

# The new Packaging Regulation: Packaging as a product

As part of the [EU Green Deal](#), the EU is strengthening the sustainable design of products with new legal acts. The new Packaging Regulation plays an important role in this. The EU Green Deal is a strategy paper published by the European Commission in 2019, which aims to lead the EU to climate neutrality by 2050 by adapting and renewing the legal framework. The strategy paper is not legally binding. However, on 24 June 2021, the [European Climate Law](#) was adopted, thereby aiming to achieve climate neutrality by 2050, and all EU Member States are subject to it. Climate neutrality means no more net greenhouse gas emissions from 2050 and decoupling economic growth from resource utilisation.

Packaging has a significant impact on the environment due to its use in combination with almost all products, its composition and its disposal. Uniform and binding sustainability regulations for packaging in the EU and the treatment of packaging as independent products with requirements for their marketability are indispensable for achieving the goal of climate neutrality.

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In March 2020, the EU adopted the [Circular Economy Action Plan](#) which aims to improve the circular potential of potential of products used in transport and promote the import and production of sustainable products. The action plan also includes packaging as stand-alone products.

With the [Sustainable Product Initiative](#), the EU is promoting sustainable products and establishing new requirements in terms of energy and resource efficiency. In the long term, this can also lead to savings in production costs and thus strengthen the competitiveness of companies. The Sustainable Product Initiative focuses on key sectors, including plastics, electronics, textiles, packaging, batteries and waste management.

In order to achieve the EU's goal of climate neutrality in the EU by 2050, a comprehensive adaptation of the circular economy requirements at EU level is required. Due to the impact of packaging waste on the

environment and human health, the adaptation of the circular economy requirements affects packaging in addition to ecodesign and batteries.

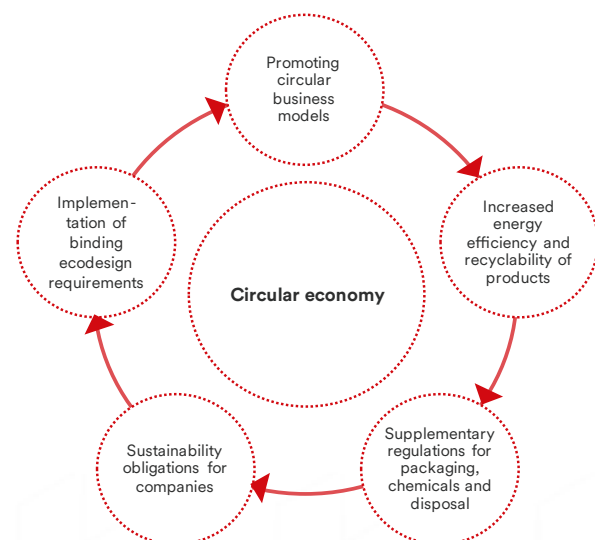


Figure 1: Circular Economy © reuschlaw, 2023

## Status Quo: RRegulatory framework of the Packaging Directive

Currently, [Packaging Directive 94/62/EC](#) stipulates the requirements for packaging and packaging waste on a transitional basis and provides the legal framework for reducing the environmental impact of packaging. The [Packaging Act](#) (VerpackG) implements these requirements into German law.

The aim of the Packaging Directive is to ensure the transition of packaging waste to the circular economy. In this context, the prevention of packaging waste is a top priority. The general principles of reuse, recycling and other forms of packaging waste recovery under circular economy law apply subordinately.

In principle, the Packaging Directive encompasses all packaging, regardless of its respective material: Packaging within the meaning of the Packaging Directive is a product made of any material that serves, among other things, to receive, protect, deliver or present goods, which can range from raw materials to processed products. They are typically offered as a unit of goods and packaging (sales packaging) or serve as shipping packaging for passing on to end consumers. Transport packaging, which is typically not intended for distribution to the end consumer, is also covered.

