

# Don't Waste Your Time

## Filling the Content of the PPWR

13 April 2026

Recently, the European Commission officially published both its [Guidance](#) and [FAQs](#) on the [Packaging and Packaging Waste Regulation \(PPWR\)](#). As the PPWR will apply from 12 August 2026 onwards, further guidance on the Regulation's interpretation has been much anticipated, with now only roughly five months remaining until the first material obligations will apply. This briefing provides an initial overview of key aspects that economic operators should already consider when preparing for compliance. It is intended as a starting point for navigating a Regulation that will affect the vast majority of economic operators.

### Who is who and what is what

The first crucial question that market participants invariably need to ask themselves is whether the PPWR applies to them in its material and personal scope. While many obligations under the PPWR will not become relevant until over the next few years – since the PPWR provides for a phased implementation and various staggered thresholds – preparations should start now.

### Packaging items

In its material scope, the PPWR applies to almost all kinds of packaging and defines under Art. 3(1)(1) PPWR the term as follows: “[...] 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 [...].”

To identify whether an item is considered packaging under the PPWR, the Commission sets out a functional approach. Under this approach, the key factor is the intended use of the item. The Commission's Guidance provides a simple but telling example involving flower and plant pots. As long as a pot is used for growing and nurturing a plant, it does not constitute packaging. However, if the final pot used for growing is also intended to transport the plant to the customer, it will constitute packaging within the meaning of Art. 3(1)(1) PPWR. Hence, what may seem simple at first glance requires closer scrutiny upon second glance, and it is already here that the devil is in the detail.

## Manufacturer, producer, supplier, etc.

Second, and in analogy to many other European product compliance Regulations, it is decisive for economic operators to identify their own role under the PPWR, since different obligations apply to different economic operators.

Arguably, the concept of the manufacturer is key under the PPWR, as it is the manufacturer who bears responsibility for most of the obligations (cf. Art. 15 PPWR). Very importantly, there is only one manufacturer in a supply chain under the PPWR, whereas there can be various producers (see below). According to Art. 3(1)(12) PPWR, a manufacturer is “any natural or legal person that manufactures packaging or a packaged product”. The obligations of the PPWR apply to any manufacturer who places packaging or a packaged product on the market. As is well known from other Regulations, “placing on the market” means, in accordance with Art. 3(1)(10) PPWR, the first making available of packaging, whether empty or filled with a product, on the Union market.

According to the Commission’s Guidance, the “manufacturer” under the PPWR is generally the economic operator who fills the packaging with the product or carries out the final steps of assembling the packaged product. The Commission bases this view on typical market practice, noting that the manufacturer is usually the filler, who is in turn often the brand owner. As the brand owner, this operator typically has decisive contractual influence over suppliers and can therefore determine the characteristics and specifications of the packaging material. However, for transport packaging that does not bear any brand or trademark, the situation differs. In these cases, the economic operator producing the empty packaging material will generally be considered the manufacturer.

Next to manufacturers, the term “producer” is highly relevant, as it is the producer of packaging materials that bears the so-called EPR-obligations (extended producer responsibilities), which essentially entails paying the costs for the collection and recovery of packaging waste in a Member State (cf. Art. 45 PPWR). Depending on the distribution structure and the specific supply chain, the roles of manufacturer and producer may therefore overlap or be distinct. Here too, it is essential for economic operators to carry out a detailed analysis of the distribution channels. The same applies to determining other types of economic operators and their corresponding duties under the PPWR, such as importers, distributors, or suppliers.

## Start of application

The PPWR already entered into force on 11 February 2025 but will only apply from 12 August 2026. As with other regulatory frameworks (such as the EUDR), this raises questions about transition periods and the dates from which individual provisions will apply. As somewhat unsatisfactory rule of thumb, many provisions, will only become applicable

once the Commission has adopted the relevant implementing acts, which will specify the (technical) requirements.

In this context, the Commission provides a crucial clarification regarding Art. 6(1) PPWR, according to which “[all] packaging placed on the market shall be recyclable.” Strictly speaking and from the wording of Art. 6(1) PPWR alone, every packaging placed on the market must comply with this requirement from 12 August 2026 onwards. However, under Art. 6(4) PPWR the Commission is required, via delegated acts, to adopt harmonised recycling requirements and related assessment methodology. As long as these delegated acts have not been adopted, economic operators “only” need to comply with the already existing recyclability requirements provided for in the [Packaging and Packaging Waste Directive \(PPWD\)](#) (cf. [Commission’s FAQ, Section IV., Question No. 4](#)).

Nevertheless, some obligations do apply immediately, such as Art. 5(5) PPWR, which prohibits so-called PFAS (per- and polyfluorinated alkyl substances) in food-contact packaging. Importantly, the Commission’s Guidance clarifies that there will be no transitional period for packaging that has been produced before the start of application and that contains PFAS. Similarly, the obligation to minimise substances of concern in packaging under Art. 5(2) PPWR will apply immediately. Crucially, the definition of substances of concern under the PPWR aligns with the definition under the [Ecodesign for Sustainable Products Regulation \(ESPR\)](#). This shows that the PPWR is part of the overall [European Green Deal](#) framework (for more detailed information on substances of concern see the [Commission’s FAQs, Section III.](#)).

## Labelling requirements

Another example of how the PPWR is intertwined with other Regulations under the umbrella of the European Green Deal, is the upcoming labelling obligations under Art. 12 PPWR.

One of the aims of the PPWR is to ensure consistency with other Regulations and to consolidate information, if required by other Regulations, on a single digital carrier. This means that the digital product passport is coming into the spotlight, as illustrated by the frequent mention of QR codes as data carriers throughout Art. 12 PPWR. Art. 12(1) PPWR obliges manufacturers to mark packaging with an easily understandable, pictogram-based label that informs consumers about the material composition and facilitates sorting. Economic operators may additionally place QR codes or other digital data carriers on the packaging to provide further information. Under Art. 12(1) PPWR the use of QR codes is not mandatory, but under Art. 12(2) PPWR – labelling for reusable packaging – further information on reusability shall be made available through a QR code. In this context, recital No. 70 of the PPWR clarifies that where the packaged product is covered by Regulation (EU) 2024/1781 or other Union law requiring a digital product passport, that

digital product passport should also be used for providing the relevant information under the PPWR.

From a Union-wide perspective, the PPWR will replace all national labelling requirements, currently still based on the PPWD, and establish standardisation across the EU. In its Guidance, the Commission clarifies that there will be no transition period for the labelling requirements. Hence, and given again the granular nature of the PPWR, economic operators responsible under the PPWR should plan sufficiently in advance.

## Conclusion

Overall, this briefing covers only a small selection of PPWR topics that economic operators should already consider at this stage. The Regulation contains a wide range of other provisions – such as minimisation of packaging, special provisions for reuse and refill, waste prevention – and the devil is very in the detail. Although some requirements will only be further specified over the coming years, economic operators will sooner or later have to take the PPWR – as a complete package – into account in their day-to-day business activities.

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BLOMSTEIN will closely monitor further developments and keep you informed. If you have any questions on the PPWR and its various obligations, [Florian Wolf](#), [Juliana Wimmer](#), [Nils-Hendrik Grohmann](#) and the entire team is ready to assist you.

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