

Insights

NEW EU PACKAGING RULES ARE NOW IN FORCE — IS YOUR BUSINESS COMPLIANT?

Aug 17, 2026

Summary

An August compliance deadline always presents challenges and the entry into force of the EU [Packaging and Packaging Waste Regulation \(PPWR\)](#) 2025/40 on 12 August 2026 will require significant process changes, starting now, to enable businesses to meet the EU's new compliance metrics for packaging and packaging waste. Whilst some of the compliance deadlines in the PPWR may feel distant, packaging redesign, supply chain adjustments, and regulatory approvals take time. Now is the moment to act.

This briefing addresses some of the questions we are most commonly asked by our clients who sell packaged goods in and into the EU (including via retail and e-commerce channels), whether or not the business itself is based in the EU. It is intended as a general overview only. As the PPWR is detailed and fact-specific, please contact your usual BCLP contact for more advice on your particular packaging and supply chain arrangements.

The origins of the PPWR and headline compliance timelines

The PPWR replaces the previous Packaging and Packaging Waste Directive and introduces directly applicable, detailed obligations on businesses that place packaging or packaged products on the market in the EU (including, for these purposes, Northern Ireland, given the arrangements under the Windsor Framework). Compliance obligations are coming into force in phases, with requirements in force as of **12 August 2026** for restriction of use of PFAS in food-contact packaging and requirements to meet sustainability requirements. Restrictions on single use plastic formats, harmonised packaging labels, compliance with recyclability targets, deposit return systems and packaging minimisation rules are to come into force in 2028, 2029 and 2030.

Does the PPWR apply to our business if we are not based in the EU?

Potentially, yes. The PPWR is not limited to businesses established in an EU Member State. It applies as a result of requirements attaching to the packaging itself and to the act of placing that packaging on the EU market, regardless of where the relevant company is based.

Therefore, if your business manufactures packaging or sells packaged goods into the EU, whether through retail outlets, online sales, or otherwise, you will generally need to comply with the PPWR in respect of that packaging, even if your business is headquartered outside the EU. Non-compliant goods risk being rejected at EU borders or being subject to enforcement action once on the market. Separate local law requirements apply in the UK under the UK's packaging waste regime under the Producer Responsibility (Packaging and Packaging Waste) Regulations 2024. Businesses will therefore need to ensure they comply with the requirements of each of these regimes.

What are the key obligations for packaging manufacturers from 12 August 2026?

In summary, these require manufacturers to:

- ensure all packaging placed on the market conforms with the PPWR requirements. These include requirements for substances of concern; recyclability; minimum recycled content; biobased feedstock; compostable packaging; packaging minimisation; reusable packaging and labelling of packaging;
- perform a conformity assessment procedure (or have one carried out on their behalf) before placing packaging on the market, and prepare the necessary technical documentation;
- draw up an EU declaration of conformity once the conformity process complete;
- retain the technical documentation and declaration of conformity: for five years for single-use packaging and ten years for reusable packaging;
- ensure ongoing conformity across series production, adapting for any changes;
- ensure packaging is identifiable (by type, batch, serial number or other identifier) and include manufacturer contact details on the packaging (or in an accompanying document, where packaging size does not allow this);
- take immediate corrective action (including withdrawal or recall) if there is reason to believe packaging is non-compliant with the EU rules and notify the relevant market surveillance authority, both of the non-compliance and the corrective actions taken in response; and
- provide information to national authorities on request to demonstrate conformity.

What other requirements will the PPWR bring into force?

