To: EU Commission President von der Leyen

Cc: Executive Vice-President Ribera (Clean, Just and Competitive Transition)

Executive Vice-President Séjourné (Prosperity and Industrial Strategy)

Commissioner Roswall (Environment, Water Resilience and a Competitive Circular Economy)

Commissioner Dombrovskis (Economy and Productivity, Implementation and Simplification)

Commissioner Šefčovič, (Trade and Economic Security; Interinstitutional Relations and Transparency)

Brussels, 19 December 2025

Subject: Industry concerns regarding the interpretation of the new EU Packaging and Packaging Waste Regulation by the European Commission.

Dear President of the European Commission,

We thank the European Commission for its continued efforts to provide legal clarity and for its engagement with stakeholders in support of the effective and harmonised implementation of the Packaging and Packaging Waste Regulation (PPWR).With the Regulation set to apply in just eight months, companies require clear, precise, and reliable guidance.

We believe, that in its current form the draft Legal Notice lacks the necessary level of precision, leaves several key issues unresolved, and risks diverging from the legal framework agreed by the co-legislators. In the absence of timely clarification, businesses face significant uncertainty, which may hinder investment planning, supply chain adaptation, and consistent implementation across the EU Single Market.

In particular, the Commission's interpretation of certain provisions of the PPWR appear to substantially modify the scope of the Regulation. By way of example, the notice document explicitly obliges Member States to introduce requirements that go beyond the Regulation's text, including the setting of higher reuse and/or additional reuse targets under Article 29. In addition, it appears to extend the scope of the packaging bans set out in Article 25 and Annex V (points 1–4), by encouraging Member States to introduce "bans" pursuant to Article 4 of the Single-Use

Plastics Directive, notwithstanding the fact that the latter provides for the establishment of consumption reduction measures rather than prohibitions.

Although not legally binding, the PPWR guidance document is clearly intended to inform and influence the interpretation and implementation of the Regulation. In this context, we respectfully urge the Commission to refrain from adopting an approach that goes beyond the precise legal wording of the Regulation and introduces elements of policy orientation that are not grounded in the legislator's agreed text, with the effect of fragmenting the EU Single Market, leading to inconsistent application of the PPWR, undermining the uniformity and effectiveness of the legal framework, and prolonging legal uncertainty for business investments and compliance by economic operators.

The PPWR is a Regulation and is therefore intended to ensure a harmonised approach across the European Union—an objective long advocated by industry. A well-functioning Single Market is essential to industry's competitiveness.

The European Commission Notice Document provides, inter alia, that:

- **Member States need to complement PPWR measures with national measures**, including the introduction of higher or additional national reuse targets for packaging. However, the legal text of the PPWR clearly provides that *"Member States may set targets for economic operators that exceed the minimum targets set out in paragraphs 1, 2, 3, 5, and 6 of Article 29, to the extent that such higher targets are necessary for the Member State to achieve one or more of the targets set out in Article 43."* This provision allows Member States to go beyond the minimum reuse targets only where necessary to achieve waste reduction objectives; it does not impose an obligation to do so. By contrast, the Notice appears to suggest that Member States must introduce additional measures, implicitly indicating that the reuse targets established in the PPWR are insufficient. Furthermore, the notice changes the nature of reuse targets in Article 33 (5) from aspirational to binding targets, which contradicts the letter of the law.

- **Member States may adopt bans on the basis of Article 4 of the Single-Use Plastics Directive (SUPD)**. The scope of the Notice should, however, be limited to the PPWR and not extend to other legislative instruments, such as SUPD. Moreover, Article 4 of the SUPD concerns consumption reduction measures and does not provide a legal basis for product bans. This interpretation also disregards Article 25(2) of the PPWR, which only allows national bans adopted prior to 1 January 2025 to remain in force. Furthermore, for the takeaway consumption, no ban is foreseen in the PPWR both for monomaterial (containing 5% or less plastic) and/or composite single-use packaging. Furthermore, the notice justifies the scope of Annex V as covering both mono-material plastic packaging, composite plastic packaging, and other composite packaging containing plastic, on the grounds that the scope cannot be limited to packaging made of 100% plastic. However, this justification does not support such a broad interpretation. The scope of Annex V therefore appears disproportionate, as it could reasonably be limited to mono-material plastic packaging and plastic composite packaging, without extending to all composite packaging that merely contains plastic.

