions, and only if it is necessary to take account of the latest scientific and economic developments.

The empowerment to adopt delegated acts can only be used to exempt economic operators who face particular economic constraints, or specific packaging formats where achievement of the reuse targets is hindered due to either hygiene and food safety issues or environmental issues following the proper impact assessment as specified under the better regulation guidelines ([Better regulation: guidelines and toolbox](#)).

XIV. PLASTIC CARRIER BAGS

1) Are compostable waste bags considered lightweight plastic carrier bags?

No. Only sales bags (i.e. carrier bags) are covered by the definition of ‘packaging’ in Article 3(1), point (1), and the definition of ‘plastic carrier bags’ in Article 3(1), point (55).

Waste bags or doggy bags are products, not packaging, and therefore not covered by PPWR.

2) Can a Member State ban all very lightweight plastic carrier bags?

Very lightweight plastic carrier bags that are needed for hygiene purposes or provided as sales packaging for loose food to prevent food wastages are not banned under Article 25 PPWR. Member States may nevertheless decide to ban such bags to meet the sustainable reduction target for lightweight plastic carrier bags under Article 34(1). However, Article 34(2) requires Member States to consider the environmental impact of bags when they are manufactured, recycled or disposed of, and their intended use. Any bans (market restrictions) should also be proportionate and non-discriminatory. Member States must report to the Commission on the consumption of all very lightweight plastic carrier bags, even those which are excluded from the EU-wide or the national bans.

3) What are the requirements for compostable plastic carrier bags under the PPWR?

Compostable bags are exempted from the general packaging ban under Article 25, Annex V, point 6, if they are very lightweight plastic carrier bags and needed for hygiene reasons or for loose food to prevent food wastage.

The use of other very lightweight or lightweight plastic carrier bags is not banned under Article 25 and Annex V but could be subject to national bans, and other marketing restrictions, adopted under Article 34(2). Member States may also decide that very lightweight plastic carrier bags or lightweight plastic carrier bags that have not been banned at EU or national level should be compostable, under the conditions set out Article 9(2)(a).

XV. ASSESSMENT OF THE CONFORMITY OF PACKAGING

1) From which date will companies have to carry out the conformity assessment procedure mandated by the PPWR?

In general, the Regulation applies from 12 August 2026 (Article 71). However, certain key provisions will apply only from the date specified therein. In several cases, the entry into force of the obligation is linked to the expiry of a certain time after the adoption of the necessary implementing or delegated acts. This will give stakeholders and Member States sufficient time to adapt. When a relevant provision does not specify a specific date for its entry into application, the general application date applies, and companies will thus have to carry out the conformity assessment procedure by 12 August 2026.

2) Annex VII refers to packaging ‘type’. Does this wording mean the same as ‘types’ in Annex II, table 1?

The word ‘type’ referred to in Annex VII concerning the conformity assessment procedure is not the same as the packaging types referred to in Annex II. Annex VII refers to each packaging format or each packaging batch/series and not to packaging materials, which are used for recyclability assessment.

3) What is meant by ‘*the unique identification of the packaging*’ referred to in Annex VIII? Is the normal product traceability enough?

The Regulation does not define ‘*unique identification of the packaging*’. This wording, referred to in Annex VIII, means that the packaging itself needs to be identified in terms of the type, batch, or serial number.

4) Is it sufficient that a single declaration of conformity is drawn up for packaging or a packaged product? Or is it required that a dossier of all required declarations of conformity is drawn up as a single document?

When a packaged product is subject to more than one Union act requiring an EU declaration of conformity, such as the declaration of compliance under Article 15 of Regulation (EU) 10/2011 on plastic materials and articles intended to come into contact with food or Article 16 of Regulation (EC) No 1935/2004 on food contact materials, a single EU declaration of conformity may be drawn up for all Union acts. That declaration must state the Union acts concerned and their publication references. It may consist of a dossier of relevant individual EU declarations of conformity.

Therefore, manufacturers have a margin of discretion in assessing the necessity of drawing up a single declaration of conformity. However, in case a single declaration of conformity is drawn up, it must clearly distinguish the packaging from the packaged products. The manufacturer may decide whether the single declaration of conformity is presented as a dossier with different declarations of conformity or as a single document. If they are presented as a single document, the conformity assessment for the packaged product and the packaging should still be done and presented separately.

