

Bird & Bird

The new European Regulation on Packaging and Packaging Waste

An Overview of the
most important contents

February 2025



Introduction

On January 22, 2025, the new [European Regulation on Packaging and Packaging Waste \(EU 2025/40\)](#) (“**Packaging Regulation**”) was published in the Official Journal of the EU. This regulation will replace the previous [Packaging and Packaging Waste Directive 94/62/EC](#) from August 12, 2026. The new Packaging Regulation is part of the European Green Deal and aims to reduce the environmental impact of packaging, promote the circular economy and provide consumers with better information.

The Packaging Regulation will have a significant impact on a large number of companies, as it affects manufacturers and importers, as well as distributors and fulfilment service providers who supply packaging or packaged products in the EU or who are involved in their recycling. It contains requirements relating to the sustainable design and labelling of packaging, sets binding re-use targets and refill obligations, introduces deposit systems and bans certain packaging formats.

With a few exceptions, the new provisions will apply from August 12, 2026. As they will have a complex impact on business processes and the supply chain, companies should familiarise themselves with the requirements of the regulation as soon as possible. In this Client Alert, we provide you with an overview of the most important content and effects of this important piece of legislation.

Content structure and main regulations

Chapter	Content	Main Regulations
I	<p>General Provisions, Art. 1-4</p> <p><u>Art. 1:</u> Subject matter</p> <p><u>Art. 2:</u> Scope</p> <p><u>Art. 3:</u> Definitions</p> <p><u>Art. 4:</u> Free movement</p>	<ul style="list-style-type: none"> • Material Scope: All packaging is covered, regardless of the material used, and all packaging waste, regardless of where it is generated. The regulation also applies to the transportation of packaging between companies (B2B). • Personal Scope: Economic operators (manufacturers, suppliers, importers, distributors, fulfilment service providers) who supply packaging in the EU or are involved in its recycling or recovery are subject to obligations - to varying degrees, depending on the stage in the distribution chain.
II	<p>Sustainability Requirements, Art. 5-11</p> <p><u>Art. 5:</u> Requirements for substances in packaging</p> <p><u>Art. 6:</u> Recyclable packaging</p> <p><u>Art. 7:</u> Minimum recycled content in plastic packaging</p> <p><u>Art. 8:</u> Biobased feedstock in plastic packaging</p> <p><u>Art. 9:</u> Compostable packaging</p> <p><u>Art. 10:</u> Packaging minimisation</p> <p><u>Art. 11:</u> Reusable packaging</p>	<ul style="list-style-type: none"> • Limiting the presence and concentration of <u>substances of concern</u> to a minimum, also regarding emissions, microplastics and materials resulting from waste management. • Prohibition on exceeding <u>restrictions</u> for certain substances and materials. • All packaging placed on the market must be <u>recyclable</u>. The Commission defines recycling criteria and recyclability performance grades based on Annex II by means of delegated acts. • Recyclability must be assessed and expressed in specific recyclability performance grades. <u>From January 1, 2030, at the latest</u>, placing on the market is <u>only permitted</u> for performance grades <u>A, B or C</u>.