### Manufacturer responsibility

In order to ensure the transition of packaging waste to the circular economy, the Packaging Directive primarily places an obligation on packaging manufacturers (so-called manufacturer responsibility).

Manufacturers of all packaging are generally obliged to avoid packaging, to keep the packaging volume low and to comply with existing material limits. In addition, they are obliged to register in the LUCID packaging register when the packaging is placed on

the market in Germany. They must take back and recycle empty packaging of the same type, shape and size as the packaging placed onto the market by the manufacturer and, in certain cases, participate in a nationwide take-back system that ensures the collection and recycling of used packaging by the end consumer. Manufacturers are also subject to an annual reporting obligation, among other things with regard to the type of material and mass of the packaging placed on the market each year.

Nationwide take-back systems are intended to provide significant support for recycling quotas depending on packaging material.

Distributors of packaging and electronic marketplaces must in principle ensure that the manufacturers of the packaging they offer for sale are duly registered and, in certain cases, participate in a corresponding take-back system. Otherwise, they are not allowed to offer the packaging for sale.

## The new Packaging Regulation

On 11 February 2025, the new [Packaging Regulation \(EU\) 2025/40](#) with comprehensive sustainability requirements came into force. The new Packaging Regulation creates a new standard for sustainable product packaging and covers the entire life cycle of packaging – with more far-reaching requirements than before.

### Goals of the regulation

The core goal of the Packaging Regulation goes beyond the objectives of the Packaging Directive: In addition to avoiding packaging waste by restricting unnecessary packaging and promoting reusable packaging, the focus is on the greatest possible recyclability or reusability of all packaging placed on the EU market and the creation

of a functioning market for secondary raw materials.<sup>1</sup>

To this end, the Packaging Regulation defines packaging for the first time as independent products with their own sustainability requirements that are decisive for the marketability of the packaging. Packaging of all kinds from almost all sectors of the economy is covered.

### Scope

Similarly to the Packaging Directive, the Packaging Regulation basically covers all packaging, regardless of the material used, and applies to all packaging waste. Packaging is an item made of materials of any kind intended to contain or protect, handle, deliver or present products and can be divided into different packaging formats based on their function, material and design.

This primarily includes objects that serve as containers for the product during its service life, but also sales and transport packaging.

### Addressed economic operators

The Packaging Regulation addresses traditional economic operators such as manufacturers, authorised representatives, importers, distributors and – in line with general product safety law – now also the fulfilment service providers. What is new is that, in accordance with the system of the Battery Regulation (EU) 2023/1542, the Packaging Regulation introduces the economic operator of the producer and expands the concept of manufacturer. While a producer within the meaning of the Packaging Regulation is basically any person who manufactures packaging or has it manufactured under his or her own name, a manufacturer within the meaning of the

Packaging Regulation can principally be any producer, importer or distributor.

### Producer

The Packaging Regulation primarily stipulates obligations for packaging producers: In particular, producers must ensure that products are designed and manufactured in accordance with the sustainability requirements of the Packaging Regulation and that the information requirements applicable to the product are provided.

A new provision entails that producers must carry out a conformity assessment procedure for packaging, as well as issuing a corresponding declaration of conformity and technical documentation.

In line with the requirements of the new Product Safety Regulation, producers must continue to provide packaging with the registered trade name, postal address and, if necessary, an electronic contact option. Producers must ensure that the packaging is marked with the EU-wide uniform pictograms on its material composition and provided with a digital medium, e.g., a QR code, which contains, among other things, information on reusability and collection points for the packaging.