5) Is the assessment of conformity to be drawn up for each part of the packaging, such as a bottle, closure and label, or for the entire packaging unit?

The assessment of conformity must be performed, and the declaration of conformity must be drawn up, for the entire packaging unit. The assessment should include all integrated and separate components.

6) Is a conformity assessment procedure required for the exemptions set out in Article 6 on recyclability and in Article 7 on recycled content?

Compliance with the exemptions set out in Article 6 on recyclability and in Article 7 on recycled content should indeed be assessed and be included as part of the technical documentation referred to in Annex VII.

7) The wording ‘type, batch or serial number or other element’ in Article 15(5) suggests that manufacturers can choose to only indicate one of these. Which one?

The wording should be understood as a type, batch or serial number or other element allowing the identification of the packaging in question. Manufacturers can choose freely among these.

8) Is a manufacturer obliged to contact the competent authorities in each Member State where its packaging could end up?

There are similar obligations for manufacturers in Article 15(8) and distributors in Article 19(5) to inform the authorities if they suspect non-compliance in the countries where they have made the packaging or the packaged product available. The obligation of the manufacturer is to inform the competent authority in the country or countries where it had made the packaging or packaged product available on the market for the first time.

In cases where a manufacturer delivers products from one Member State to the warehouse of a distributor in another Member State, and the latter serves different national markets from the warehouse, it is the obligation of the distributor to inform the competent authority in each of those Member States.

9) Can packaging that was placed on the market before the date of application of the Regulation or of the relevant provisions remain on the market?

In general, packaging which was lawfully placed on the market before 12 August 2026, or otherwise before the date of application of a specific provision, may remain on the market without having to be brought into compliance, withdrawn or recalled. As an exception to this rule, for reusable packaging the cut-off date is 11 February 2025 (Article 15(9) PPWR), which means that packaging placed on the market before this date can remain on the market without having to be brought into compliance, withdrawn or recalled.

10) How should a presumption of conformity be construed in relation to the harmonised EU standards?

The PPWD sets out a number of requirements for placing packaging on the market (essential requirements). These can be considered as predecessors of the sustainability requirements in the PPWR. Under the PPWD, compliance with these essential requirements was presumed if packaging was compliant with the harmonised standards published in the Official Journal of the European Union ⁽²⁵⁾.

Under the PPWR, the existing harmonised standards can be used only as guidance (see Recital 58), which means that there can no longer be a presumption of conformity based on these standards. The only exception to this is laid down in Article 70(1), point (b), in relation to the essential requirements on packaging minimisation of the PPWD, which applies until end of 2029. This means that the related harmonised standard can be used for the presumption of conformity until that date.

⁽²⁵⁾ EN 13427:2004 ‘Packaging – Requirements for the use of European Standards in the field of packaging and packaging waste’ EN 13429:2004 ‘Packaging – Reuse’; EN 13430:2004 ‘Packaging – Requirements for packaging recoverable by material recycling’; EN 13431:2004 ‘Packaging – Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value’; EN 13428:2004 ‘Packaging – Requirements specific to manufacturing and composition – Prevention by source reduction’; EN 13432:2000 ‘Packaging – Requirements for packaging recoverable by composting and biodegradation’.

The Commission will consider taking formal measures to repeal the list of the old, harmonised, standards before the PPWR becomes applicable, to avoid any confusion ⁽²⁶⁾.

Presumption of conformity with new or revised harmonised standards in support of PPWR will again be possible from the date when a Commission decision listing the relevant harmonised standards will be published in the Official Journal of the European Union. This publication of references will allow the presumption of conformity to apply from that date onwards.

11) If a packaging is made from the same materials, but has different sizes, should a declaration of conformity be drawn up for all sizes of or is just one declaration for all sizes enough?

According to Annex VII, the manufacturer must draw up a written declaration of conformity for each packaging type. The declaration of conformity must identify the packaging for which it has been drawn up. The documentation shall make it possible to assess the packaging's conformity with the sustainability requirements, laid down in Article 5 – 12. The technical documentation must specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture, use and operation of the packaging. For example, the assessment of the minimisation requirement will depend on the packaged product whereas the assessment of recycled content might depend on the weight of the packaging.

It follows that the declaration of conformity should be drafted at the level where packaging has the same characteristics in view of the applicable requirements and the packaged products. Therefore, if the products differ, a manufacturer should not draft a single declaration of conformity for all packaging placed on the market.

