

# inDUFed position

## Transition period for PFAS

### Avoiding the unnecessary destruction of compliant packaging materials

With the entry into force of **the Packaging and Packaging Waste Regulation (PPWR, EU 2025/40)**, strict limits on PFAS will be imposed on packaging intended to come into contact with foodstuffs from **12 August 2026**. **Article 5.5** stipulates that packaging may not be placed on the market if it contains PFAS exceeding the specified concentration thresholds. These thresholds include **25 ppb for individual non-polymeric PFAS, 250 ppb for total non-polymeric PFAS and 50 ppm for total PFAS, including polymers**. The regulation aims to establish a harmonised and measurable approach to reducing PFAS, but at the same time poses considerable practical challenges for companies that produce packaging materials several months in advance.

## 1. Summary

The new limits on PFAS set out in the PPWR (EU 2025/40), Article 5.5, apply immediately and without a transition period, whereas packaging materials are produced several months before they are used. This risks leading to the destruction of large quantities of packaging that is technically compliant but administratively non-compliant, with serious financial and environmental consequences for the sector. A temporary transitional regime for materials delivered before 12 August 2026 would prevent this disproportionate harm without compromising the objectives regarding PFAS.

- ⇒ ***We call on the Belgian government to authorise a temporary transitional regime allowing the legal placing on the market of packaging materials delivered before 12 August 2026 and for which it is declared that no intentional addition of PFAS will be made after that date.***
- ⇒ ***We call on the Belgian government to advocate for this approach to the European Commission and other Member States.***

## 2. The need for a viable transitional regime

The distinction between **packaging materials** and **packaging** is essential for the correct application of Article 5.5 of the PPWR. **Packaging materials** are rolls, films or flat-packed cardboard that do not yet contain a product. To turn them into **packaging** capable of containing products, small but essential processing steps are still required (gluing, sealing). Only then are they placed on the market as packaging. Article 5.5 of the PPWR applies exclusively to **packaging placed on the market**, and not to packaging materials produced and delivered beforehand. Consequently, the restrictions

on PFAS only apply legally at the point when the material becomes actual packaging, and not during the phase when it is still merely a packaging material.

Most, if not all, packaging materials are produced several months before use and will only be filled and placed on the market after **12 August 2026**. In the absence of a transition period and given the current uncertainty regarding the supervisory authorities and control procedures, suppliers cannot under any circumstances demonstrate in advance that their materials are fully compliant. They simply do not have the necessary administrative framework to prove this.

## 2.1. Disproportionate consequences in the absence of a transitional measure

There are currently significant stocks of packaging that **are technically and chemically compliant**, but which **do not meet the new requirements from an administrative perspective**. Under the current interpretation, these materials should no longer be placed on the market and should even be destroyed. This results in:

- **unnecessary financial losses** for both suppliers and food producers
- **a significant environmental impact** due to the destruction of perfectly usable materials
- **disruption to the supply chain**, with risks to continuity and food security

## 2.2. Proposal for a pragmatic and legally defensible solution

We advocate for a **temporary transitional mechanism, established by the Belgian authorities, allowing the legal placing on the market** of packaging materials delivered to the food producer **before 12 August 2026**, provided that the food producer declares **that no PFAS have been intentionally added after that date**.

This approach provides legal certainty, avoids the unnecessary destruction of compliant materials and ensures compliance with PFAS reduction targets.

## 2.3. European endorsement of the proposed approach

A national transitional measure would be even more effective if it also received European support. It is therefore crucial that Belgium actively advocates for this pragmatic approach with the European Commission and other Member States. By emphasising that these are technically compliant materials that simply fall between two chairs administratively, Belgium can demonstrate that a temporary transition period does not compromise the PPWR's PFAS objectives, but rather prevents unnecessary destruction. A common European interpretation strengthens legal certainty and avoids market distortions between Member States.

## 3. inDUFed

*inDUFed* is the federation of Belgium's glass, paper & board industries, bringing together companies committed to sustainability, innovation, and quality. *inDUFed* advocates for these sectors, supports their industrial initiatives, and drives advancements that benefit both the environment and the economy.

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