



How can companies best prepare for the requirements of the packaging and packaging waste regulation?

With the publication of the PPWR on 22 January and requirements beginning to apply from August 2026, Marie Escorneboueu and Aodhan McGourty from law firm Squire Patton Boggs guide companies through some of its most significant provisions, next steps and recommendations

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The packaging and packaging waste regulation (PPWR) introduces a vast number of new requirements, but several uncertainties remain when it comes to implementation. One reason for this is that the PPWR cannot provide the technical details needed to address the huge array of packaging that exists on the market. Accordingly, it leaves it to the European Commission to define the details of many requirements by way of delegated and implementing acts.

An important example of this is the PPWR's requirement in Article 6(1) that all packaging placed on the market be

recyclable. The specific details will only become clear at a later stage, when the Commission has had the opportunity to adopt delegated acts containing design for recycling criteria and recyclability performance grades.

The PPWR requires the Commission to adopt those acts by 1 January 2028 for different categories of packaging, distinguished per predominant material. All packaging placed on the market will need to comply with these criteria by 1 January 2030 or 24 months after those acts enter into force (whichever is later). Packaging below a grade C (in other words, rated below 70%) packaging performance will not be allowed on the market from this date.

Imported post-consumer plastic material

A further example of an area where the content of a Commission act will prove critical is imported post-consumer plastic material (PCR). Article 7(3) of the PPWR includes a "mirror clause" providing that imported PCR can be used to attain the PPWR's recycled content targets, but only where it meets emission limits and environmental requirements that are equivalent to those applicable in the EU.

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However, the Commission will still need to adopt an implementing act establishing the methodology to assess such equivalence, which may well make or break the mirror clause's practical utility.

The implications of this are significant, as it could mean almost absolute protection for PCR originating in the EU (potentially culminating in a trade issue), or continued access to cheaper and more plentiful imported PCR..

Substances of concern

Significant additional developments in the area of substances of concern can also be expected.

By 31 December 2026, the Commission – assisted by ECHA – must prepare a report on the presence of substances of concern in packaging and packaging components. It must also consider what follow-up measures are needed. This may include REACH restrictions, in the case of substances identified as primarily affecting human health or the environment, or requirements set under the PPWR's design for recyclability criteria, in the case of substances that negatively affect the reuse and recycling of materials.

Article 5 of the PPWR also includes a specific provision regarding the presence of per- and polyfluoroalkyl substances (PFAS) in food contact packaging. It will be important to monitor ongoing work at the REACH level to determine if it may impact the future of this provision.

Packaging format exemptions

Another reason for the lack of certainty is that there are some limited instances where the PPWR provides for flexibility.

An interesting and topical example is Article 29(18), which empowers the Commission to exempt packaging formats from the regulation's reuse targets in Article 29, in light of the latest scientific and economic data and developments. Article 29(2) and (3) currently require companies to ensure that certain kinds of packaging they use to transport goods either within the same company or between companies within the same member state are 100% reusable by 2030.

However, the Commission has already launched an assessment with a view to exempting pallet wrappings and straps from this 100% requirement by way of a delegated act, provided the relevant conditions are met.

The PPWR also creates the potential for leeway on the minimum recycled content targets for plastic packaging contained in Article 7(1) and (2). The Commission can amend the minimum percentages, under certain conditions, if it

emerges that compliance is excessively difficult due to the lack of availability or excessive prices of specific recycled plastics.

National level developments

In terms of implementation, it is also important to note that while the PPWR provides for greater harmonisation among EU member states, companies still need to be mindful of developments at the national level.

There are several instances where the regulation gives member states the flexibility to depart from or go further than the requirements of the PPWR. For example, Article 29(15) of the PPWR permits member states to set more ambitious reuse targets than those provided for in Article 29.

Also, while the PPWR will harmonise the criteria for setting extended producer responsibility (EPR) fees based on packaging recyclability, member states remain free to take into account additional factors, such as recycled content.

While many of the requirements of concern to the industry will only take effect at a later date, this does not mean companies can sit back this year. Several requirements apply from 12 August 2026, which companies will need to prepare for now. This includes a requirement for manufacturers to get technical documentation and declarations of conformity in place for their packaging (at least in so far as the applicable Article 5 requirements on substances in packaging are concerned), as well as ensuring that packaging bears the identification information referred to in Articles 15(5) and (6) and 18(3).

Avoiding common pitfalls

We see a lot of companies feeling completely overwhelmed by the sheer number of requirements the PPWR contains and struggling to get to grips with many of its technical concepts. The fact that many of the specifics are lacking from the PPWR only adds to that difficulty. Even seemingly smaller issues that do not receive a lot of attention can pose challenges for companies in terms of implementation. For

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example, putting a system in place that matches declarations of conformity with packaging placed on the market is easier said than done.

Companies and sectors that have recognised early on how specific provisions of the PPWR affect their interests are already organising their advocacy strategies. Some have already started a data-gathering exercise that will allow them to contribute to the Commission's work from a very early stage to ensure their position is considered. Preparedness in this context is crucial because the Commission has already begun to work on the secondary legislation, such as on derogations from reuse targets for transport packaging.

Despite all the unknowns, we would also underline the importance for companies to use the time available to them now to prepare as much as possible. A good place for companies to start is to perform a supply chain analysis to understand whether they or their suppliers, customers or affiliates bear responsibility for a particular requirement under the PPWR and, if so, identify what they will need to do during the transition period and beyond.

It is also a good idea for companies to plan with some degree of adaptability. Since many of the specifics will be contained in secondary acts, companies would be wise to keep in mind that old expression that "the devil is in detail".

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