



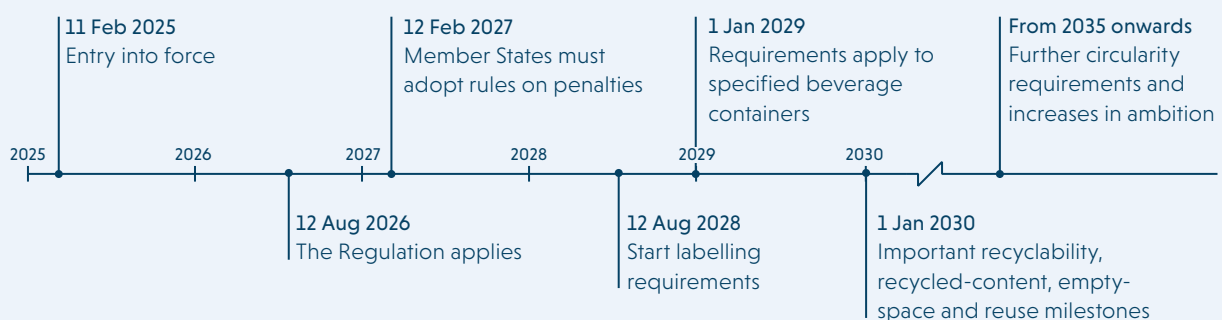
Factsheet packaging and Packaging Waste Regulation: what businesses need to know

The European Packaging and Packaging Waste Regulation (PPWR), entered into force on 11 February 2025. Many of its provisions apply as of 12 August 2026, while certain obligations will apply gradually over time. The PPWR establishes sustainability and labelling requirements for packaging throughout its life cycle and applies to all packaging and packaging waste, regardless of material or source, complementing existing EU waste management legislation.

The PPWR will be relevant to a wide range of businesses and is likely to affect virtually any company that uses packaging, from consumer goods manufacturers and retailers to producers of agricultural products and industrial machinery. As a complex piece of legislation, the PPWR is expected to significantly reshape how companies manage packaging throughout its life cycle. Below, we outline some of its key obligations and the parties to which they apply.

Timeline

Implementation is phased



Qualifications of actors in the supply chain

The PPWR imposes different obligations on various actors throughout the supply chain, making it essential for companies to determine their role in relation to packaging.

The PPWR contains two distinct layers of obligations. First, it imposes EU-wide product compliance requirements on economic operators, such as manufacturers, importers and distributors, including the packaging sustainability, conformity assessment and labelling requirements set out in Articles 5 to 12 PPWR.

Second, it establishes Extended Producer Responsibility (EPR) obligations at Member State level. Although a producer will typically also be a manufacturer, importer or distributor, producer status must be assessed separately. Producers are responsible for EPR registration, packaging reporting and financing packaging waste management, including EPR fees. In essence, the producer finances waste management in the Member State where the packaging is expected to become waste.

Below we discuss the key definitions of the different actors under the PPWR.

Manufacturer

The manufacturer is generally the natural or legal person that manufactures packaging or a packaged product. However, where packaging or a packaged product is designed or manufactured under a company's own name or trademark, that company is deemed the manufacturer, unless it qualifies as a micro-enterprise. There can be only one manufacturer in a supply chain, and this is not necessarily the entity that physically produces the packaging.

Importer

The importer is any natural or legal person that (i) is established in the EU and (ii) places packaging from a third country on the Union market. This means it is the entity that first makes the packaging available on the EU market for distribution, consumption or use, whether for payment or free of charge.

Distributor

A distributor is any natural or legal person in the supply chain, other than the manufacturer or importer, who makes packaging available on the EU market after it has already been placed on the market.

Producer

This is any manufacturer, importer or distributor that is deemed responsible for packaging in a Member State because it is the first party to make packaging or packaged products available on that (local) market, including through certain cross-border sales arrangements. It is generally the entity that places packaging on the market in the Member State where it is expected to become waste. Whether an entity qualifies as a producer also depends on whether the packaging is classified as transport packaging or sales packaging, as different criteria apply for determining who the producer is depending on the type of packaging.