Chapter	Content	Main Regulations
		<ul style="list-style-type: none"> Plastic packaging must contain a <u>minimum percentage of recycled content</u> recovered from post-consumer plastic waste. Packaging must be designed in such a way that <u>weight and volume are reduced to a minimum</u>.
III	<p>Labelling, Marking and Information Requirements, Art. 12-14</p> <p><u>Art. 12</u>: Labelling of packaging</p> <p><u>Art. 13</u>: Labelling of waste receptacles for the collection of packaging waste</p> <p><u>Art. 14</u>: Environmental claims</p>	<ul style="list-style-type: none"> Packaging must be labelled with information on the <u>material composition</u>. In addition, packaging must bear a label and a QR code or another digital data carrier with <u>information on reusability</u>. There are requirements for <u>environmental claims</u> regarding packaging properties.
IV	<p>General Obligations, Art. 15-23</p> <p><u>Art. 15</u>: Obligations of manufacturers</p> <p><u>Art. 16</u>: Information obligations of suppliers of packaging or packaging materials</p> <p><u>Art. 17</u>: Authorised representatives</p> <p><u>Art. 18</u>: Obligations of importers</p> <p><u>Art. 19</u>: Obligations of distributors</p> <p><u>Art. 20</u>: Obligations of fulfilment service providers</p> <p><u>Art. 21</u>: Case in which obligations of manufacturers apply to importers and distributors</p> <p><u>Art. 22</u>: Identification of economic operators</p> <p><u>Art. 23</u>: Information obligations of packaging waste management operators</p>	<ul style="list-style-type: none"> Obligations apply to manufacturers, suppliers, authorised representatives, importers, distributors and fulfilment service providers. Manufacturers may only place packaging on the market that <u>complies with Articles 5 to 12</u>. Manufacturers must carry out a <u>conformity assessment procedure</u> and <u>label</u> their packaging in such a way that it is <u>identifiable</u> and contains <u>information about the manufacturer</u> (also possible via QR code). <u>Suppliers</u> must provide the manufacturer with all necessary <u>information</u> and <u>documentation</u> to prove that the packaging/packaging materials comply with the regulation. Similar obligations apply to importers and distributors as to manufacturers. <u>Under certain conditions</u>, they are subject to the same obligations as manufacturers. Economic operators must disclose information on the <u>identity of economic operators in the supply and distribution chain</u> to the market surveillance authorities upon their request.
V	<p>Obligations of Economic Operators to Reduce Packaging and Packaging Waste, Art. 24-33</p> <p><u>Art. 24</u>: Obligation related to excessive packaging</p> <p><u>Art. 25</u>: Restrictions on use of certain packaging formats</p> <p><u>Art. 26</u>: Obligations in relation to reusable packaging</p> <p><u>Art. 27</u>: Obligation related to re-use systems</p> <p><u>Art. 28</u>: Obligations related to refill</p> <p><u>Art. 29</u>: Re-use targets</p> <p><u>Art. 30</u>: Rules on the calculation of the achievement of the re-use targets</p> <p><u>Art. 31</u>: Reporting to the competent authorities on re-use targets</p> <p><u>Art. 32</u>: Refill obligation for the takeaway sector</p>	<ul style="list-style-type: none"> The <u>empty space ratio</u> in certain packaging may not exceed 50%; in sales packaging, the <u>empty space</u> must be kept to a <u>minimum</u>. Space with filling material is considered empty space. <u>Prohibition</u> of the placing on the market of certain <u>packaging formats</u> for certain uses listed in <u>Annex V</u> (e.g. certain single-use plastic packaging). From 1 January 2030, economic operators must ensure that <u>at least 40%</u> of certain transport or sales packaging is <u>reusable</u> within a re-use system. Exceptions apply to <u>micro-enterprises</u> and companies with a small sales area. Economic operators must report on the achievement of the defined re-use targets.

Chapter	Content	Main Regulations
	<u>Art. 33</u> : Re-use offer obligation for the take-away sector	
VI	<i>Plastic Carrier Bags, Art. 34</i>	<ul style="list-style-type: none"> Member States should take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags.
VII	<i>Conformity of Packaging, Art. 35-39</i> <u>Art. 35</u> : Test, measurement and calculation methods <u>Art. 36</u> : Presumption of conformity <u>Art. 37</u> : Common specifications <u>Art. 38</u> : Conformity assessment procedure <u>Art. 39</u> : EU declaration of conformity	<ul style="list-style-type: none"> Regulations on the <u>conformity assessment procedure</u> and CE marking.
VIII	<i>Management of Packaging and of Packaging Waste, Art. 40–57</i> <u>Art. 40</u> : Competent authority <u>Art. 41</u> : Early warning report <u>Art. 42</u> : Waste management plans and waste prevention programmes <u>Art. 43</u> : Prevention of packaging waste <u>Art. 44</u> : Register of producers <u>Art. 45</u> : Extended producer responsibility <u>Art. 46</u> : Producer responsibility organisation <u>Art. 47</u> : Authorisation on fulfilment of extended producer responsibility <u>Art. 48</u> : Return and collection systems <u>Art. 49</u> : Mandatory collection <u>Art. 50</u> : Deposit and return systems <u>Art. 51</u> : Re-use and refill <u>Art. 52</u> : Recycling targets and promotion of recycling <u>Art. 53</u> : Rules on the calculation of the achievement of the recycling targets <u>Art. 54</u> : Rules on the calculation of the achievement of the recycling targets by including re-use <u>Art. 55</u> : Information on prevention and management of packaging waste <u>Art. 56</u> : Reporting to the Commission <u>Art. 57</u> : Packaging databases	<ul style="list-style-type: none"> Member States must reduce their packaging waste generated per capita (by 5 % by 2030, by 10 % by 2035, by 15 % by 2040). Producers must apply for <u>registration in the register of producers</u> in each Member State in which they make packaging/packaged products available on the territory of the Member State for the first time. Producers bear a <u>so-called extended producer responsibility</u>. They can fulfill this responsibility themselves or entrust an authorised producer responsibility organisation. Member States must set up <u>systems for the return and separate collection</u> of all packaging waste generated by end users and take measures to promote the recycling of packaging waste that meets the quality standards for the use of recycled materials. Obligation of Member States to set up <u>deposit and return systems</u> for single-use plastic beverage bottles and single-use metal beverage containers up to three litres each.
IX	<i>Safeguard Procedures, Art. 58–62</i> <u>Art. 58</u> : Procedure for dealing with packaging presenting a risk at national level <u>Art. 59</u> : Union safeguard procedure	<ul style="list-style-type: none"> Market surveillance authorities shall require relevant economic operators to take <u>appropriate and proportionate corrective measures</u> in case of non-conformity of packaging or packaging presenting a risk.

