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SHAPING A SUSTAINABLE FUTURE FOR PACKAGING

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Conformity Assessment under Regulation (EU) 2025/40: EUROPEN's Frequently Asked Questions (FAQ)

Introduction

Under Regulation (EU) 2025/40 (PPWR), a conformity assessment procedure shall be carried out to demonstrate compliance with the so-called "PPWR sustainability requirements", all obligations contained in Articles 5 to 12 of PPWR. While Chapter VII of PPWR provides the requirements applicable to packaging conformity, several practical questions regarding the content, format and obligations related to conformity assessment remain open.

This FAQ seeks to respond to some of these questions by offering practical guidance for operators subject to obligations under the PPWR.

Important note: This document is not legally binding and is without prejudice to further interpretation of the text provided by the European Commission. It should also be noted that the final interpretation of the PPWR lies with the Court of Justice of the European Union, and its enforcement is the responsibility of national competent authorities. Therefore, this FAQ should not be construed as legal advice or relied upon for compliance purposes. Users should always refer to the text of the PPWR to confirm the nature and extent of the legal obligations applicable to them. Any company using this FAQ remains responsible for its own assessment of how the PPWR applies to its activities, for ensuring compliance with the applicable legal requirements and for taking its own commercial and strategic decisions in this respect.

N.B.: when using the terms manufacturer, supplier, importer, and distributor, this FAQ follows the definitions set out in Article 3 of the PPWR.

1. Questions on content

Q1 What would be the necessary documents to support a Declaration of Conformity?

Based on Article 38 of the PPWR, the Declaration of Conformity (DoC) must be supported by technical documentation drawn up in accordance with Annex VII, point 2 of the Regulation. The Technical Documentation (TD) shall contain, *wherever applicable, at least* the following elements:

(a) a general description of the packaging and its intended use;

(b) conceptual design, manufacturing drawings and materials of components;

(c) descriptions and explanations necessary for the understanding of the drawings provided under point (b) and the schemes and operation of the packaging;

(d) a list of:

(i) the harmonised standards, referred to in Article 36, applied in full or in part;

(ii) the common specifications, referred to in Article 37, applied in full or in part;

(iii) other relevant technical specifications used for measurement or calculation purposes;

(iv) in the event of partly applied harmonised standards or common specifications, an indication of the parts which have been applied;

(v) in the event of harmonised standards or common specifications not being applied, a description of the solutions adopted to meet the requirements referred to in point 1;

(e) a qualitative description of how the assessments provided for in Articles 6, 10 and 11 have been carried out;

(f) test reports.

Considering the above, in particular the references to “wherever applicable” and “at least”, it is understood that not all listed elements will be relevant in every case; elements may be omitted where they are validly not applicable. A case-by-case assessment can be applied to determine which elements are relevant for each given requirement.

At the same time, manufacturers may include additional information where necessary to demonstrate compliance, in particular where the applicable requirement requires more detailed substantiation. This is especially relevant for the requirements under Article 5 of the PPWR, as outlined in the dedicated box below. The level of granularity of the TD may also vary depending on the sustainability requirement that is demonstrated for compliance.

Q2 Which PPWR obligations require a DoC from 12 August 2026?

Based on the PPWR, from 12 August 2026, the following provisions require a DoC:

- Article 5(4), establishing that the sum of the concentrations of heavy metals present in packaging or packaging components shall not exceed 100 mg/kg.
- Article 5(5), setting a ban on food-contact packaging containing PFAS in a concentration equal or above certain given limit values.
- Article 11(1), providing requirements that packaging needs to fulfil to be considered as reusable.

Regarding Article 5, it is important to stress that Article 5(6) PPWR specifies that only compliance with the requirements set out in paragraphs 4 and 5 of Article 5 must be demonstrated in the technical documentation drawn up in accordance with Annex VII. However, under Section III, the EU Commission’s FAQ on PPWR clarifies that Article 5(1) of PPWR on Substances of Concern (SoC) will also apply from 12 August 2026, stressing that manufacturers need information from suppliers of packaging materials or converters in order to identify PFAS or other SoC present in packaging and draft the declaration of conformity demonstrating compliance with Article 5 PPWR.