Concretely, if bottles are of different sizes and contain the same product, and the difference in size does not affect compliance with any of the requirements in Article 5 – 12, then the manufacturer may draft a single declaration of conformity for the bottles.

Manufacturers must ensure that the series production of packaging remains in conformity with the Regulation. They must consider if changes in packaging design or in its characteristics, as well as changes in harmonised standards or other rules by reference to which conformity is declared or verified, require reassessment.

12) Does transport packaging also require a conformity assessment and a declaration of conformity?

There is no exemption for transport packaging. Indeed, completely different packaging types, such as pallets, pallet collars, wrappings and straps, must undergo separate assessments and must have separate declarations of conformity.

13) Who will monitor if the recyclability assessment carried out by the manufacturer is correct?

The manufacturer is obliged to carry out the recyclability performance grade assessment. The result of this assessment must be included in the technical documentation before the packaging is placed on the market. Market surveillance authorities will carry out checks based on their national plans and should apply penalties set at national level in accordance with Article 68.

14) Will economic operators face fines in case they place on the market packaging that is PPWR-compliant but does not comply with national requirements?

⁽²⁶⁾ In case of safety legislation with harmonised standards, the harmonised standards cited in the Official Journal of the European Union under repealed legislation remain valid for the purpose of the presumption of conformity if these references are not withdrawn from the OJEU. This interpretation comes from ECJ ruling T-474/15, Global Garden Products vs. Commission.

To reply to this question, it is necessary to distinguish between:

- 1) additional national requirements adopted pursuant to Article 4(3) and
- 2) additional national requirements explicitly allowed in specific articles of the PPWR.

In the case under point 1), fines are not allowed as they have a deterrent effect on the economic operators and may create market barriers. In the case under point 2), fines are allowed, given that the Regulation explicitly empowers Member States to go beyond the Regulation. However, such national fines still must comply with the general rules of the Treaty, in particular proportionality, which is for Member States to demonstrate. This evidence is to be provided at the time of the TRIS notification.

XVI. WASTE PREVENTION

1) How are the packaging waste reduction targets going to be implemented?

The implementation of packaging waste reduction targets is the responsibility of each Member State. It is Member States's responsibility to reach the target and put in place the waste reduction measures necessary to reach the targets set out in Article 43. While the Regulation harmonises several packaging waste prevention measures, such as laying down reuse targets, refill and reuse obligation for take-away sector, packaging bans, and minimisation of packaging requirements, including empty space thresholds, it is up to the Member States to implement some of these harmonised measures, as well as to lay down possible additional national waste prevention measures necessary to reach the targets set out in Article 43(1).

National measures which are applied in addition to the EU harmonised measures may include, but are not limited to, economic incentives, EPR schemes, and public awareness campaigns, as this is outlined in Article 43(5). The measures may also include additional obligations on economic operators, such as higher or additional reuse targets, subject to the conditions under Article 29(15) and -(16) as explained also in the Commission guidance document. Pursuant to Article 43(5), national implementing measures must be proportionate and non-discriminatory and be designed to avoid barriers to trade or distortions of competition. They must not lead to a shift to lighter packaging material, which does not comply with other sustainability requirements, such as recyclability, being used to fulfil the goal of the packaging waste reduction.

2) What happens if a Member State does not reach the waste prevention targets?

Each Member State must reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 and as reported to the Commission in accordance with Decision 2005/270/EC, by at least 5% by 2030, 10% by 2035 and 15% by 2040. The Commission will monitor the implementation of these targets based on the data on packaging waste generated reported by Member States. A Member State's failure to meet the targets is susceptible to lead to appropriate enforcement action by the Commission.

3) Does the waste reduction target cover all packaging waste generated in a Member State or only household packaging waste?

The PPWR applies to all packaging and to all packaging waste, whether it originates from industry, other manufacturing, retail or distribution, offices, services or households. The provisions related to the calculation of the packaging waste generated (see Article 53(2)) cover all packaging waste generated on the territory of a Member State. Therefore, the statistical data on packaging waste generated, as reported by Member States to the Commission, cover all packaging waste generated on the territory of a Member State.

It is up to Member States to decide how they implement Article 43 and what measures they take to meet the waste reduction targets established in that provision. Member States can exclude certain types of waste from the national waste prevention targets and focus merely on the household packaging waste, if they consider that this will be sufficient to meet the targets. Member States may maintain the established separate systems for the management of household packaging waste, on the one hand, and for industrial and commercial packaging waste, on the other hand (Article 43(3)).

