

EU Packaging and Packaging Waste Regulation – Further Details

Our [Newsletter 3 of April 2026](#) was dedicated entirely to the European Union's new [Packaging and Packaging Waste Regulation \(PPWR\) \(Regulation 2025/40\)](#). In this Newsletter, we provide further information regarding the Regulation's implications for operators in third countries.

The PPWR's new rules set stricter sustainability, labelling, and conformity requirements for all food packaging, with the following objectives:

- avoid and reduce packaging waste, and stimulate reuse;
- make all packaging on the EU market recyclable in an economically viable way; and
- increase the recycling of packaging materials, especially plastic, and their reuse.

The new rules also apply to suppliers of packaged food to the EU market who are based outside the EU.

Broadly speaking, the regulation establishes that:

- All packaging must be recyclable by 2030. Plastic packaging must contain minimum amounts of recycled plastic, packaging must be minimised (by weight and volume), and contaminants must be reduced. Producers of recycled plastic in non-EU countries must produce it in a way that is equivalent to EU standards for the collection of plastic and environmental emissions.
- There will be new limits on concentrations of substances of concern in packaging, including per- and polyfluorinated alkyl substances (PFAS).
- Certain packaging materials will be banned, including single-use plastic packaging for quantities of fresh fruit and vegetables weighing less than 1.5 kg.
- All sticky labels attached to *inter alia* fruit and vegetables will have to be compostable.
- Documentation demonstrating compliance with new requirements must be passed along the supply chain.

The new rules have the following direct impacts for exporters of fruits to the European Union:

Requirement	Recommended actions for exporters to the European Union
From 12 August 2026, exporters of fruit to the European Union must ensure that <u>information demonstrating the compliance of packaging with the PPWR</u> is communicated along the supply chain in the form of a <u>declaration of conformity</u> and supporting <u>technical documentation</u>. Packaging manufacturers must be able to provide the documentation necessary for the exporter to demonstrate compliance with the PPWR (Arts. 5 to 11, <i>see below</i>). Packaging manufacturers must undertake a conformity assessment procedure (Art. 38) and draw up a declaration of conformity using the templates provided in Annex VII & VIII of the PPWR.	Engage early with packaging manufacturers to review testing, monitoring, and documentation processes, and ensure that the requirements set out in the PPWR are met.

From 12 August 2026 , packaging intended for contact with food can no longer exceed strict limits for per- and polyfluoroalkyl substances (PFAS).	Work with your packaging suppliers to verify that your packaging does not contain restricted PFAS. You must include proof of compliance in your technical file.
From 12 February 2028 , all <u>sticky labels</u> (brand or PLU labels) attached to fruit and vegetables have to be (at least) industrially compostable.	Transition away from traditional plastic/paper stickers. Any brand labels or PLU codes must be certified compostable to enter the EU market. Explore sources of industrially compostable sticky labels, and potentially home-compostable ones (if required by individual EU countries).
From 1 January 2030 , <u>single-use plastic packaging</u> cannot be used for quantities of fresh fruit and vegetables of <u>less than 1.5 kg</u> (see Annex V). This includes plastic nets, plastic bags, small plastic clamshells, and trays. However, Member States may choose to allow single-use plastic packaging for certain prepacked fresh fruit and vegetables weighing less than 1.5 kg. ¹	Retail formats such as 500 g blueberry punnets or 1 kg grape bags must be transitioned to alternative formats such as loose packing, paper trays, or certified compostable netting. Larger bulk transport boxes over 1.5 kg remain permitted. Closely monitor exemptions to the ban on single-use plastic packaging for quantities of fresh fruit and vegetables below 1.5 kg.

Summary of Articles 5 to 11 of the PPWR

Articles 5 to 11 of the PPWR establish the core sustainability requirements that packaging must meet before being placed on the EU market. These articles set binding rules on hazardous substances, recyclability, recycled content, composting, design, and reuse. **Exporters of fruit to the European Union will have to ensure, from 12 August 2026, that their products are accompanied by documents (Declaration of Conformity and technical documentation) demonstrating compliance with these requirements.**

Art. 5: Substances of concern	Aims to minimize hazardous substances in packaging to protect health and the environment, including bans on PFAS in food contact packaging by 12 August 2026.
Art. 6: Recyclability	Requires all packaging to be recyclable by 2030, and to be effectively recycled at scale by 2035, with a grading system to phase out non-recyclable materials by 2038.
Article 7: Recycled content	Mandates minimum recycled plastic content for various packaging types, with specific targets for 2030 and 2040.
Article 8: Bio-based feedstock	Foresees that the Commission shall set requirements for the use of biobased content in plastic packaging, and introduces the possibility to achieve the targets of Article 7 by using bio-based plastic feedstock.
Article 9: Compostable packaging	Mandates that specific items, such as tea bags, fruit labels, and lightweight bags, must be industrially or home-compostable by 2028. Foresees the possibility for Member States to require that certain formats are only allowed on their national market if compostable.
Article 10: Minimisation	Focuses on reducing waste by setting maximum empty space limits (50 percent for grouped packaging, transport packaging, and e-commerce packaging by 2030) and prohibiting unnecessary packaging layers.
Article 11: Reusable packaging	Defines reusable packaging.

