

The new EU Packaging Regulation: key changes and implications for the Food & Beverage sector

Introduction

Regulation (EU) 2025/40 on packaging and packaging waste (*Packaging and Packaging Waste Regulation*: hereinafter, “**PPWR**”) entered into force on 11 February 2025 and generally applies from 12 August 2026. As a regulation, the new legislation takes effect directly within the legal systems of the Member States and will progressively replace Directive 94/62/EC, while providing for numerous delegated and implementing acts to complete its technical framework.

By establishing a comprehensive framework for packaging, the PPWR is set to have a significant impact on the *Food & Beverage* sector, requiring environmental objectives to be reconciled with food safety requirements and affecting packaging design, the choice of materials, recycled content and labelling, as well as, in specific channels, bans on single-use packaging, re-use and *refill*.

This *alert* provides a concise overview of the key changes for producers, importers, distributors, *retailers* and *HORECA*¹ operators, together with the timeline for the main new obligations to become fully applicable.

Overview of the PPWR’s objectives and implementation timeline

The PPWR marks a shift from rules primarily focused on waste management to a framework governing the entire life cycle of packaging.

The PPWR applies to all packaging placed on the EU market and all packaging waste, irrespective of the material used or the context in which the packaging is used², with the stated aim of preventing waste generation, reducing the use of virgin raw materials and making packaging recyclable, reusable or recoverable in accordance with harmonised criteria.

As noted above, the PPWR generally applies from 12 August 2026. However, several of its provisions will apply progressively, according to the timeline summarised below³:

¹ Hotel, Restaurant and Café/Catering.

² Article 2, PPWR.

³ The dates indicated should be read together with the deferral clauses in the individual provisions.

Date	Key milestones
12 August 2026	General application of the PPWR; introduction of the new framework of obligations for operators; application of PFAS restrictions to food-contact packaging ⁴ .
12 February 2027	Requirement for <i>take-away HORECA</i> operators to allow consumers to use their own containers ⁵ .
12 February 2028	Compostability requirements for certain formats; provision of a reusable option for <i>take-away</i> ⁶ .
From 2028/2029	Harmonised labelling of material composition and reusable formats, with application dates linked to the implementing acts ⁷ .
1 January 2029	Deposit and return systems for certain plastic bottles and metal beverage containers of up to three litres, subject to exemptions ⁸ .
From 1 January 2030	Recyclability grades, minimum recycled content, minimisation, empty space limits, the bans in Annex V and the first re-use <i>target</i> for beverages ⁹ .

⁴ Articles 5(5) and 71, PPWR.

⁵ Article 32(1) and (2), PPWR.

⁶ Articles 9(1) and 33(1)–(4), PPWR.

⁷ Article 12(1), (2), (6) and (7), PPWR.

⁸ Article 50(1)–(5) and (11), and Annex X, PPWR. Deposit and return systems are to be established with a view to achieving, by 1 January 2029, the annual separate collection target of 90% for the formats concerned. The product exclusions in paragraph 4 and any national exemptions under paragraph 5 remain applicable.

⁹ Article 6(2), point (a), (3) and (4), and Annex II, Table 3; Article 7(1), (2) and (8); Article 10(1) and (2), and Annex IV; Article 24(1)–(3); Article 25(1), and Annex V; and Article 29(6), PPWR. For application dates linked to subsequent acts on recyclability, recycled content and empty space, see Article 6(2), point (a), Article 7(1) and Article 24(1), respectively.

Date

Key milestones

From 2035 and 2038

Recycling “at scale” and, from 2038, market access limited to recyclability grades A and B¹⁰.

The principal new requirements for packaging

1. Recyclability and design

First, Article 6 of the PPWR establishes the principle that all packaging placed on the market must be recyclable¹¹.

Full implementation of this provision will, however, depend on delegated acts establishing, among other things, recycling design criteria for the various packaging categories. From 2030¹², packaging will be assigned recyclability performance grades “A”, “B” or “C” based on the proportion of the packaging that is recyclable¹³.