In light of the inconsistencies highlighted above, and despite the legally non-binding nature of the document, manufacturers should consider that market surveillance authorities at national level might rely on the PPWR FAQ when reviewing available DoC and TD and require evidence that substances in packaging and components have been minimised.

NEW! The updated version of the PPWR FAQ[1] clarifies that the general principle set out in Article 5(1) should be assessed in line with Annex C (Minimisation of Dangerous Substances or Preparations and Demonstration of Conformity) of the existing harmonised standard EN 13428_2004 Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction. Although the standard can no longer create a presumption of conformity with the new rules concerning SoCs, standard EN 13428:2004 can be used until an updated harmonised standard becomes available.

Regarding the obligations set out in Article 5(4), the updated PPWR FAQ recommends using CEN report CR 13695-1/2000 Packaging - Requirements for measuring and verifying the four heavy metals and other dangerous substances present in packaging and their release into the environment - Part 1: Requirements for measuring and verifying the four heavy metals present in packaging, to demonstrate compliance.

[1] The revised PPWR FAQ is available here.

Q3 What provisions from the former PPWD will continue applying after 12 August 2026?

Based on Article 70 of PPWR, the Packaging and Packaging Waste Directive will be repealed on 12 August 2026, except for the following provisions:

- Article 8(2), providing packaging material identification codes, which are set to remain in force until 30 months from the entry into force of the new harmonised labelling system under the PPWR.
- Article 9(1) and (2) in relation to the essential requirements on packaging minimisation, set to apply until 31 December 2029.
- Article 5(2) and (3), Article 6(1), points (d) and (e), and Article 6a, on existing recycling targets and calculation rules remain, valid until the end of 2028.
- Article 12(3a), (3b), (3c) and (4), setting a reporting system for packaging waste data, set to remain in place until 2028, and data reporting obligations, which will apply until the end of 2029.

Q4 How to communicate in the DoC about PPWR requirements that are not yet applicable?

Manufacturers are required to carry out the conformity assessment procedure only for those PPWR requirements that are applicable at the time the packaging is placed on the market.

As additional PPWR obligations become applicable over time, manufacturers will have to ensure that the relevant DoC and the TD are updated as necessary, to demonstrate compliance with the newly applicable requirements. This is without prejudice to applicable derogations or exemptions provided in the primary text.

Q5 Is PPWR requiring that a DoC and TD is prepared for packaging components?

Annex VIII of PPWR expressly refers to the "unique identification of the packaging", which seems to imply that the DoC and TD are required for finished packaging. This is confirmed in Section XV of the FAQ on PPWR, which provides that: "*The assessment of conformity must be performed, and the declaration of conformity must be drawn up, for the entire packaging unit [...].*"

In relation to packaging components, the same FAQ adds that the assessment of conformity should include all integrated and separate components. Indeed, it is important to note that some PPWR provisions require a more granular conformity assessment procedure. This is for instance the case for Article 5(4) on heavy metals or Article 6(9) on recyclability, for which the conformity assessment procedure shall expressly cover packaging components as well.

Finally, it is also worth noting that the PPWR does not prevent companies from preparing multiple TDs for different packaging components, for example, when packaging components are sourced from various suppliers or produced at different locations.

Q6 When a manufacturer relies on an exemption or derogation under the PPWR, must it carry out a conformity assessment procedure to justify that the conditions for the exemption or derogation are met?

The Regulation does not explicitly set out a general rule. However, it is important to note that the EU Commission's Guidance on PPWR provides some elements on this, for instance in relation to:

- Article 7, where it is clarified that: *"[..] For the exemptions to apply, the manufacturer must substantiate compliance with the requirements of the exemptions in the technical documentation, by providing documented evidence (e.g. on the absence of authorised recycling technologies).*

To qualify for the exemption in Article 7(5)(a), the technical documentation must specify, for each plastic part that represents 5% or more of the total weight of the packaging unit, the polymer used. It must confirm that, considering the intended use of the packaging and the target:

- 'Annex I to Regulation (EU) 2022/1616 does not list a suitable recycling technology for that polymer'; and,

- 'no recycling technology is available at an industrial scale to manufacture that polymer in accordance with the processes described in Article 1(3) of that regulation'. [...]".