4) Will Member States be obliged to notify the national rules they wish to introduce to achieve the waste reduction targets via the TRIS?

Directive (EU) 2015/1535⁽²⁷⁾ imposes an obligation on the Member States to notify to the Commission all draft technical regulations concerning products (and Information Society Services) before they are adopted in national law.

The term ‘technical regulation’ should be understood broadly. It means technical specifications, other requirements or rules on Information Society services which are laid down by the Member States, the observance of which is compulsory, de jure or de facto, for the marketing or use of a product, for the provision of a service or the establishment of a service operator. It covers also regulations or administrative provisions prohibiting the manufacture, importation, marketing or use of a product or prohibiting the provision or use of a service, or establishment as a service provider. Therefore, all new draft implementing measures, which are technical regulations, must be notified in the Technical Regulations Information System (TRIS)⁽²⁸⁾. Member States do not need to re-notify under the TRIS notification procedure their existing national measures which are compliant with the Regulation.

Notifications by Member States are made at the draft stage, that is, at a stage of preparation at which substantial amendments can still be made (Article 1(1)g) of Directive (EU) 2015/1535).

National technical regulations which were not notified can be declared inapplicable to individuals by the national courts⁽²⁹⁾.

5) Obligation for the Member States to ensure that their national measures that were adopted to achieve the packaging waste reduction targets do not *‘lead to a shift to lighter packaging material being used to fulfil the goal of packaging waste reduction’* and that such measures also *‘reduce the quantity of plastic packaging waste generated’*.

This obligation is placed on the Member States, and they must inform on how they achieve this result in their waste prevention programmes adopted under Article 42(2) PPWR and in the TRIS notification procedure. The Commission has a general monitoring competence and may also decide to help Member States by giving additional guidance. However, the Commission does not have a specific empowerment to provide guidance on the implementation of this provision.

⁽²⁷⁾ 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, 17/09/2015, p. 1–15*).

⁽²⁸⁾ [TRIS - European Commission](#).

⁽²⁹⁾ ‘CIA-Security’ (Case C-194/94).

XVII. EXTENDED PRODUCER RESPONSIBILITY

1) Are micro-enterprises exempted from Extended producer responsibility (EPR) obligations?

There is no general exemption for micro-enterprises from EPR obligations in the PPWR or Directive 2008/98/EC (Waste Framework Directive (WFD)). All producers are responsible for waste management of the packaging that they make available on the territory of a Member State for the first time. This includes registering in and reporting to that Member State's register of producers according to Article 44.

To minimise administrative burdens on small producers, the PPWR sets fewer reporting obligations on producers who make less than 10 tonnes a year of packaging available on the market of a Member State. Furthermore, Member States and producer responsibility organisations (PRO) must ensure equal treatment of producers regardless of their origin or size and must not place disproportionate burdens on small producers.

Member States continue to have the right to invoke lower administrative fees for smaller producers as established in the WFD after the application of PPWR. WFD establishes that were justified by the need to ensure proper waste management and the economic viability of the extended producer responsibility scheme, Member States may, provide that:

- in the case of extended producer responsibility schemes established to attain waste management targets and objectives established under legislative acts of the Union, the producers of products bear at least 80% of the necessary costs;
- in the case of extended producer responsibility schemes established on or after 4 July 2018 to attain waste management targets and objectives solely established in Member State legislation, the producers of products bear at least 80% of the necessary costs;
- in the case of extended producer responsibility schemes established before 4 July 2018 to attain waste management targets and objectives solely established in Member State legislation, the producers of products bear at least 50% of the necessary costs;
- and provided that the remaining costs are borne by original waste producers or distributors. This derogation may not be used to lower the proportion of costs borne by producers of products under extended producer responsibility schemes established before 4 July 2018.

The PPWR establishes that the producer is either the manufacturer, importer or distributor of packaging – depending on the context and whether the packaging is transport, sales, grouped, primary or service packaging. If a manufacturer is a micro-enterprise and that manufacturer is also the producer of the packaging, it will be exempted from its EPR-requirements when the supplier of the packaging materials is established in the same Member State.

2) To what extent does the PPWR harmonise national EPR schemes?