Packaging below grade C, meaning packaging with a recyclability level below 70%, may not be placed on the market. Grade C is, however, only transitional: from 2038, only grades A and B will be permitted.

During the transition period, assessment nevertheless continues to be based on the requirements of Directive 94/62/EC and the technical references currently applicable, including technical standard EN 13430:2004. Pending the adoption of harmonised recycling design criteria and the related assessment methodologies, businesses can undertake preparatory work, such as mapping the formats and materials they use, collecting technical data and monitoring implementing measures.

¹⁰ Article 6(2), point (b), (3), (5) and (10), and Annex II, Table 3, PPWR. The requirement for packaging to be recycled at scale applies from 1 January 2035 or, for the component dependent on implementing acts, five years after their entry into force, whichever is later. From 1 January 2038, packaging must fall within grades A or B, subject to the applicable exemptions, including that for innovative packaging under Article 6(10).

¹¹ Article 6(1) and (2), PPWR. For the purposes of this provision, recyclability requires both design for recycling and, in accordance with the relevant application dates, the ability for packaging to be collected separately, sorted without affecting other waste streams and recycled at scale.

¹² Or, if later, 24 months after the entry into force of the delegated acts to be adopted by the European Commission under Article 6(4), which will establish technical matters such as recycling design criteria, how recyclability performance is to be assessed, etc.

¹³ Grade A corresponds to 95% recyclability, grade B to 80% and grade C to 70%: see Table 3, Annex II to the PPWR.

2. Minimum recycled content

The second key change is that, from 2030, any plastic component of packaging will have to meet minimum percentages of recycled content recovered from post-consumer plastic waste, calculated as an average per manufacturing plant and year. The thresholds are: 30% for contact-sensitive packaging¹⁴ made primarily from PET, excluding single-use beverage containers; 10% for other contact-sensitive plastic packaging; 30% for single-use beverage bottles; and 35% for other plastic packaging. In 2040, these percentages will increase to 50%, 25%, 65% and 65%, respectively¹⁵.

Article 7(5) of the PPWR provides for an exemption for food packaging where the recycled content poses a threat to human health and results in non-compliance with Regulation (EC) No 1935/2004¹⁶. In such cases, the minimum thresholds summarised above do not apply¹⁷.

3. Packaging minimisation

The PPWR introduces the principle of packaging “minimisation”: from 1 January 2030, weight and volume must be reduced to the minimum necessary to ensure packaging functionality, applying the criteria in Annex IV to the PPWR¹⁸.

Under the PPWR, marketing purposes or consumer acceptance of a product cannot, on their own, justify additional packaging weight or volume. Double walls, false bottoms and unnecessary layers are therefore not permitted where they are intended solely to increase the perceived volume of the product.

Article 10(2) nevertheless provides for two narrowly defined exceptions: (i) packaging whose design, or whose shape as a trade mark, was protected before 11 February 2025, where applying the minimisation requirements would affect the novelty or individual character of the design or the distinctive character of the trade mark; and (ii) packaging of products or

¹⁴ Under Article 3(1), point (49), of the PPWR, “contact-sensitive packaging” means packaging intended to be used for products governed by the EU acts expressly listed in that provision. Of particular relevance to the Food & Beverage sector is packaging intended for products subject to Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food. The concept adopted by the PPWR is, however, broader and is not confined to food packaging.

¹⁵ Article 7(1), (2) and (8), and Annex II, Table 1, PPWR. The 2030 thresholds apply from 1 January 2030 or three years after the entry into force of the implementing act referred to in Article 7(8), whichever is later; the 2040 thresholds apply from 1 January 2040.

¹⁶ This is the Regulation on materials and articles intended to come into contact with food (food contact materials, or “FCMs”).