- Article 29(4)(b), as follows: *"[...] Economic operators who want to make use of this exemption must provide proper documentation that shows that the packaging is custom designed for an individual product. This documentation should be provided in the technical documentation for the packaging, and shall cover any design, manufacture and operation of the packaging necessary to access conformity with the conditions for the exemption set forth in Article 29(4b)."*

Q7 What does a presumption of conformity entail, and in which instances may operators rely on it?

Article 36 of PPWR regulates presumption of conformity under the PPWR. It provides that if the test, measurement or calculation methods - used for the purposes of compliance and verification of packaging compliance with the requirements in Articles 5 to 12, 24 and 26 - are in conformity with harmonised standards (or parts of harmonised standards), which have been published in the EU Official Journal, a presumption of conformity can apply.

Articles 35 and 36 also clarify that all tests, measurements and calculations must rely on reliable, accurate and reproducible methods that reflect generally recognised state-of-the-art practices and produce results with low uncertainty. When these methods are carried out by conformity assessment bodies accredited under Regulation (EC) No 765/2008, they are automatically considered to meet PPWR's methodological requirements.

It should also be noted that the PPWR Guidance also elaborates on this point, for instance in relation to recyclability, compostable packaging and the packaging minimisation requirements. The following points should especially be considered by manufacturers as they consider relying on Article 36 of PPWR:

In relation to Article 6(1) of PPWR, the EU Commission's Guidance mentions that: *"[…] Therefore, it should be understood that until the date of application of Article 6(2)(a) of the PPWR on design for recycling requirements, manufacturers must comply only with the recyclability requirement in accordance with the PPWD and the related harmonised standard EN 13430:2004 - Requirements for packaging recoverable by material recycling.[…] Manufacturers do not need to perform the conformity assessment procedure in accordance with Article 38 and Annex VII of the PPWR for recyclability until the entry into force of the delegated act(s) under Article 6(4) PPWR."*

Most importantly, the FAQ documents by the EU Commission clarifies that: *"[…] Under the PPWR, the existing harmonised standards can be used only as guidance (see Recital 58), which means that there can no longer be a presumption of conformity based on these standards. The only exception to this is laid down in Article 70(1), point (b), in relation to the essential requirements on packaging minimisation of the PPWD, which applies until end of 2029. This means that the related harmonised standard can be used for the presumption of conformity until that date.*

The Commission will consider taking formal measures to repeal the list of the old, harmonised, standards before the PPWR becomes applicable, to avoid any confusion. Presumption of conformity with new or revised harmonised standards in support of PPWR will again be possible from the date when a Commission decision listing the relevant harmonised standards will be published in the Official Journal of the European Union. This publication of references will allow the presumption of conformity to apply from that date onwards."

Presumption of conformity under the PPWR will become available in practice once new or revised harmonised standards supporting the PPWR are adopted and their references are published in the Official Journal of the European Union.

Zoom in on Articles 5 and 11 of PPWR

Q How to approach conformity assessment in relation to Article 5 of PPWR?

Articles 5(4) and 5(5) PPWR will apply from 12 August 2026 and, in line with Article 5(6) of the Regulation, compliance with the requirements *set out in paragraphs 4 and 5* shall be demonstrated in TD. This section is therefore elaborating on how to approach conformity assessment only in relation to the above-mentioned paragraphs of Article 5.

On Article 5(4)[2]:

According to the PPWR Guidance and FAQ document, a presumption of conformity based on harmonised standard EN 13428:2004 will no longer be possible and such standard can only be used by economic operators as guidance.

At the same time, Annex VII PPWR provides that, in the event of harmonised standards or common specifications not being applied, a description of the solutions adopted to meet the requirements related to the conformity assessment procedure can be provided as part of the TD.

Considering this, a practical and workable approach to demonstrating conformity could, for example, rely on (non-cumulative):

- Suppliers' conformity statements or declarations regarding the concentration of heavy metals in packaging and packaging components. In this sense, Article 16 PPWR reflects the information obligations of suppliers of packaging or packaging materials.
- In-house tests reports supporting conformity statements that the sum of heavy metals in packaging and packaging components does not exceed 100 mg/kg. Testing and testing frequency may be determined on a risk-based basis.
- Other scientific analytics proving that the sum of heavy metals in packaging and packaging components does not exceed 100 mg/kg.