The PPWR harmonises certain administrative EPR obligations to lower the administrative burden for economic operators selling packaging or packaged products in multiple Member States. These requirements are related to registration, reporting deadlines and frequency, and the granularity of the data that needs to be reported.

The PPWR also harmonises who the producer is in a Member State. It is the packaging type and selling technique that determine whether a company is responsible for EPR obligations. Further information on how the definition of the producer applies, can be found under point II of this document.

Finally, the PPWR also harmonises the criteria for eco-modulation of EPR-fees. The eco-modulation will be based on the recyclability performance grades set in Article 6. Member States

are allowed to use additional criteria, such as reusability and recycled content, when they apply the framework for eco-modulation in their national EPR schemes.

In other areas, Member States continue to have a wide flexibility to organize EPR systems and waste management according to the national conditions and legal settings.

3) Which is the first calendar year that producers must report to the register of producers?

All Member States shall establish a register of producers that producers must register in and report to. By February 2026, the Commission shall adopt an implementing act laying down the format for EPR registering in and reporting to the EPR register (Article 44(14) PPWR). Member States will have 18 months to establish the register after the adoption of the act (Article 44(1) PPWR).

Producers shall report by June for each full preceding calendar year, and producers will therefore have to report to the national EPR registers according to the new harmonised rules for the first time by 1 June 2029.

4) What is the scope of the activities that online platforms can fulfil on behalf of their sellers?

Based on a written mandate by producers, online platforms can offer to pay the EPR fees in each Member State where the packaging or packaged products are made available on the market directly to consumers (Article 45(4) PPWR). However, only the producer, or its PRO or authorised representative, is responsible for the EPR registration and reporting. An online platform cannot fulfil these obligations on their behalf unless the producer has chosen to appoint the platform as an authorised representative.

5) Does an online platform need to check every producer before allowing them to use the platform?

To prevent free riding as regards EPR obligations, and in line with the obligations in the Digital Services Act (DSA) ⁽³⁰⁾, the PPWR provides that online platforms that allow consumers to conclude distance contracts with producers shall obtain information from producers that they are registered in the EPR register in the Member State where the consumer resides and a self-certification confirming that their EPR-obligations for packaging are fulfilled.

The online platform shall obtain this information prior to allowing the producers to use the platform's services. The online platform shall make best efforts to assess whether the information provided is reliable and complete, by using or verifying freely available online databases and online interfaces (Article 45(6) PPWR). This may include requesting the producers to provide supporting documents (Article 45(8) PPWR). Making best efforts usually requires the verification of the information provided by the producer with the data in the register of producers.

⁽³⁰⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (*OJ L 277, 27.10.2022, pp. 1–102*)

XVIII. RETURN AND COLLECTION SYSTEMS

1) How will priority access for recycled materials work in practice?

Collection systems and recycling facilities may provide priority access to recycled materials for use in applications where the distinct quality of the recycled material is preserved or recovered in such a way that it can be recycled further and used in the same way and for a similar application with minimal loss of quantity, quality or function (Article 48(2) PPWR).

The objective of this provision is to help economic operators comply with their recycled content requirements for plastic packaging under the PPWR. Therefore, Member States may establish such systems with regards to plastic packaging.

If such systems are established, priority access to the plastic recycled materials should be granted at market prices. The quantity of recyclates to which priority access is given should correspond to the quantity of packaging made available on the territory of the Member State by the economic operator within a specified timeframe. It is Member States who decide to establish such priority access systems must ensure that these conditions are complied with and monitored and shall notify such systems via TRIS.

2) What does it mean that packaging is separately collected?

Separate collection is defined in the WFD as *‘the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment’*. Member States must ensure that systems and infrastructure are set up to provide for the separate collection of packaging waste in accordance with the waste hierarchy, and to facilitate its preparation for re-use and high-quality recycling. More generally, Member States must ensure that the collection of the packaging materials is sufficient to achieve the recycling targets laid down in Article 52 and they must establish mandatory collection objectives for this purpose.

The requirements for separate collection vary. For example, separate collection of single-use beverage packaging of plastic and aluminium in Article 50 refers to collection in a deposit and return system.

Calculation and reporting requirements for separate collection for the purpose of complying with the separate collection requirement under Article 50(1), and for the purpose of establishing the ‘at scale’ methodology, will be specified in an implementing act to be adopted by 12 February 2027 under Article 56(7).

3) How is composite packaging accounted for in the calculation of recycling targets?