¹⁷ The exemption under Article 7(5), point (a), of the PPWR applies directly, but the manufacturer must substantiate the conditions for relying on it in the technical documentation. In particular, for each plastic part representing at least 5% of the total weight of the packaging unit, the polymer used must be identified, together with evidence that Annex I to Regulation (EU) 2022/1616 does not provide for a suitable recycling technology for that polymer and that no recycling technology is available on an industrial scale to produce it in accordance with the processes described in Article 4(3) of that Regulation.

¹⁸ Article 10(1)–(4), and Annex IV, PPWR.

beverages benefiting from a geographical indication protected under Union law or covered by one of the quality schemes referred to in that provision¹⁹.

For grouped packaging, transport packaging and e-commerce packaging, a maximum empty space ratio of 50% will apply from 1 January 2030²⁰. Space occupied by filling materials is also included in the calculation.

In addition, by 12 February 2028, operators who fill sales packaging must reduce empty space to the minimum necessary to ensure packaging functionality and product protection. For foodstuffs subject to settlement during transportation or requiring protective headspace, compliance is assessed by reference to the pack-fill level at the time of filling; air between or within foodstuffs and protective gases are not considered empty space²¹.

4. Labelling and environmental information

From 12 August 2028²², a harmonised labelling system will apply, based on pictograms indicating the material composition of packaging and coordinated with the labelling of waste receptacles to facilitate consumer sorting (Article 12 of the PPWR). For reusable packaging, the deadline is 12 February 2029²³, and such packaging must bear a label informing users that it is reusable. Further information on reusability must be made available through a QR code.

Key provisions specific to the *Food & Beverage sector*

While the matters outlined in the preceding sections generally concern all packaging, the PPWR also contains provisions specifically addressing food and beverage packaging, which are therefore of even more direct relevance to operators in the *Food & Beverage* sector. The following sections provide an overview of the main rules.

1. Bans on certain single-use packaging

One of the main changes introduced by the PPWR specifically affecting *food* sector operators is the *body* of rules banning single-use packaging. From 1 January 2030, Article 25 of the PPWR and Annex V thereto prohibit placing on the market certain single-use plastic

¹⁹ Article 10(2), points (a) and (b), and recital 60, PPWR.

²⁰ Or, if later, three years after the entry into force of the implementing acts referred to in Article 24(2).

²¹ Article 24(1)–(5), PPWR.

²² Or, if later, twenty-four months after the entry into force of the European Commission's implementing acts establishing a harmonised label and harmonised specifications for labelling requirements and formats, and the methodology for identifying the material composition of packaging by means of digital-marking technologies.

²³ Or, if later, thirty months after the adoption of the European Commission's implementing acts establishing a harmonised label and harmonised specifications for labelling requirements and formats.

packaging²⁴ formats that are particularly common in the food supply chain. The most relevant include:

- (i) plastic grouped packaging used at the point of sale to group products sold in bottles, cans, tins, pots and tubs, where it is designed solely as convenience packaging to encourage the purchase of multiple units and is not necessary for handling;
- (ii) single-use plastic packaging for less than 1.5 kg of pre-packed fresh fruit and vegetables (e.g. nets, trays, etc.), subject to exceptions that individual Member States may establish to prevent water loss, microbiological or physical hazards, oxidation or to address other needs identified in the PPWR and its implementing measures;
- (iii) single-use plastic packaging for food and beverages filled and consumed within *HORECA* premises (e.g. single-use trays, plates, cups and bags);
- (iv) single-use plastic packaging for individual portions of dressings, preserves, sauces, coffee creamer, sugar and seasoning in the *HORECA* sector, except for portions provided with take-away ready-prepared food intended for immediate consumption without further preparation, and packaging needed to ensure hygiene and safety in healthcare and care establishments.

Ahead of these bans, from 12 February 2028, permeable tea, coffee or other beverage bags and soft after-use system single-serve units, where intended to be used and disposed of together with the product, as well as sticky labels on fruit and vegetables, must also be compostable.