Please also note that, under Section XV, the PPWR FAQ clarifies that: *"[…] The Commission will consider taking formal measures to repeal the list of the old, harmonised, standards before the PPWR becomes applicable, to avoid any confusion. Presumption of conformity with new or revised harmonised standards in support of PPWR will again be possible from the date when a Commission decision listing the relevant harmonised standards will be published in the Official Journal of the European Union. This publication of references will allow the presumption of conformity to apply from that date onwards."*

NEW! The updated PPWR FAQ recommends using CEN report CR 13695-1/2000 Packaging - Requirements for measuring and verifying the four heavy metals and other dangerous substances present in packaging and their release into the environment - Part 1: Requirements for measuring and verifying the four heavy metals present in packaging, to demonstrate compliance.

On Article 5(5)[3]:

According to the PPWR Guidance and FAQ document, Article 5(5) applies to both intentionally added and non-intentionally added PFAS. The PPWR Guidance further clarifies that, while market surveillance authorities are competent to verify compliance with the PFAS limits, the following stepwise approach, *based on state-of-the-art*

[2] In relation to heavy metal concentration levels in glass packaging, please note that Commission Decision 2001/171/EC continues to apply. According to the PPWR FAQ document, this means that the packaging may exceed the concentration limit of 100 ppm by weight for the sum of lead, cadmium, mercury and hexavalent chromium, when this exceedance is due to the addition of recycled glass. No lead, cadmium, mercury or hexavalent chromium is allowed to be intentionally introduced during the manufacturing process. See p. 18 of the FAQ, available here.

[3] The PPWR Guidance and updated FAQ document elaborate on how to approach enforcement of Article 5(5) in relation to packaging containing PFAS which has been produces before 12 August 2026, as well as on exhaustion of existing stocks. Please refer to both documents, available here and here.

analytical capacities and a meta-analysis of PFAS testing of the relevant matrices, is recommended to enforce the PFAS limits as of 12 August 2026:

> *Total Fluorine (TF) quantification (step 1): If TF is below 50 mg/kg ([16]), sample could be considered compliant.*

1. *If TF is above 50 mg/kg, methods such as pyrolysis-GC/MS can be used to confirm whether the fluorine is organic (PFAS) or inorganic in step 2. If the organic fluorine is below 50 mg/kg, the sample could be considered compliant.*
2. *Direct TOP (total oxidizable precursors) analysis is recommended to check compliance with the 25 µg/kg (17) and 250 µg/kg concentration limit in step 3.*

   On the basis of the evidence currently available to the Commission, all samples compliant with test (1) are also compliant with tests (2) and (3).

Given the very large volume of food-contact packaging placed on the EU market, the absence of a replicable harmonised testing method, and the currently limited PFAS-testing capacity across the EU, a practical and proportionate way to demonstrating compliance could rely on a risk assessment-based approach, whereby economic operators could develop a risk matrix and define verification activities proportionate to the identified risks, building around the following *complementary* pillars[4]:

- **Verification of PFAS intentional use**, whereby suppliers' statements or declarations can be used to indicate that PFAS were not intentionally added at any stage of the value chain. Article 16 PPWR reflects the information obligations of suppliers of packaging or packaging materials, and
- **Assessment of specific risks of unintentional presence**, including consideration of realistic sources of cross contamination, process-related factors or intrinsic likelihood of PFAS occurrence (e.g. legacy PFAS, carry-over from production). Based on the identified risk, compliance could be demonstrated:
  - In a no-risk scenario: relying on suppliers' statements or declarations confirming that there is no risk of PFAS cross contamination or legacy PFAS concentration. Article 16 PPWR reflects the information obligations of suppliers of packaging or packaging materials.
  - In a low-risk scenario: additional verification might entail suppliers' audits, sample testing demonstrating compliance with the 50 ppm PFAS concentration limit or further analytical testing. Testing and testing frequency should be allowed on a risk-based basis.
  - In a medium to high-risk scenario: based on risk assessment, manufacturers may decide to supplement available documentation and test reports with own testing on the final article.