Key obligations under the PPWR

Below we briefly discuss the most important obligations under the PPWR for each of the actors mentioned above.

Manufacturer

Before placing packaging on the EU market, the manufacturer must ensure compliance with the sustainability requirements in Articles 5 to 12 PPWR, including substance restrictions, recyclability, recycled content, packaging minimisation, labelling and, where applicable, reuse requirements. The manufacturer must also carry out the required conformity assessment, draft the EU Declaration of Conformity (**DoC**), and ensure that the required identification is applied to the packaging. The technical documentation and DoC must be retained for 5 years (or, where applicable, 10 years). If the manufacturer becomes aware of non-compliant packaging, it must take corrective measures, including withdrawal or recall, and inform the competent authorities.

Importer

The importer must verify and ensure that the manufacturer has completed the required conformity assessment, prepared the technical documentation, applied the required labelling and complied with the identification and documentation requirements. While the importer is not required to perform an independent conformity assessment of compliance with Articles 5 to 12 PPWR, it may not place packaging on the market where it knows, or has reason to believe, that the packaging does not comply with those requirements.

The importer must also provide its contact details on the packaging or accompanying documentation (e.g. a standardised digital data carrier) and may not place non-compliant packaging on the market. If the importer becomes aware of non-compliance, it must take corrective measures, including withdrawal or recall, and inform the competent authorities. The importer also has to keep a copy of the DoC and make the technical documentation available upon request.

Distributor

The distributor has lighter obligations than the importer. It must verify that the required labelling is present, that the manufacturer and importer have complied with their identification and documentation obligations, and that the producer has complied with its EPR registration obligation (see hereafter). It may not make available packaging it knows or has reason to believe is non-compliant. If it becomes aware of non-compliance, it must ensure corrective measures are taken and inform the competent authorities. Unlike manufacturers and importers, distributors are not required to carry out or verify conformity assessments.

Producers

The producer's obligations differ from those of manufacturers, importers and distributors and apply at Member State level. Key obligations include EPR registration, reporting packaging volumes, and financing packaging waste management, including EPR fees. Where a producer makes packaging available in multiple Member States, it must comply with the EPR obligations in each such Member State separately, as the obligations and fee structures may differ between jurisdictions. Producers may fulfil their obligations individually or collectively through membership of an authorised producer responsibility organisation, depending on the rules of the relevant Member State.