- **A distinction between different types of packaging regarding the identification of the manufacturer**, in direct contradiction to the definition of "manufacturer" set out in Article 3 of the PPWR. That definition should apply uniformly throughout the Regulation, without differentiation. In particular, the notice inconsistently distinguishes between "producer" and "manufacturer," despite the PPWR explicitly including manufacturers in the producer definition, irrespective of the selling technique. This leads to unclear allocation of EPR obligations along the packaging value chain, particularly for paper manufacturers supplying packaging to brand owners or providing service and transport packaging. Further uncertainty arises in the cases where packaging is "made available on the market for the first time," compounded by references to "selling technique" as a differentiating factor. More clarity on the definition of "producer" and explicit guidance on its interaction with other single-market legislation are therefore essential to ensure legal certainty and a level playing field.

In light of the above, we strongly urge the Commission to revise the Notice to ensure full respect for the legal text and the political agreement reached by the co-legislators. Given the importance and practical impact of this document, we also believe it should be subject to appropriate consultation and alignment with stakeholders.

Please find attached, in the annex, the relevant excerpts from the Commission Notice for ease of reference.

We look forward to your response and remain available for further constructive exchange.

Yours sincerely,

Jori Ringman

Cepi Director General

On behalf of Cepi, ECMA, EPPA, FEFCO, FEPE, and ProCarton

Annex with proposed text changes:

Point 18, page 30: "*The SUPD does not contain a ban on placing on the market but an obligation on Member States to reduce the consumption of such packaging. Therefore, Member States are allowed to take national consumption reduction measures~~, including bans for the in situ consumption or for takeaway,~~ also after 1 January 2030 for single-use food and beverage paper-based packaging containing a maximum of 5% plastic*

Point 19, page 31: "*Therefore, in the absence of a definition of "single-use plastic packaging", it should be considered that composite packaging, including paper-based packaging, as defined under Article (24) of PPWR, containing ~~equal or~~ more than 5% or of plastic, is covered by the packaging bans in Article 25 and Annex V, points 1-4 of this Regulation. Packaging containing ~~less than~~ 5% or less of plastic is thus not covered by this ban*".

Point 20, page 31: "*Member States may maintain existing packaging restrictions adopted before 1 January 2025 related to packaging formats listed in ~~point 2 of~~ Annex V ~~(fruit and vegetables) and point 3 of Annex V (packaging for food and beverages for in situ consumption) until 1 January 2030~~. After this deadline, the packaging restrictions under this Regulation prevail and Member States will need to repeal their conflicting regulations. However, Member States may maintain ~~packaging bans and restrictions~~ consumption reduction measures adopted before 1 January 2025 related to points 2 and 3 of Annex V, which fall out of scope of this Regulation (see point 18 on "Rules applicable to single-use food and beverage packaging with a plastic content below 5% for in situ consumption in the Horeca sector" of this Notice), and only if such ~~restrictions~~ consumption reduction measures implement Article 4 of SUPD*."

Point 30, page 41: "~~*The waste prevention targets for the Member States established in PPWR cannot be achieved solely with the EU harmonised waste prevention measures in the PPWR. Therefore,*~~ Member States may ~~*need to*~~ complement the EU measures with national measures, such as higher or additional national reuse targets for packaging, to the extent that such higher targets are necessary for the Member States to achieve the waste reductions targets. However, in doing so, Member States need to comply with certain strict conditions."

Point 30, letter (c), third indent, page 42: "*[…] Member States cannot alter directly applicable and harmonized EU provisions. In particular, they cannot: […] - make aspirational reuse targets, as laid down in second sub-paragraph of Articles 29(1), 29(5), and 29(6), and 33(5), binding. ~~– in the take-away sector, comply with the conditions of Article 33(6) when setting binding or higher aspirational re-use targets than the aspirational targets laid down in Article 33(5) PPWR~~.*"