Q How to document packaging reusability in technical documentation?

While the minimum number of rotations required for packaging to qualify as reusable will only be defined by 12 February 2027, Article 11(3) clarifies that compliance must be demonstrated solely with respect to the requirements set out in Article 11(1). The latter provides an exhaustive list of criteria against which the technical documentation should be prepared.

It is important to note that, while Article 11 is a sustainability requirement and compliance with this Article must be formally demonstrated through the conformity assessment procedure (i.e. via the DoC and TD), this obligation relates to reusability *by design*. By contrast, reusability in practice, namely the achievement of the reuse targets set out in Article 29, must be demonstrated separately and is not in scope of the conformity assessment procedure pursuant to Chapter VII.

Finally, it should also be noted that the PPWR Guidance provides that: *"[…] The requirements set out in Article 11 are substantially like the requirements on reusable packaging contained in the previous PPWD and the related*

[4] The European Commission is currently working to provide additional clarity on the Conformity Assessment procedure in relation to Article 5(5) of the PPWR. As a result, the approach outlined in this document may be amended in the future to reflect further EU guidance.

harmonised standard EN 13429:2004 ([24]) on packaging re-use. This means that the requirements on reusable packaging under the PPWR are not completely new."

2. Questions on format

Q1 Should the DoC be in the language of the Member States in which the packaging is placed on the market? Should the documents accompanying it (e.g. test results) also be translated or documentation in English could be deemed acceptable?

Based on Article 39 of PPWR, Member States may require that the DoC be drawn up or translated into one or more languages determined by the Member State in which the packaging is made available on the market. The technical documentation referred to in Annex VII is a separate set of documents supporting the DoC. While the PPWR does not expressly require that the full technical documentation be translated, market surveillance authorities may request that relevant parts of that documentation be provided in a language they can understand. This may of course vary from one Member State to another.

Considering the burden associated with translation, a practical and workable approach may be considered, whereby manufacturers may decide to draw up the DoC and TC in English language. Depending on the Member State and the competent authority involved, this may be accepted. However, authorities may require a translation of the DoC and, where necessary, of parts of the technical documentation within a reasonable timeframe (while the PPWR does not prescribe this, around 10 working days could represent a 'reasonable timeframe').

Finally, in relation to the above, it should be noted that the EU Blue Guide provides that: *"[…] the national authority might accept a language they understand and which is different from the national language(s). The language chosen is subject to negotiation with the authority and could be a third language, if accepted by the authority."*

Q2 Do suppliers have any obligations in relation to language of the DoC and TD?

According to Article 16 of PPWR, suppliers shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials, in one or more languages which can be easily understood by the manufacturer. While this obligation does not extend to the language of the DoC itself, it ensures that manufacturers receive the necessary inputs in a usable form to prepare the technical documentation and demonstrate compliance.

NEW! The updated PPWR FAQ clarifies that, in general, suppliers of packaging are not responsible for drawing up a declaration of conformity. However, pursuant to Article 16 of the Regulation, they are required to provide the manufacturer of the packaging 'with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging with this Regulation', including all the relevant technical documentation. The company which places packaging or packaged products on the EU market (manufacturer/importer) has the legal responsibility for ensuring overall compliance with relevant PPWR requirements, including those stemming from Articles 5-12. It will therefore need to ensure that compliant packaging is used by obtaining the required documentation from its suppliers. Suppliers must provide this information and documentation, as established in Article 16(1), and can therefore not refuse to provide the relevant documentation to the manufacturer.

Q3 Annex VII requires a DoC for packaging type, whereas Annex VIII requires a "unique identification", the meaning of which is not clear. Provisions on DoC contained in other EU legislation usually provide for different levels of granularity. Is the "type" as referred to by Annex VII and listed in Table I of Annex II sufficient?