### Authorised representatives / importers / distributors and fulfilment service providers

Authorised representatives, importers, distributors, traders and – on a final level – fulfilment service providers help to ensure that only compliant packaging is made available on the market. Distributors are essentially subject to inspection, documentation and archiving obligations, while all economic operators are obliged to provide information to and cooperate with the

<sup>1</sup> Press release of the EU Commission dated 30/11/2022, <https://germany.representation.ec.europa.eu/news/europaischer-gruner->

[deal-verpackungsmull-reduzieren-und-co2-entnahmen-zertifizieren-2022-11-30\\_de?preFlang=en&etrans=en](https://germany.representation.ec.europa.eu/news/europaischer-gruner-deal-verpackungsmull-reduzieren-und-co2-entnahmen-zertifizieren-2022-11-30_de?preFlang=en&etrans=en).

market surveillance authorities, as well as to proper storage of the packaging.

### Specific sustainability requirements

In the future, packaging must be recyclable in order to enable material recycling and reduce packaging waste. New design standards are intended to increase the recyclability of packaging, as major sustainability effects are achieved during the design phase.

All packaging must be limited to the necessary minimum from 1 January 2030 at the earliest. In addition to chemicals regulations, the same applies to the proportion of substances of concern in packaging. In particular, limit values apply to PFAS in packaging that comes into contact with food. The Packaging Regulation provides for staggered minimum targets for the proportion of recycled material in plastic packaging. The EU Commission will regulate details, including on recycling-oriented design, in delegated acts.

Economic operators must, inter alia, ensure that a reuse system for reusable packaging is in place and, from 1 January 2030, ensure that at least 40% of transport or sales packaging is part of a reuse system. In continuation of the provisions of the Packaging Directive, the Packaging Regulation continues to provide for minimum recycling targets for packaging, including plastics, metals, paper and cardboard.

### Mandatory conformity assessment procedure

Economic operators also face new challenges in terms of packaging compliance: In principle, packaging may only be placed on the market after its producers have checked the packaging for conformity with the sustainability and labelling requirements, as well as the corresponding declaration of conformity and technical documentation having been issued. In order to avoid ambiguity and confusion, the

Packaging Regulation expressly does not provide for CE marking of packaging, as a CE mark on the packaging of a product refers to the conformity of the packaged product according to the system of product safety law.

### Labelling and QR code

In order to make it easier for consumers to sort packaging it must in future be labelled with EU-wide uniform pictograms on its material composition. Another major innovation of the Packaging Regulation stipulates that packaging must be provided with a digital data carrier, e.g., a QR code that contains, among other things, information on reusability and collection points for the packaging. This will bridge the gap to the digital product passport, which was introduced by the Ecodesign Regulation and will contain information on product sustainability as well as information on its disposal.

### Extended manufacturer responsibility

Under extended manufacturer responsibility, producers, importers or distributors of packaging must, among other things, bear the costs of separate collection of packaging and its waste management treatment to ensure that the packaging is ideally recycled at the end of its life cycle.

Manufacturers within the meaning of the Packaging Regulation must continue to register in the manufacturer register of the respective EU Member State. In Germany, as already under the Packaging Directive, the [LUCID Packaging Register](#) will be responsible for registration.

### Implications and obligations for SMEs

In order to cushion the far-reaching effects of the packaging requirements for micro-enterprises, the Packaging Regulation provides for corresponding exemptions: In principle, the producer obligations do not apply to micro-enterprises if the micro-enterprise receives the packaging from a

company based in the same EU Member State. Relief is also provided under the targets for packaging reuse rates, which do not apply to micro-enterprises. The EU Commission plans to issue guidelines on the implementation of the requirements of the Packaging Regulation for small and medium-sized enterprises (SMEs) in order to support SMEs in meeting the packaging requirements.

### Transitional regulations

The Packaging Regulation entered into force on 11 February 2025. It shall apply from 12 August 2026 and will replace the Packaging Directive in its entirety. A few provisions of the Packaging Directive will continue to apply on a transitional basis beyond 12 August 2026: For example, packaging must be kept to a minimum in terms of volume and weight by 31 December 2029 in accordance with the requirements of the Packaging Directive. The minimum targets set in the Packaging Directive for the recovery of packaging waste such as glass, metal and wood will continue to apply until 31 December 2028. Since the EU Commission will issue an implementing act with specific material labelling requirements for packaging in accordance with the requirements of the Packaging Regulation, the requirements of the Packaging Directive on material labelling of packaging shall also continue to apply for up to 30 months after the entry into force of this implementing act.