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	<p><u>Art. 60</u>: Compliant packaging which presents a risk</p> <p><u>Art. 61</u>: Controls on packaging entering the Union market</p> <p><u>Art. 62</u>: Formal non-compliance</p>	<ul style="list-style-type: none"> • <u>Economic operators must ensure that all appropriate corrective measures are taken.</u> • If a non-conformity persists within a specified period, market surveillance authorities may take appropriate provisional measures to prohibit the packaging from being made available, to withdraw it or to recall it.
X	<p>Green Public Procurement, Art. 63</p>	<ul style="list-style-type: none"> • Public contracting authorities must apply minimum mandatory requirements when awarding public contracts for packaging or packaged products. The <u>minimum requirements</u> are defined by <u>implementing acts of the Commission</u> and are intended to ensure that the objectives of the Regulation are achieved.
XI	<p>Delegated Powers and Committee Procedure, Art. 64–65</p> <p>In particular:</p> <p><u>Art. 64</u>: Exercise of the delegation</p> <p><u>Art. 65</u>: Committee procedure</p>	<ul style="list-style-type: none"> • The Commission is authorised to adopt delegated acts and is assisted by committees.
XII	<p>Amendments, Art. 66 67</p> <p>In particular:</p> <p><u>Art. 66</u>: Amendments to Regulation (EU) 2019/1020</p> <p><u>Art. 67</u>: Amendments to Directive (EU) 2019/904</p>	<ul style="list-style-type: none"> • The Packaging Regulation will be <u>included in Annex I of the Regulation on Market Surveillance 2019/1020</u>; this will grant the market surveillance authorities all the powers specified therein, including regarding packaging.
XIII	<p>Final Provisions, Art. 68-71</p> <p>In particular:</p> <p><u>Art. 68</u>: Penalties</p> <p><u>Art. 69</u>: Evaluation</p> <p><u>Art. 70</u>: Repeal and transitional provisions</p> <p><u>Art. 71</u>: Entry into force and application</p>	<ul style="list-style-type: none"> • Member States must adopt rules on <u>effective, proportionate and dissuasive penalties for infringements</u> by 12 February 2027, which must include administrative <u>fin</u>es. • If a member state does not provide for fines, the fine procedure can be initiated by the relevant authority and the fine imposed by the competent national court. • The Packaging Regulation is applicable <u>from 12 August 2026</u>. With the applicability of the new regulation, the previous Packaging and Packaging Waste Directive 94/62/EC will be repealed with the exception of a few transitional provisions.

Conclusion / Need for action

The Packaging Regulation significantly expands the requirements for packaging and now covers its entire life cycle. This expansion is emphasised by the fact that the number of articles has increased from 25 to 71 compared to the previous Packaging and Packaging Waste Directive. If your company places packaged products or packaging on the European market, we recommend that you assess your company's role (manufacturer, importer, distributor or fulfilment service provider) now to determine which new requirements and obligations your company will face. In this way, processes can be adapted at an early stage to prepare for and ensure compliance with the new provisions as of August 12, 2026.

We stand ready to advise you on all matters relating to the new Packaging Regulation. Please feel free to contact our team!



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