Section XV of the PPWR FAQ clarifies that: "*The word 'type' referred to in Annex VII concerning the conformity assessment procedure is not the same as the packaging types referred to in Annex II. Annex VII refers to each packaging format or each packaging batch/series and not to packaging materials, which are used for recyclability assessment."* The FAQ also provides that: *"The Regulation does not define 'unique identification of the packaging". This wording, referred to in Annex VIII, means that the packaging itself needs to be identified in terms of the type, batch, or serial number"* and manufacturers can choose freely among these for the identification of the packaging.

As an additional reference, section 4.4 of the Blue Guide on the implementation of the product rules 2022 acknowledges that, according to some economic operators, one way to refer to products is to use an item number (a so-called 'SKU' – 'Stock keeping unit) and that such item number can also be used as an identifier on the EU DoC.

Finally, it should be noted that the PPWR does not prescribe how technical documentation must be structured. Companies may therefore organise documentation in a modular way, including by preparing separate documentation for different packaging components (e.g., where sourced from different suppliers or produced at different locations), provided that the overall documentation demonstrates compliance of the packaging unit concerned.

Q4 How are packaging suppliers supposed to provide data and evidence to manufacturers to support them with the preparation of the DoC and TC?

This aspect is not prescribed under PPWR. In practice, packaging suppliers remain free to decide with manufacturers the best way to provide the evidence needed to substantiate the DoC and technical documentation.

It is however important to recall that Article 16 of PPWR details the obligations applicable to suppliers of packaging or packaging materials, as follows: *"[…] 1. Suppliers shall provide the manufacturer with all the information and documentation necessary for the manufacturer to demonstrate the conformity of the packaging and the packaging materials with this Regulation, including the technical documentation referred to in Annex VII and required under or pursuant to Articles 5 to 11, in one or more languages which can be easily understood by the manufacturer. That information and documentation shall be provided in either paper or electronic form.*

2. Where appropriate, the documentation and information required under Union legal acts applicable to contact-sensitive packaging shall be part of the information and documentation to be provided to the manufacturer pursuant to paragraph 1. [...]"

Q5 Who should sign off the DoC?

The DoC must be drawn up and signed by the manufacturer. Please note that Articles 15(12) and 21 of PPWR respectively specify cases in which obligations of manufacturers apply to suppliers, importers and distributors.

Q6 How to handle missing declarations of conformity from the value chain?

The manufacturer is legally responsible for the conformity assessment (Articles 5–12) and for issuing the DoC, supported by Annex VII technical documentation. Suppliers must provide all information and documentation necessary for the manufacturer to demonstrate conformity, in line with Article 16 of PPWR.

If a supplier of packaging (and its components) or packaging materials fails to provide such information, the manufacturer cannot properly complete conformity assessment or the DoC and therefore must not place that packaging on the market; otherwise, it risks formal non-compliance under Article 62.

In practice, manufacturers must insist on documentation, record their attempts, and, if necessary, switch suppliers to ensure that all PPWR documentation and declaration obligations are met. Competent authorities may take these documented efforts into account when assessing compliance.

In relation to this point, it is important to note that the PPWR requirements apply to all packaging and packaging waste entering the Union and that the Regulation has EEA relevance.

NEW! The updated PPWR FAQ clarifies that, where the necessary information for packaging that is manufactured before 12 August 2026 is missing or insufficient, the manufacturer under the PPWR must make best efforts to provide the necessary information, for example by requesting it from the former supplier or, in the case of a business takeover/merger/acquisition, from the new resulting company, or by making own assessments.

3. Questions on frequency

Q1 The text provides that prior to placing packaging on the market, the manufacturer (or importer) needs to carry out the relevant conformity assessment. By which date will companies have to carry out the conformity assessment procedure mandated by the PPWR?

In line with Article 71, the PPWR becomes applicable from 12 August 2026. However, it is important to note that many of its requirements are subject to later application dates, such as for instance 1st January 2030 or 1st January 2040.

Accordingly, only those obligations for which the PPWR does not provide a more specific future date of application will become applicable on 12 August 2026. For these obligations, manufacturers and importers must ensure that the required conformity assessment is carried out before placing packaging on the market on or after that date. This timeline provides a detailed overview of obligations applicable on 12 August 2026, as well as corresponding technical specifications relevant for the conformity assessment.