Irrespective of this, the Packaging Regulation provides for the adoption of a large number of delegated acts and implementing acts that are intended to specify the requirements of the Packaging Regulation. In addition to the labelling of packaging, these legal acts concern, for example, its recyclability, the minimum proportion of recycled material in plastic packaging, the empty space ratios of packaging and the method of calculating the reuse targets of packaging.

The EU Member States will issue regulations on sanctions for violations of the requirements of the Packaging Regulation until 12 February 2027. At the moment, there is no draft law for corresponding sanctions in Germany.

### Conclusion and outlook

The Packaging Regulation creates uniform and far-reaching regulations throughout the EU, which primarily benefit economic operators who place packaging on the market in more than one EU Member State.

Irrespective of this, the Packaging Regulation poses numerous challenges for economic operators and producers of packaging must be prepared for an extended range of obligations: The packaging must not only meet far-reaching sustainability requirements, but it must also be assessed for its conformity with these specifications and marked with a QR code, e.g., with information on reusability and collection points for the packaging.

Economic operators are therefore advised to deal with the requirements of the Packaging Regulation at an early stage and to implement suitable processes and measures now that are also technically suitable for meeting the requirements of the Packaging Regulation.

### Digression: Triman infringement proceedings France

On 15 February 2023, the EU Commission [initiated](#) infringement proceedings against France and, on 14 November 2024, [asked](#) France to justify the introduction of the national labelling requirements for waste separation from 2020 and 2021.

The French Waste Act provides for the mandatory labelling of packaging with the TRIMAN logo and the Info-tri logo, which are not required by the Packaging Directive or in other EU Member States, in addition

to the requirements of the Packaging Directive.

In the Commission's view, this regulation is not compatible with the principles of the EU internal market, as the additional labelling requirement is accompanied by an increased need for materials, which leads to more packaging waste and thus negative environmental impacts. France had failed to inform the EU Commission about the Triman logo and Info-tri logo before enacting the waste law and thus violated the notification obligation.

France has not yet responded to the two-month comment period to justify the Triman logo and the Info-tri logo. It remains to be seen whether the EU Commission will file a corresponding complaint with the ECJ. The ECJ could ultimately only impose financial sanctions on France, a change in the law is exclusively the responsibility of the French legislator. Therefore, for the time being, economic operators placing packaging on the French market should continue to comply with the obligation to label with the Triman logo and Info-tri logo.

In addition to France, Belgium, Italy and Spain, among others, have also adopted their own national labelling schemes, which are increasingly fragmenting the packaging labelling landscape. In December 2024, in addition to the infringement proceedings against France, the EU Commission also initiated infringement proceedings against Spain, the progress of which remains to be seen.

## Outlook

With the planned Packaging Regulation, the EU Commission intends to significantly restrict national solo efforts and create clarity about the labelling of packaging. By 12 August 2026 at the latest, the EU Commission will adopt an implementing act with EU-wide uniform labelling requirements for the material composition of packaging, which economic operators

should keep in mind. The labelling will be based on pictograms to make it easier for consumers to sort packaging waste. The Packaging Regulation does not explicitly provide that the labelling of the material composition may be supplemented by national requirements. However, EU Member States may lay down symbols in national laws for the applicable deposit and return system, among other things. In this context, the principle applies that EU member states may under no circumstances prohibit the placing on the market of packaging due to violations of national packaging requirements, as long as the packaging complies with the requirements of the Packaging Regulation.

### Next step: Contact us

Take the first step now on the way to implementing the new packaging standards and arrange a non-binding individual meeting with us.

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