2. Re-use and *refill* obligations

Further changes are introduced by the PPWR provisions setting re-use targets. Under Article 29 of the PPWR, from 1 January 2030, final distributors making alcoholic and non-alcoholic beverages available to consumers in sales packaging must ensure that at least 10% are offered in reusable packaging within a re-use system²⁵, a proportion that increases to 40% from 1 January 2040.

The regime provides for exclusions for specific categories – including highly perishable beverages, milk and milk products, certain wine products, similar fermented beverages and spirit drinks – and exemptions for certain operators, including some micro-enterprises and those with small sales areas.

²⁴ The concept of “*plastic*” used for this purpose by the European institutions warrants particular attention. According to the Commission’s guidance, the bans in points 1 to 4 of Annex V, referred to in the body of this Alert, also cover predominantly paper-based composite packaging containing at least 5% plastic by total mass.

²⁵ Meaning a system enabling the circulation, rotation and repeated use of such packaging (see recital 86 of the PPWR).

As for *HORECA* operators selling hot or cold beverages or ready-prepared food in take-away packaging, they must:

- (i) under Article 32 of the PPWR, by 12 February 2027, establish a system allowing consumers to bring their own containers to be filled²⁶;
- (ii) under Article 33 of the PPWR, from 12 February 2028, also offer beverages and ready-prepared food for take-away in reusable packaging within a re-use system²⁷. By 2030, they must also endeavour to offer 10% of take-away products in that format. The exemptions provided for in the PPWR, including those for certain micro-enterprises, require case-by-case assessment and cannot be applied indiscriminately.

3. Limits on PFAS concentrations

Another restriction that will soon apply in full concerns the content of per- and polyfluoroalkyl substances (“PFAS”²⁸) in food packaging. From 12 August 2026, food-contact packaging may not be placed on the market if it contains PFAS at concentrations equal to or above the thresholds laid down in Article 5(5), namely 25 ppb²⁹ for any individual PFAS measured by targeted analysis, 250 ppb for the sum of PFAS measured and 50 ppm³⁰ for total PFAS, subject to the specific criteria and exclusions laid down in that provision.

These new restrictions form part of the broader existing framework governing materials and articles intended to come into contact with food, which must therefore continue to comply with the existing applicable legislation (including Regulation (EC) No 1935/2004, Regulation (EC) No 2023/2006 and, where applicable, the specific rules on plastics and recycled plastics).

Final remarks

In conclusion, the PPWR is a complex and wide-ranging piece of legislation that is set to have a profound impact on the entire packaging life cycle in the coming years. A wide range

²⁶ The product may not be offered at a higher price or under less favourable conditions than the equivalent purchased in single-use packaging, and consumers must receive clear and visible information on the available option.

²⁷ At no higher prices and under no less favourable conditions than for the product sold in equivalent single-use packaging.

²⁸ For the purposes of the PPWR, Article 5 itself defines PFAS as: “*any substance that contains at least one fully fluorinated methyl (CF₃-) or methylene (-CF₂-) carbon atom (without any H/Cl/Br/I attached to it), except substances that only contain the following structural elements: CF₃-X or X-CF₂-X', where X = -OR or -NRR' and X' = methyl (-CH₃), methylene (-CH₂-), an aromatic group, a carbonyl group (-C(O)-), -OR', -SR' or -NR'R''; and where R/R'/R'' = hydrogen (-H), methyl (-CH₃), methylene (-CH₂-), an aromatic group or a carbonyl group (-C(O)-)*”.

²⁹ Parts per billion

³⁰ Parts per million

of stakeholders are required, in different capacities, to comply with the many requirements set out *therein*, of which we have sought to summarise only the principal ones here.

Given the progressive application of the various obligations and bans over the coming years, and the forthcoming adoption by the Commission of numerous delegated acts that will flesh out the technical aspects of many PPWR provisions, operators must prepare both to keep abreast of developments and to identify from the outset the specific areas of their production processes and *business* models that may be affected by the new regulatory framework. They should make the necessary adjustments in good time to ensure timely compliance.

About Curtis

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