NEW! The updated PPWR FAQ provides that packaging that has not been placed on the market by 12 August 2026, but that has already been produced and sits in stock, does not have to be destroyed, remanufactured or re-labelled. To meet the requirements under Article 15(5) and 15(6), which establishes that packaging must bear a unique identification as well as the manufacturer's name and address, it is possible to provide the required information by means of an accompanying document. This is also the case for reusable packaging already placed on the market. However, for packaging that is manufactured after the 12 August 2026, an accompanying document must only be used when it is not possible to affix the unique identification and the name and address directly on the packaging. Packaging that has been placed on the market before 12 August 2026 can remain on the market, even if it is non-compliant with PPWR.

Furthermore, the revised FAQ also stresses that the enforcement of the obligations applicable as from 12 August 2026 should not disrupt trade flows, supply chains or consumer access to goods. In line with Article 62 of the PPWR, if a Member State becomes aware of any of the instances of non-compliance set out in that Article, it must first require the relevant economic operator to put an end to that non-compliance. In other words, the economic operator should first receive a warning that non-compliance has been identified, and an opportunity to take corrective action, before any other action is taken on the side of the Member State. Only where the non-compliance is not rectified by the economic operator, but instead persists, will Member States be within their rights to take further action (such as prohibiting, recalling or withdrawing non-compliant packaging). Market surveillance authorities should - rather than following a sanction-oriented approach - support the responsible economic operators in complying with the new rules, for instance with awareness-raising, requests for information or requests for corrective action with a reasonable timeline for adaptation.

Q2 The PPWR does not specify how often (monthly, annually, at each shipment) a DoC needs to be prepared. Shall such documentation be prepared each time packaging is placed on the EU market?

Section XV of the PPWR FAQ clarifies that: *"According to Annex VII, the manufacturer must draw up a written declaration of conformity for each packaging type. The declaration of conformity must identify the packaging for which it has been drawn up. The documentation shall make it possible to assess the packaging's conformity with the sustainability requirements, laid down in Article 5 – 12. The technical documentation must specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture, use and operation of the packaging. For example, the assessment of the minimisation requirement will depend on the packaged product whereas the assessment of recycled content might depend on the weight of the packaging.*

It follows that the declaration of conformity should be drafted at the level where packaging has the same characteristics in view of the applicable requirements and the packaged products. Therefore, if the products differ,

a manufacturer should not draft a single declaration of conformity for all packaging placed on the market. Concretely, if bottles are of different sizes and contain the same product, and the difference in size does not affect compliance with any of the requirements in Article 5 – 12, then the manufacturer may draft a single declaration of conformity for the bottles.

Manufacturers must ensure that the series production of packaging remains in conformity with the Regulation. They must consider if changes in packaging design or in its characteristics, as well as changes in harmonised standards or other rules by reference to which conformity is declared or verified, require reassessment."

Considering the above, it is understood that a DoC is required per each packaging type, not per shipment, and that it only needs to be continuously updated based on an assessment of whether changes affect compliance.

Q3 How to interpret the notion of 'continuously update' in relation to the DoC? And which changes force an update of the DoC and technical documentation (e.g. minor changes to the packaging design, changes in recycled content sourcing)?

While the notion of 'continuously updated' is not further defined, Article 15(4) of PPWR provides the following helpful reference: *"[...] Manufacturers shall adequately take into account changes in packaging design or in characteristics, as well as changes in harmonised standards, common technical specifications or other technical specifications by reference to which conformity is declared or by application of which its conformity is verified. Where the manufacturers find that the packaging's conformity could be affected, they shall carry out a re-assessment in accordance with the conformity assessment procedure referred to in Article 38, or have it carried out on their behalf [...]."*

In light of this, "continuously updated", which is mentioned in the PPWR's Article 39(2), should be understood as meaning that the DoC and the technical documentation must be kept up to date whenever changes occur that may affect compliance, rather than being updated on a fixed periodic basis. Accordingly, manufacturers should assess, on a case-by-case basis, whether a given change could affect conformity with the applicable requirements. Relevant changes may include, for example, changes in packaging design or structure, or changes in materials or composition. Where such changes could affect compliance, the manufacturer must carry out a reassessment and update the technical documentation and, where necessary, the DoC accordingly.