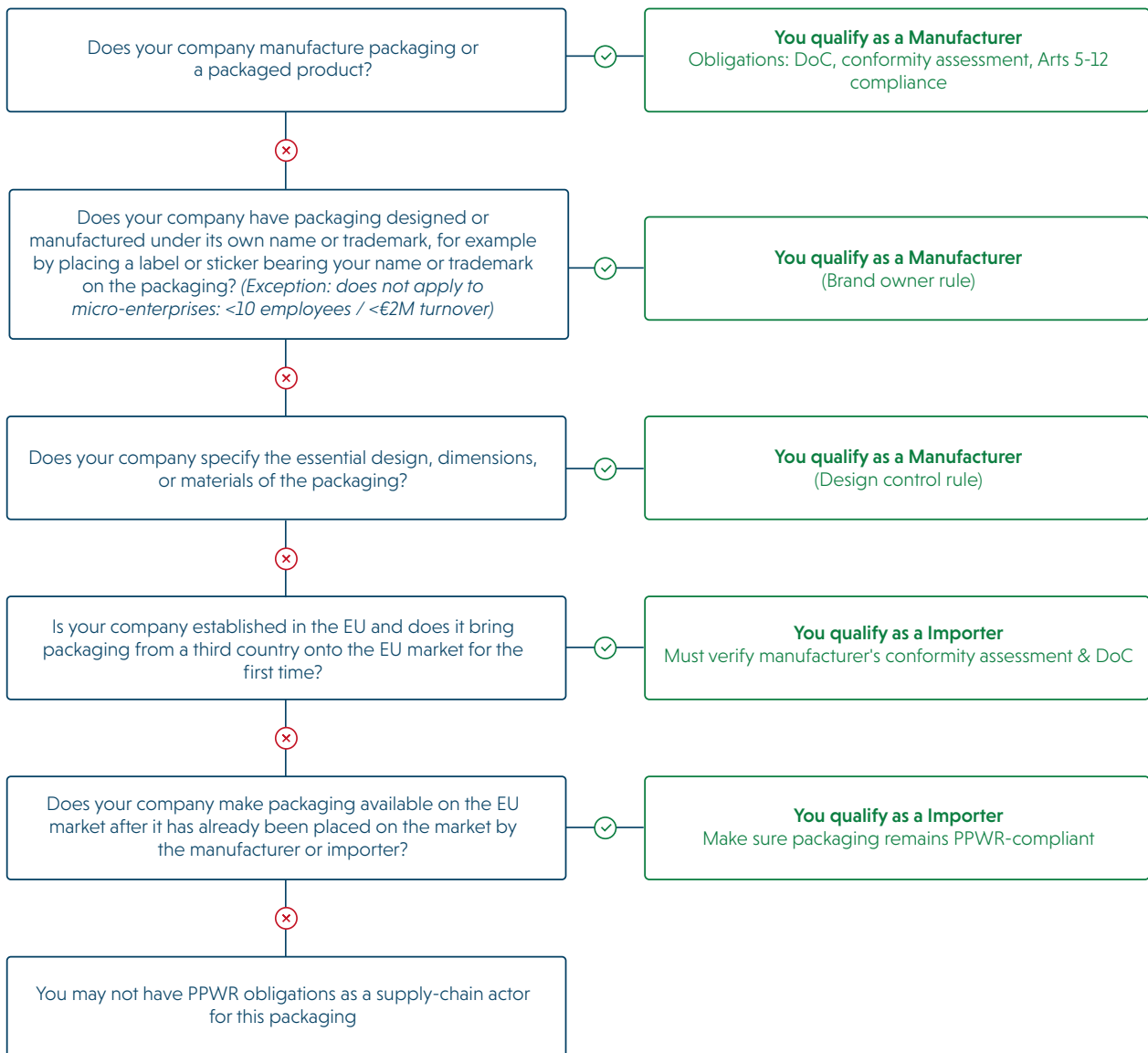
Enforcement

Failure to comply with the PPWR can result in enforcement measures, such as corrective action, withdrawal or recall of products, and potentially financial penalties. By 12 February 2027, Member States must adopt rules on penalties for PPWR infringements, which may therefore vary across the EU. It is expected that the *Inspectie Leefomgeving en Transport* will be designated as the competent authority in the Netherlands.

Conclusion

The PPWR introduces significant new obligations for most companies using packaging in the EU. Given its complexity, compliance can be challenging, particularly for businesses operating across multiple Member States. An important first step is to determine how different entities within your organisation are classified under the PPWR and which obligations apply to each. To support this assessment, we have drafted a simplified visual overview to help you determine whether you are a manufacturer, importer, distributor and/or producer.