¹ Member States may set up exemptions to this restriction if there is a demonstrated need to avoid water or turgidity loss, microbiological hazards or physical shocks, oxidation, or if there is no other possibility to avoid commingling of organic fruits and vegetables with non-organic fruits and vegetables. The Commission is expected to publish, by February 2027, guidelines containing a non-exhaustive list of exempted fruits and vegetables i.e. produce that will still be allowed to be sold in packages of less than 1.5 kg.

FAQs

SFA has been receiving questions from its members regarding the precise implications of the new rules for third country operators supplying fruit to European markets. We are sharing the answers to these questions with all our members.

1. **What is the difference between “manufacturers” and “producers” under the PPWR, and are third country operators considered “manufacturers” or “producers”?**
- A “**manufacturer**” is any operator who manufactures a package or a packaged product. Manufacturers are responsible for the **upfront compliance tasks** (ensuring compliance with the technical sustainability requirements of Art. 5 to 11 of the PPWR, carrying out the conformity assessment, developing the technical documentation, and issuing the Declaration of Conformity).
 - A “**producer**” is the operator who then puts this package or packaged product on the territory of a specific EU Member State. Producers have “**extended producer responsibility**” for end-of-life of packaging (collection, sorting, recycling).
 - **The operator in the third country is considered the “manufacturer”, and their EU importer is considered the “producer”.** The third country operator is never the “producer” (unless they sell directly to the end consumer, which is highly unlikely in our industry). Therefore, the third country operator must ensure compliance with the technical and document requirements, while their EU importer has “extended producer responsibility” for reporting and the payment of waste management fees.
 - **WHICH third country operator—producer, packer, or exporter—is the “manufacturer” under the PPWR?**
The legal definition of “manufacturer” is strictly determined by brand ownership: the operator who places their brand name, logo, or trademark on the packaging is considered the “manufacturer”. This means that:
 - if the fruit is packaged in a third country under the third country **exporter’s** own brand name, logo, or trademark, the exporter is legally considered the “manufacturer”;
 - if the third country fruit **producer** packs the fruit at their own facility and labels it under their own farm brand then the fruit producer is the PPWR “manufacturer”;
 - if the fruit is packed in a third country but labelled under an EU supermarket’s store brand, neither third country entity is the manufacturer; the “manufacturer” is the **EU retailer**.
 - The following table summarises the obligations of “manufacturers” vs “producers”:

Manufacturer	Producer
<i>Third country fruit producer/exporter OR EU retailer for fruit sold under supermarket brand</i>	<i>EU importer</i>
	Register with a national producers register in every EU Member State where they sell.
	Carry extended producer responsibility in accordance with Directive 2008/98/EC (Waste Framework Directive) and Regulation (EU) 2022/40 (PPWR).
	Pay eco-modulated fees to cover waste management costs , based on the specific end-of-life impact of the packaging.
	Submit packaging data reports to national registries or Producer Responsibility Organisations in every EU Member State where they place packaging on the market.
Ensure that the packaging they use is in conformity with the requirements in Articles 5 to 12 of the PPWR.	Ensure that these requirements are met.

Carry out the conformity assessment procedure (or internal production control) referred to in Article 38 (or have it carried out on their behalf).	Ensure that this requirement is met.
Draw up the technical documentation referred to in Annex VII.	Ensure that this requirement is met.
Draw up a Declaration of Conformity in accordance with Article 39.	Ensure that this requirement is met.
Ensure that all packaging can be identified through a type, batch, serial number, or accompanying document.	Ensure that this requirement is met.
Indicate, on the packaging or on a QR code, their registered trade name/trademark , and physical and electronic address .	Ensure that this requirement is met.
	Add, on the packaging or on a QR code, their registered trade name/trademark , and physical and electronic address .
Keep the technical documentation referred to in Annex VII and the Declaration of Conformity for 5 years (single-use packaging) or 10 years (reusable packaging).	Keep the Declaration of Conformity for 5 years (single-use packaging) or 10 years (reusable packaging), and ensure that the technical information can be made available during these timeframes.
Make available relevant documents within 10 days of receipt of the request from an EU national authority.	Make available relevant documents within 10 days of receipt of the request from an EU national authority.