4. Real life scenarios

S1 A company places on the EU market products manufactured in a European site, as well as products manufactured at plants located outside the EU. In the latter case, which specific entity and address should be included in the DoC? Should it be the manufacturing site (which for some products would mean a non-EU address), or rather the place from which the products are distributed?

The DoC under the PPWR must indicate the economic operator that is the "manufacturer" in the PPWR sense, together with that operator's postal address. That entity can be established inside or outside the EU.

The DoC does not have to show the physical manufacturing plant address, nor the EU distribution centre, unless one of those is in fact that of the legal manufacturer for PPWR purposes.

S2 Company A, established in the EU, imports from Company B, established outside the EU, a packaged product. How should the conformity assessment be approached?

If Company B (non-EU) is the manufacturer and Company A is only the importer:

- Company B must carry out the conformity assessment under Article 38 and Annex VII and draw up the DoC;
- Company A must verify that this has been done, obtain and retain the DoC and ensure the technical documentation can be provided to authorities;
- Company A does not re-do Annex VII but must not place the packaging on the EU market if Company B cannot demonstrate conformity.

S3 Company A, established in the EU, imports packaged products, unpacks them, and repacks them before selling them in the EU. How should the conformity assessment be approached?

Because Company A unpacks and repacks, it is treated as manufacturer for the new packaging under Article 21 PPWR. It must therefore carry out the Annex VII conformity assessment for compliance with Articles 5–12, prepare the corresponding technical file, and issue an EU declaration of conformity in its own name for that packaging.

While the imported packaged product must also be accompanied by a relevant DoC, the conformity of the original, discarded import packaging is no longer sufficient for the repacked goods placed on the EU market.

S4 A company has placed a packaging on the market before 12 August 2026. Delivery to customers has started and will be continued after 12 August 2026. Is a DoC needed for packaging delivered after 12 August, although it has been placed on the market before the deadline?

Recital 14 of PPWR clarifies that: "*Packaging should be considered to have been placed on the market when the packaging is made available for the first time on the Union market, which means supplied by the manufacturer or importer for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge. Thus, packaging already placed on the Union market before the date of application of relevant requirements and in the stocks of distributors, including retailers and wholesalers, should not need to meet the sustainability and labelling requirements laid down in or pursuant to this Regulation."*

The PPWR FAQ further indicates that: *"In general, packaging which was lawfully placed on the market before 12 August 2026, or otherwise before the date of application of a specific provision, may remain on the market without having to be brought into compliance, withdrawn or recalled."*

According to Section 2.3 of the Blue Guide on the implementation of the product rules 2022:

"A product is placed on the market when it is made available for the first time on the Union market. According to Union harmonisation legislation, each individual product can only be placed once on the Union market.

Products made available on the market must comply with the applicable Union harmonisation legislation at the moment of placing on the market.

When a manufacturer or an importer supplies a product to a distributor or an end-user for the first time, the operation is always labelled in legal terms as 'placing on the market'. Any subsequent operation, for instance, from a distributor to distributor or from a distributor to an end-user is defined as making available.

Placing on the market is considered not to take place where a product is […] in the stocks of the manufacturer (or the authorised representative established in the Union) or the importer, where the product is not yet made available, that is, when it is not being supplied for distribution, consumption or use, unless otherwise provided for in the applicable Union harmonisation legislation."

Considering the above, packaging that was lawfully placed on the Union market before 12 August 2026 may continue to be made available (including delivered to customers) after that date without the need to comply with the PPWR requirements or to be accompanied by a DoC. By contrast, packaging that is placed on the market for the

first time on or after 12 August 2026 must comply with the applicable PPWR requirements, including in relation to the drawing up of a DoC. Please note that the PPWR Guidance provides specific guidance on this point in relation to Article 5(5) of PPWR. It states (in section 5) as follows: "*As regards packaging containing PFAS, which has been produced before 12 August 2026, the PPWR does not foresee a transitional period for the exhaustion of stocks. Therefore, food-contact packaging placed on the market after 12 August 2026 must comply with the PFAS limits laid down in this Regulation, while packaging placed on the market before 12 August 2026 may remain on the market and does not need to be withdrawn […].*"