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# The EU's Packaging and Packaging Waste Regulation kicks off – key questions answered

With the application of the first wave of requirements under the PPWR on 12 August 2026, here is an overview of some key points that may be especially useful for companies that are new to the PPWR, as well as those looking to explain it to their customers.

## What is the PPWR?

The new set of EU rules applying to packaging and packaging waste.

## When do the rules kick in?

The first set of requirements applies from 12 August 2026. Additional requirements will take effect at later dates, many of them currently planned for 2030.

## What packaging is covered?

All packaging, be it sales packaging, grouped packaging or transport packaging.

## What are the main rules?

For the first wave, they can roughly be divided up into:

1. The conformity assessment procedure
2. Registration for extended producer responsibility (**EPR**)

1. Conformity assessment requires assessing the packaging for heavy metal content and, in the case of food contact packaging, per- and polyfluoroalkyl substances (**PFAS**) content. It also means adhering to the reuse conditions of the packaging, if it is claimed to be reusable.

   There is also a general obligation to minimise so-called "substances of concern". While the Commission has recently provided some guidance, the precise scope and practical application of this obligation remains somewhat unclear. Further clarity is expected later this year, when the European Chemicals Agency (**ECHA**) and the Commission are due to publish reports on the topic.

   The above has to be documented by the PPWR manufacturer in the technical documentation (**TD**), and then overlaid with a "declaration of conformity" (**DoC**).

   There are also traceability requirements to ensure packaging is linked to a DoC and that the manufacturer and, if applicable, importer are identified.

2. EPR registration generally requires companies that are putting packaging onto the market to register with a producer responsibility organisation (**PRO**), report packaging volume and/or weight on an annual/quarterly basis and pay associated fees.

   EPR schemes are currently set up on a Member State-by-Member State basis, which can make assessing which company is obliged to report (known as the "producer") quite complicated, as well as making the actual reporting cumbersome in practice.

## Who is the "manufacturer" that has to do the conformity assessment procedure?

Generally speaking, the company whose name and/or trademark appears on the packaging is considered the manufacturer.

For unbranded transport packaging, responsibility as the PPWR manufacturer generally rests, according to the Commission, with the entity that physically manufactures the packaging. This approach also applies to items such as cardboard boxes supplied flat and pallet wrap supplied in roll form.

## What evidence is required for the conformity assessment procedure?

It is a subjective self-assessment, which depends on the circumstances, and guidance remains incomplete.

Existing practice under the heavy metal restrictions provides a useful reference point. These restrictions have applied to packaging for many years under the Packaging and Packaging Waste Directive (**PPWD**), the PPWR's predecessor. Compliance can generally be demonstrated using information or statements from suppliers on constituents, with testing only normally required where reliable upstream information is unavailable.

Similarly, for PFAS, it has been noted that where PFAS are not intentionally added, the likelihood of exceeding the concentration limits is extremely low. The Commission has therefore proposed a draft three-pillar risk-based assessment for manufacturers focusing on intentional use, potential contamination during manufacture and the likelihood of PFAS being present in the material.

Whether or not testing is undertaken, the technical documentation should explain the assessment carried out and include supporting evidence, such as statements and other information obtained from upstream suppliers.

## What about companies that are concerned about the quality or completeness of their compliance documentation as of 12 August?

Such concerns are understandable as the PPWR is new, and there is considerable disagreement on its practical application. Hence, a degree of flexibility is expected from market surveillance authorities that may review the TD and DoC.

Importantly, the Commission has stated that the obligations applicable from 12 August 2026 should not disrupt trade flows, supply chains or consumer access to goods. In particular, it states that economic operators identified as being non-compliant should, as a first step, be informed of the issue and given an opportunity to remedy the non-compliance before more restrictive measures are imposed.

The Commission is also publicly recommending Market surveillance authorities not to take a sanctions-orientated approach and instead to support companies in complying with the new rules, including through requests for corrective action within a reasonable adaption period.

## Do the DoC and TD need to be submitted proactively?

Generally, no. It is a self-assessment procedure, and the documents just need to be retained in-house and made available to the relevant authorities upon request.

In the case of non-EU manufacturers, the DoC should generally be provided to the importer, so that they can keep this at the disposal of the authorities. As the TD may contain commercially sensitive information, it is not uncommon for manufacturers and importers to agree that the former will retain it and provide it directly to a market surveillance authority should an audit occur.

## Can non-compliant stock remain on the market?

Packaging first sold in the EU before 12 August 2026 can remain on the market, even if it does not comply with the PPWR.

For packaging that has been manufactured but not yet sold (e.g. sitting in the manufacturer's stock), the appropriate approach should be assessed on a case-by-case basis, depending on the nature of the non-compliance.

## Who is the producer that has to register for EPR?

Generally speaking, the producer is the locally established company that first sells a packaged product (in the case of sales and grouped packaging) in the Member State where that packaging is expected to become waste. In the case of transport packaging, the same principle applies to the first sale of the empty transport packaging.

Further rules apply where packaging is supplied directly to an end user or unpacked while still in the distribution chain.

The exact rules depend on the type of packaging and the supply chain arrangements, and the producer is not necessarily the same entity as the packaging manufacturer.

## How to get ready in case of an audit from market surveillance authorities?

Keep your DoC and TD readily available to ensure that you can reply within the 10-day deadline foreseen in the PPWR. You should also be prepared to provide translations into the language required by the market surveillance authority, if requested.

As PPWR enforcement is still at an early stage, the Commission supports a cooperative approach by market surveillance authorities, focusing on awareness-raising, requests for information and corrective action rather than sanctions. Companies that have taken reasonable steps to comply should therefore be well placed to address any initial compliance issues.

In case you need support on the PPWR, please contact:

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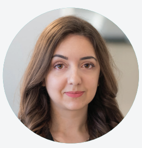

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