- PFAS in food-contact packaging is restricted with immediate effect, as of **12 August 2026**. Food-contact packaging may not be placed on the market if it contains PFAS at or above specified concentration thresholds. Businesses using grease-resistant coatings, non-stick linings, or other PFAS-based treatments in food-contact packaging should act now to assess compliance and identify alternatives.
- Recyclability is now a baseline requirement, with "recyclability performance grades" to apply **from 2030**, with stricter "A or B only" market access from 2038 and a requirement that packaging be "recycled at scale from 2035".
- **From 2030**, Annex V of the PPWR restricts single-use plastic packaging in a number of formats, including point-of-sale multipacks and shrink wrap, pre-packed fruit and vegetables under 1.5kg, on-premises HORECA service packaging, and very lightweight plastic carrier bags, subject to narrow exemptions.
- Minimum post-consumer recycled content targets for plastic packaging becomes compulsory **from 2030**, with higher targets applying **from 2040**. Certain exemptions exist for sectors such as pharmaceuticals, medical products, infant and young child food, hazardous goods, and compostable packaging.
- Packaging minimisation rules are coming into force. By 2030, the weight and volume of packaging must be reduced to the minimum necessary, and design features such as false bottoms and double walls are effectively prohibited. Grouped, transport and e-commerce packaging must also maintain empty space at no more than 50% of the total pack volume.
- Member states must have deposit return systems in place for single-use plastic bottles and metal beverage containers by **1 January 2029**, unless an applicable exemption applies – with direct implications for how products are designed and priced.

Who is a “manufacturer” under the PPWR?

Under the PPWR, a “manufacturer” is any person or entity who manufactures packaging or a packaged product. Importantly, where packaging or a packaged product is designed or manufactured under a business's own name or trade mark, that business will be treated as the “manufacturer” for PPWR purposes, even if someone else has physically produced the packaging on its behalf. This means that a retailer or brand owner whose branding appears on packaging will typically be the manufacturer, regardless of who has actually produced it. As part of contractual supply arrangements, it will therefore be important to ensure liability for PPWR compliance is addressed in the contract, potentially including indemnities for the provision of non-compliant packaging. Where the packaging carries no brand name or trade mark at all, [EU guidance](#) suggests

the “manufacturer” will be either the supplier who has actually manufactured the packaging, or the business that places the packaged product on the market. The decisive criterion will be who has placed the order and settled the design specifications. Similarly, where retail packaging is supplied by a group company or third party but placed on the market under your own name or trade mark, you are likely to be treated as the manufacturer (rather than as a distributor or importer) for that packaging.

What are the other roles in the packaging supply chain and how are they affected by the PPWR?

These are distinct roles under the PPWR, each subject to different obligations:

- an “importer” is a person established in the EU who places packaging from outside the EU onto the EU market;
- a “distributor” is any other person in the supply chain (other than the manufacturer or importer) who makes packaging available on the market, without supplying it under its own name or trade mark and without modifying it.

If a distributor or importer places packaging on the market under its own name or trade mark, or modifies packaging in a way that could affect PPWR compliance, it will itself be treated as a manufacturer and will take on full manufacturer obligations. Businesses should therefore map their actual role carefully for each packaging line (e.g. e-commerce shipping boxes versus retail carrier bags), as the answer may differ across different packaging types and supply routes.

What compliance documentation should we be preparing now?

Manufacturers must prepare two key documents: (i) an EU declaration of conformity and (ii) technical documentation (which includes an analysis and assessment of non-conformity risks). The obligation to prepare technical documentation cannot be delegated – it must be undertaken by the manufacturer itself.

To prepare these documents, manufacturers will need supporting information and documentation (in electronic or paper form) demonstrating that the packaging complies with the PPWR. Suppliers are required to provide manufacturers with this information. The conformity assessment itself may be carried out by the manufacturer or by a third party on its behalf (for example, a laboratory or certification scheme). However, the EU declaration of conformity must be drawn up by the manufacturer, based on information supplied by suppliers or an authorised representative. Where a manufacturer is also required to issue declarations of conformity under other EU legislation, a single combined EU declaration of conformity should generally be prepared covering all relevant requirements.

What information must appear on our packaging?

Packaging must bear a type, batch or serial number (or other identifying element), unless the size or nature of the packaging does not allow this, in which case the information may instead be provided in an accompanying document. Manufacturers must also indicate their name, registered trade name or registered trade mark, and a postal address (and, where available, an electronic means of contact) on the packaging or via a QR code or other data carrier. Where this cannot be displayed on the packaging, the information should instead be provided through a QR code or other standardised, open, digital data carrier, or in an accompanying document. Only a single postal address point of contact should be given. Any labelling or QR codes used must be fixed or printed so that they cannot easily be erased. Labelling information must be made available to end users before purchase online. There are exceptions and special rules for certain packaging types, including packaging for substances of concern, transport packaging (other than e-commerce packaging), packaging covered by a deposit and return system, and labelling of recycled plastic content.

