

PPWR:
New and Updated
FAQ Published



Sustainability

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The Packaging and Packaging Waste Regulation (Regulation (EU) 2025/40 – **PPWR**) becomes applicable on 12 August 2026. On 1 August 2026, the European Commission published the second edition of its PPWR Frequently Asked Questions (**FAQ**), containing 33 new or revised entries. The document is expressly non-binding but will serve as guidance for the national enforcement authorities. The latest FAQ by the Commission have a significant impact on the interpretation of some of the core concepts of the PPWR.

1. Manufacturer role for packaging in general

The Commission clarified the role of branding on the packaging and which standards apply for non-branded packaging.

1.1. Branding is the decisive criterion, and it applies across all packaging categories

The Commission provides further explanations on the relevance of branding on packaging – regardless of the packaging type. Where packaging bears a name or trademark, the economic operator behind that name or trademark is the manufacturer, even where another party physically produces or fills it. Name and trademark carry equal weight. The Commission bases this on the general definition of manufacturer in Art. 3(1) No 13 PPWR and the rationale of an underlying contractual power. The brand owner determines the packaging characteristics, even where it simply selects a standardised option without requesting design changes.

1.2. Unbranded packaging is determined by who orders and specifies

Where there is no name or trademark, the decisive criterion is who places the order and decides the design specifications. For generic, standardised packaging that will normally be the company that physically manufactures the packaging. For custom-made packaging it will be the ordering company, based on the reasoning that packaging designed around a specific product reflects the buyer's decisive power. The Commission also clarified that applying a shipping sticker does not confer a manufacturer status.

2. Role definition for transport packaging

Further, the FAQ add several clarifications for transport packaging.

2.1. Manufacturer of transport packaging

The manufacturer is identified at the point at which the empty transport packaging has reached its final form. This means that it can be used as transport packaging without further components or ancillary elements. The Commission draws a firm line between combining packaging items and a genuine assembly or transformation operation, such as on site moulding or the creation of a packaging item from components that do not themselves perform a packaging function. Using tape, wrap, boxes and pallets together does not mean each item of is not yet in its final form, according to the Commission.

A single shipment may therefore include packaging from several manufacturers, each needing its own technical documentation and declaration of conformity. A flat packed cardboard box is already in final form; stretch wrap is packaging when sold on the roll, notwithstanding that it is cut at the point of use.

2.2. Producer of transport packaging

The Commission also provided clarification on the producer role for transport packaging. In the end, a case-by-case decision must be made. A manufacturer selling unbranded boxes domestically is typically the producer. If a buyer in another Member State fills them, that buyer becomes producer there. Where sales packaging also performs a transport function, it remains sales packaging for this purpose, and the producer is the operator that fills it and first makes the packaged product available in the Member State concerned.

An intra-group movement may be considered “making available” on the market for transport packaging. Packaging a company produces itself and uses to move parts between its own sites has not been the subject of a commercial transaction and is not placed on the market. Third party sourced transport packaging used for the same purpose has been placed on the market, and the Regulation applies.

3. Imports and transit

From 12 August 2026, the importer must ensure that the third country manufacturer has carried out the conformity assessment procedure according to Art. 38 PPWR, has complied with the identification and contact details requirements in Art. 15(5) and (6) PPWR, and that the required documents accompany the packaging. The importer must additionally place its own name, registered trade name or trademark, postal address and, where available, electronic contact details on the packaging, or, alternatively, in a standardised data carrier (e.g. QR code) or on an accompanying document, Art. 18(3) PPWR.

Goods not declared for release for free circulation, which merely transit the EU en route to a non-EU destination, are not placed on the EU-market and PPWR compliance is not required. The same holds where products are imported and subsequently exported without being placed on the market, which requires an offer or agreement of transferring ownership, possession or another property right. The Commission clarifies that “release for free circulation” and “placing on the market” do not always coincide, e.g. in distance selling, placing on the market may precede release.

4. Manufacturer’s obligations and possibility to delegate

The conformity assessment may be carried out on the manufacturer’s behalf, for instance by a laboratory or certification scheme, and the EU declaration of conformity may be drawn up by an authorised representative under a written mandate. The compilation of the technical documentation itself may not be delegated. The Commission states that the manufacturer remains the sole operator bearing legal responsibility for compliance, and that this responsibility cannot be transferred by contractual arrangement. Indemnities allocate financial risk between the parties; they do not move the regulatory obligation.

Technical documentation must be retained for five years (single use packaging) or ten years (reusable packaging) and must include conceptual design, manufacturing drawings and materials of components; retention by the supplier alone is insufficient. A single declaration of conformity is drawn up for the packaging unit as a whole rather than per component, in the language of each Member State of supply. The older harmonised standards no longer confer a presumption of conformity, save for standards on packaging minimisation until the end of 2029. Compliance with the Food Information to Consumers Regulation does not discharge the PPWR identification requirements, since the responsible food business operator and the packaging manufacturer need not be the same person.

5. Packaging on stock and traceability

The Commission also extended the exception for packaging on stock. Packaging produced but not yet placed on the market by 12 August 2026 need not be destroyed, remanufactured or re-labelled, and the Art. 15(5) and (6) PPWR information may be supplied by accompanying document. Packaging already placed on the market before that date may remain there even if non-compliant. For packaging manufactured after 12 August 2026, an accompanying document is available only where affixing the information is not possible. The identification may operate at the level of type, model or production batch, provided the packaging can be linked to the technical documentation and declaration of conformity. Marking one component of a sales packaging unit suffices.

6. Enforcement from 12 August 2026

The Commission has adopted a notably conciliatory position on the opening phase of the PPWR starting from 12 August 2026. Products should not be banned from the EU market simply because their packaging is non-compliant on day one, and enforcement should not disrupt trade flows, supply chains or consumer access to goods. Under Art. 62 PPWR, a Member State becoming aware of non-compliance must first require the operator to bring it to an end, in effect a warning and an opportunity to take corrective action. Only where non-compliance persists authorities may prohibit, recall or withdraw the packaging. Market surveillance authorities are encouraged to support operators through awareness raising, requests for information and corrective action on a reasonable timeline, rather than to pursue a sanction oriented approach. It should be noted, though, that the FAQ are not binding and national enforcement may still be stricter in the Member States.

7. Outlook

Eleven days before the date of application, the Commission clarifies most of the core concepts of the PPWR. Some of these clarifications still contradict the views of the national competent authorities and stakeholders should therefore continue monitoring the situation in the Member States.

At the same time, the Commission recommended that the national authorities enforce the PPWR lightly, by requiring corrective measures first. Particularly with the clarification on transport packaging, more packaging will have reached the final stage and will already be on stock. This may give companies more time to finalise their PPWR compliance.

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