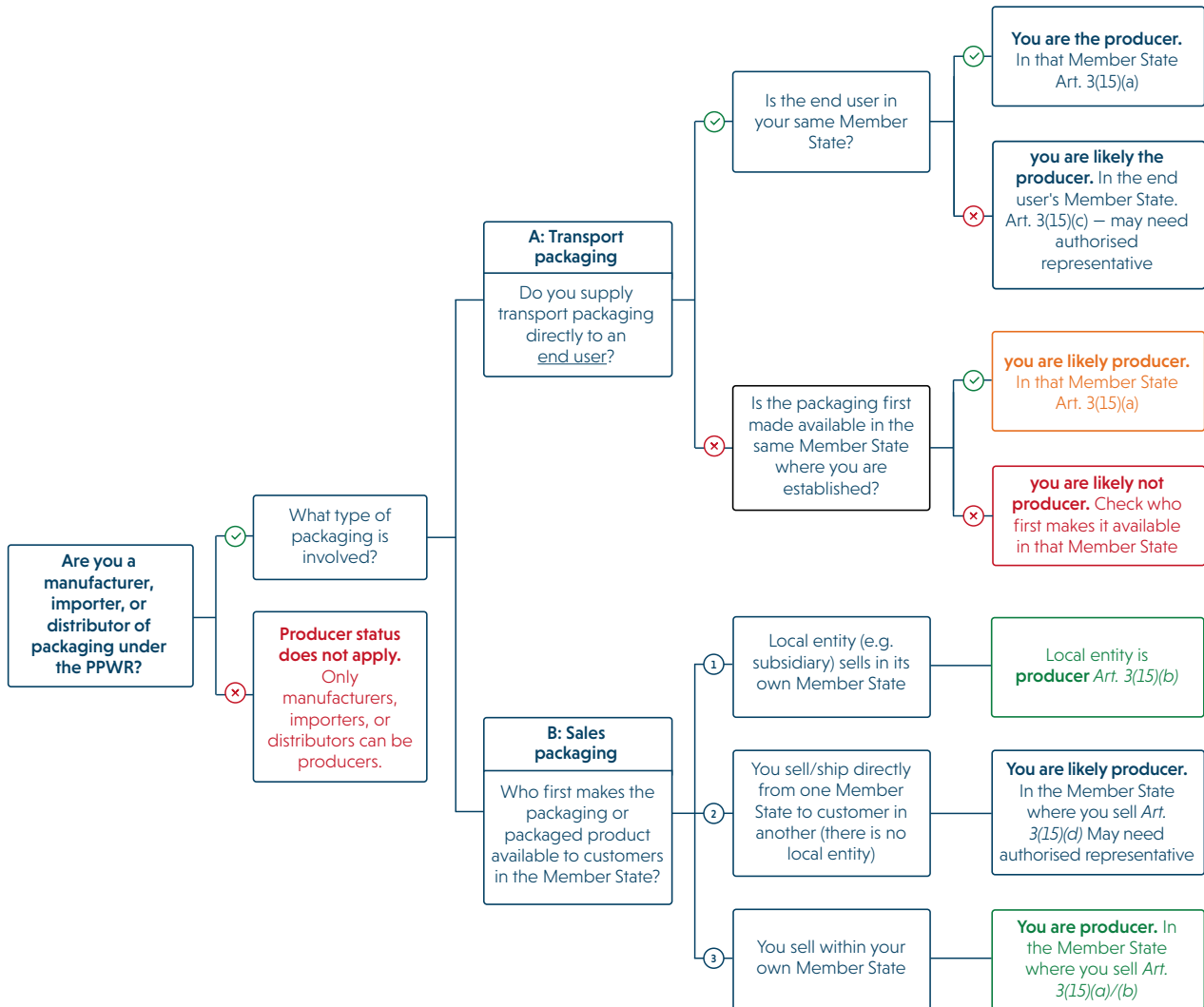
Are you a Manufacturer, Importer, or Distributor?



Important (Art. 21 PPWR)

An importer or distributor becomes a manufacturer if it places packaging on the market under its own name/trademark OR modifies packaging in a way that could affect PPWR compliance.

Are You a Producer in a Member State?



Important

Producer status is assessed per Member State. A company may be a producer in multiple Member States simultaneously and must register with the EPR scheme in each. Deliveries to entities outside the EU are generally outside the scope of the PPWR.

Key definitions

Transport packaging: Packaging designed to facilitate the handling and transport of a number of sales units or grouped packaging in order to prevent physical handling damage and transport damage, excluding road, rail, ship, and air containers (Art. 3(1)(g) PPWR).

Sales packaging: Packaging designed to constitute a sales unit for the final user or consumer at the point of purchase (Art. 3(1)(e) PPWR).

How Houthoff can help

From classification to implementation

We help businesses determine their roles under the PPWR, translate product compliance and EPR requirements into workable processes, and address cross-border implementation questions. Would you like to understand what the PPWR means for your packaging portfolio or organisation? Contact Houthoff's Environmental & Planning team to discuss your next steps.



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