Can we just use a QR code for the packaging information?

The default expectation under the PPWR (and the latest EU guidance) is that the information should appear physically on the packaging unless packaging size does not permit it, assessed on a case-by-case basis by reference to the packaging's size, shape and functional characteristics. A QR code is only envisaged as a substitute where it is genuinely not possible to place that information on the packaging itself and is not intended as a general alternative to the requirement for physical markings.

What happens if our supplier fails to give us the information we need?

The manufacturer remains the economic operator legally responsible for compliance with the PPWR, even where a supplier fails to provide sufficient information. A manufacturer that cannot obtain adequate information from its supplier must still meet its own obligations under the PPWR. Incomplete or inaccurate technical documentation, or an incorrectly prepared EU declaration of conformity, will be treated as non-compliance under the PPWR, with persistent non-compliance potentially leading to the EU prohibiting the packaging from being made available on the market, or requiring its recall or withdrawal. Manufacturers are also subject to proactive duties to withdraw or recall non-compliant packaging. To address this, you should consider building appropriate information-sharing and compliance warranties into supplier arrangements to manage this risk.

What if we have packaging already in stock we want to use from 12 August 2026?

Packaging that is already produced and in stock before 12 August 2026 does not need to be destroyed, remanufactured or re-labelled to meet these requirements, as the required information

can instead be provided in an accompanying document. However, for packaging manufactured from 12 August 2026, an accompanying document may only be used where it is genuinely not possible to place the identification and manufacturer information directly on the packaging. From **12 August 2028** all packaging must carry a harmonised label showing its material composition (to facilitate consumer sorting) and whether it is suitable for composting or home composting. In addition to this harmonised label, businesses can include a QR code or other digital code with information on the destination of each packaging component. From **12 February 2029**, reusable packaging must be labelled to inform users that it is reusable, with further information on the applicable reuse scheme and with information on collection points capable of being provided via a QR code or other digital code.

Can we appoint an authorised representative?

Yes, manufacturers can appoint an authorised representative, under Article 17 of the PPWR, although this is an optional step. The representative can be empowered to: (i) keep the EU declaration of conformity and technical documentation at the disposal of the national market surveillance authorities; (ii) co-operate with those authorities at their request, or on any measures taken with regard to cases of non-compliance of the packaging covered by the authorised representative's mandate; and (iii) maintain certain records. An authorised representative cannot place packaging on the market or draw up technical documentation on behalf of the manufacturer and ultimately, the manufacturer is the sole economic operator bearing legal responsibility for the packaging's compliance with the sustainability and labelling requirements. This representative is separate from a producer's authorised representative for extended producer responsibility obligations (required when a *producer* makes packaging or packaged products available for the first time in an EU member state where that producer is not based).

Are there separate compliance responsibilities for producers?

Yes, there are separate extended producer responsibility obligations, as well as detailed technical documentation requirements applicable specifically to producers. These are beyond the scope of this note – please do not hesitate to contact us and we'd be happy to advise further on this area.

What steps should we take now?

Given the compliance framework, businesses selling packaged goods into the EU should, as a priority:

- confirm which entity in their supply chain is the “manufacturer” for each relevant packaging line;
- request the information and documentation needed from suppliers to support a conformity assessment, technical documentation and an EU declaration of conformity;

- plan for the incoming compliance requirements around recyclability, restrictions on single use plastics and packaging minimisation requirements by conducting supply chain packaging due diligence;
- review current packaging artwork and labelling against the PPWR requirements, including for stock already produced;
- consider whether to appoint an authorised representative; and
- consider updating supplier contracts to address compliance information flows and liability for non-compliant packaging.

This alert is provided for general information purposes only and does not constitute legal advice on any specific set of facts. Please get in touch if you would like advice tailored to your business.

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