

inDUFed position

PPWR FAQ: Risk of Legal Uncertainty

- a. **The FAQ introduces subjective criteria for transport packaging**, such as "bigger" and "sturdier", which are not contained in the PPWR and may lead to divergent classification of the same packaging across the market.
 - b. **Different interpretations by economic operators could result in inconsistent application of PPWR obligations**, uncertainty regarding EPR responsibilities and potential disruptions throughout the supply chain.
 - c. **The interpretation that a flat cardboard box has reached its final form shifts responsibilities upstream in the supply chain**, despite the packaging still requiring assembly with the application of other materials before it can perform its intended function.
 - d. **Several PPWR obligations can only be assessed once the packaging is assembled, filled and used**, making it difficult for upstream suppliers to determine compliance where the final packaging configuration is unknown.
 - e. **The combined interpretation of transport packaging and final form risks assigning obligations to economic operators that neither control nor determine the final packaging system**, thereby undermining legal certainty and harmonised implementation across the EU.
 - f. **Divergent classification practices could undermine the reliability of packaging and recycling data**, as identical packaging may be reported under different packaging categories across the EU.
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- ⇒ **Clarify that packaging classification should be based on function rather than size or robustness, in line with the packaging hierarchy established by the PPWR.**
 - ⇒ **Clarify that packaging should only be considered to have reached its final form when it is capable of performing its packaging function without further essential assembly or transformation.**
 - ⇒ **Ensure that responsibilities under the PPWR are allocated to the economic operator with knowledge of and control over the final packaging unit and its intended use**

Divergent interpretations risk disrupting the supply chains and misallocate responsibilities.

The combined interpretation of Questions 4 and 5 in the August 2026 FAQ risks fundamentally altering the allocation of responsibilities under the PPWR and creating significant legal uncertainty throughout the packaging value chain.

II. Question 4 introduces qualitative criteria such as packaging being "bigger" or "sturdier" to identify transport packaging. These concepts are not contained in the PPWR and may lead to an overly broad classification of packaging as transport packaging,

despite the PPWR framework distinguishing packaging categories according to their function. As inDUFed has consistently argued, packaging that contains products should be classified as sales packaging and packaging that groups sales units as grouped packaging, irrespective of size.

At the same time, II.Question 5 states that a flat cardboard box has already reached its final form, even though it still requires erection, assembly and closure with the application of other materials such as adhesives and tapes before it can perform its packaging function. This effectively shifts the point at which packaging comes into existence further upstream in the supply chain.

Taken together, these interpretations could result in cardboard box manufacturers being regarded as manufacturers of transport packaging long before the packaging is assembled, filled or used. This is particularly problematic because many PPWR obligations can only be assessed once the final packaging configuration is known. Packaging minimisation, performance requirements, empty-space calculations, certain labelling obligations, recyclability and conformity assessments all depend on factors that are determined by the packer or filler, not by the producer of a flat box blank.

Moreover, the FAQ interpretation creates a real risk of divergent classification decisions between economic operators. One operator may classify a cardboard box as grouped packaging based on its function, while another may classify the same packaging as transport packaging based on its size or robustness. Such differences are likely to result in inconsistent allocation of PPWR obligations, uncertainty over who is responsible for compliance and EPR obligations, and potentially conflicting expectations between suppliers and customers. This lack of alignment could disrupt established supply chains and create contractual disputes. More importantly, it could significantly undermine the reliability and comparability of packaging and recycling statistics across the EU. If identical packaging is reported under different packaging categories depending on the interpretation adopted, recycling rates and compliance reporting may become increasingly uncertain, even in Member States where data quality and reporting systems are currently considered robust. In short, it would undermine the harmonised application of the PPWR across the internal market.

The practical consequence is that regulatory responsibilities may be assigned to economic operators that neither control nor have knowledge of the final packaging system, while the actors that determine the specifications of the packaging, assemble the packaging and place the packed goods on the market may not be considered responsible. Such an outcome would undermine legal certainty, distort the allocation of obligations within the supply chain and make effective compliance with the PPWR considerably more difficult.

⇒ ***For these reasons, the FAQ interpretation should be reconsidered to ensure that packaging classification remains based on function and that responsibilities are allocated to the economic operator with knowledge of and control over the final packaging unit.***

About 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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