According to Article 53(3), Member States must calculate recycling targets for composite packaging based on all materials contained in the packaging unit. Pursuant to Article 53(4), Member States may derogate from this requirement where a given material constitutes an insignificant part of the packaging unit, and in no case more than 5% of the total mass of the packaging unit. The 5 % threshold applies to the total mass of the packaging unit.

4) Are the terms ‘ferrous metal’, ‘ferrous metal (including tinplate)’ and ‘steel’ all synonymous for ‘ferrous metal including tinplate’?

The terms *‘ferrous metal (including tinplate)’* is used in the PPWR only in the context of Member States’ reporting on reusable packaging. It is also referred in Table 1 of Annex II regarding materials and formats for which DfR criteria will be established.

In the interest of coherence, the terms *‘steel’* in Table 3 of Annex XII and the term *‘ferrous metals’* used in Article 52(1)(b) and (d), and in Table 1 of Annex XII, also include tinplate.

XIX. DEPOSIT AND RETURN SYSTEMS

1) Does the exemption from setting up a deposit and return systems (DRS) apply to the two beverage packaging types separately?

The 90 % separate collection targets for single-use plastic beverage bottles and metal beverage containers are two separate collection targets that apply by 1 January 2029. An exemption from the requirement to be part of a DRS would therefore need to be obtained separately for each format.

Article 50(5) establishes that Member States which collect more than 80% of all single-use plastic beverage bottles or metal beverage containers within the scope of the PPWR by 2026 may be exempt from the obligation to set up a DRS. Member States would also have to show with concrete measures how they will reach 90% separate collection targets by 2029 without setting up a DRS when notifying the Commission about their request for an exemption.

2) Can a Member State set additional national requirements for DRS?

Pursuant to Article 50(9) PPWR, Member States may adopt provisions for DRS which go beyond the minimum requirements set forth in Article 50 and in Annex X, while observing the Treaty on the functioning of the EU and acting in accordance with the PPWR.

For example, Member States are encouraged to establish or maintain DRS for single-use glass beverage bottles and beverage cartons and may include beverages which are not required to be part of a DRS under Article 50(4), such as wine, spirits or milk-based products, as well as for other products. They should, however, be mindful of the negative impact on the internal market of such rules and should take account of the recommendations in the Communication from the Commission — Beverage packaging, deposit systems and free movement of goods (2009/C 107/01). Member States should encourage DRS for reusable packaging, in particular for reusable glass beverage bottles.

Member States must ensure that the return of packaging is convenient for end users and may establish additional minimum requirements to ensure that the objectives of the Regulation are met and to increase the purity of the collected packaging waste and reduce litter (Article 50(9) PPWR).

3) What is to be understood by ‘high transboundary business’ in Annex X?

Annex X requires that Member States with regions with high transboundary business ensure that the DRS allow for collection of packaging from other Member States’ DRS at designated collection points and that they must endeavour to enable the possibility of return of a deposit that was charged to the end user when purchasing the packaging.

Member States will need to assess if this requirement applies when ensuring compliance with the minimum requirements in Annex X. The minimum requirements apply to DRS established after 11 February 2025, whereas for the existing DRS, Member States must only apply the requirements from 1 January 2035 if the 90% separate collection targets are not reached by 1 January 2029 (Article 50(11) PPWR). Given that an increasing number of Member States is establishing DRS, the need for transboundary collaboration between the DRS’ is likely to increase to ensure separate collection of beverage packaging. The Commission must assess best practice of such measures by 2038 in collaboration with Member States to strengthen interoperability of DRS from different Member States (Article 50(11) PPWR).

4) Do all DRS have to be non-profit?

A DRS for single-use beverage bottles of plastic and metal containers established after 11 February 2025 must be non-profit, as specified in the minimum criteria set out in Annex X, point f.

DRS established before 11 February 2025 are required to be non-profit by 1 January 2035 only if the Member State does not reach the 90% separate collection targets when they are first reviewed or at the latest by 1 January 2029 (Article 50(11) PPWR).

5) Is packaging of milk, wine and spirits also exempted from the 90% separate collection targets?

According to Article 50(4), single-use plastic beverage bottles and metal containers with milk and milk-products, wine or products similar to wine and spirits are exempted from the requirement to be part of a DRS. However, such products must be included in the calculation of the separate collection targets under Article 50(1). Moreover, Member States have flexibility on whether or not to include the packaging for these products in their DRS.

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