2. What is the difference between the Declaration of Conformity and the technical file?

- The **Declaration of Conformity** is the official legal statement signed by the “manufacturer”. It acts as the “front page” of the compliance package. While it does not need to be physically attached to the packaging, it must be provided to the EU importer so they can legally clear the goods. The Declaration of Conformity must be drawn up in accordance with Annex VIII of the PPWR.
- The **technical file** is the scientific evidence that backs up the Declaration of Conformity. This file does not need to be sent to EU buyers automatically, but must be kept on file. If EU market surveillance authorities audit the importer, the “manufacturer” must be able to produce this file within 10 days. The technical documentation must be compiled per packaging model and must contain the information listed in Annex VII of the PPWR.
- If you change packaging suppliers or alter the characteristics of the packaging, you must run a new conformity assessment, update the technical file, and issue a new version of the Document of Conformity.

3. What is an authorised representative and do third country exporters need one?

- Under Article 17, a non-EU “manufacturer” may appoint an “authorised representative” to draw up the Declaration of Conformity, hold the technical documentation, and act as a point of contact for market surveillance authorities. This is an option, not a requirement; non-EU manufacturers may draw up the DoC and hold the documentation themselves. However, they must be able to provide those documents to market surveillance authorities within 10 days of a request. Appointing an “authorised representative” can simplify this process, but it is not a precondition for placing packaging on the market.
- Note that the responsibility for the accuracy of the Declaration of Conformity remains solely with the “manufacturer”—it cannot be transferred to the authorised representative.

4. What does making packaging available “for the first time” mean?

- “The first time” is the moment a consignment enters the territory of an EU Member State. Therefore, every single consignment has its “first time” and all technical and document requirements apply to each new shipment. The compliance obligations do not expire simply because you have shipped the same packaging type before.
- “The first time” (or the moment of entry into the territory of an EU Member State) triggers extended producer responsibility.

5. Must the PLU label on every individual piece of fruit be compostable (Art. 9)?

- Yes, by February 2028 PLU labels must be at least industrially compostable, and, in those Member States that require it, also home-compostable.

6. Does Art. 10 mean that the dimensions of packaging will be determined by the European Union?

- From 2030, yes; by 2027, the Commission will publish harmonised standards with weight and volume limits, wall thickness, and empty space limits.
- Only GI-protected products, protected packaging designs, or trademarked shapes are excluded from this requirement.

7. Does Art. 12 mean that the EU authorities will develop a harmonised sorting label for packaging, and what will be the extent of this harmonisation?

- From August 2028, yes; by August 2026, the Commission will establish a harmonised sorting label, with detailed requirements regarding the format (pictograms, QR codes, colours, etc.)

8. Which fruit/packaging types will be exempted from the 2030 ban on packaged fruit weighing less than 1.5 kg (Annex V, 2), and how can such a ban be obtained?

- It will be up to the individual Member States to decide whether or not to allow exemptions from the 1.5 kg ban.
- By February 2027, the Commission will publish guidelines to explain Annex V in more detail, including examples of fruits/formats that qualify for an exemption from the ban. The guidelines will help Member States decide which fruits/formats to exclude from the ban by defining specific criteria (e.g. water-retention needs, physical protection needs, etc.). But right now, it remains unclear what parameters will be proposed by the Commission to guide Member States in such decisions.
- Exemptions will be granted by individual Member States, hence requests must be addressed to Member States' national environmental, health, or market surveillance authorities, according to their specific domestic administrative procedure.

9. What does “very lightweight” bags mean (Annex V, 6)?

- “Very lightweight” bags are those with a wall thickness below 15 microns—these will be banned, with exemptions for hygiene reasons or to prevent food waste.
- E.g. table grapes pre-packaged in such lightweight bags are unlikely to be granted an exemption as the hygiene/food waste prevention argument seems to mean only the bags that supermarkets give to consumers to take home fruits and vegetables that are sold in bulk.

Sources & further reading:

- [European Commission – guidance document – press release, 30 March 2026](#)
- [European Commission – guidance document](#)
- [European Commission – Frequently Asked Questions about the PPWR](#)
- [COLEAD – Agrinfo – New EU packaging rules explained](#)
- [Hortgro – new EU market packaging rules](#)
- [EUROPEN – PPWR Survival Guide](#)

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