

European Commission

Commissioner Jessika Roswall

Avenue de Beaulieu 5

1049 Brussels

Copy to : Director General Eric Mamer, Aurel Ciobanu-Dordea, Emmanuelle Maire

June 2nd, 2026

Subject: Revision of the definition of “Producer” in the PPWR : clarification request on the Guidance document regarding the definition of manufacturer and producer for transport packaging

We, as Producer Responsibility Organisations (PRO) from Belgium, France, Luxembourg and the Netherlands, welcome the publication of the Commission *Guidance document on the Packaging and Packaging Waste Regulation (PPWR)*. We are committed to ensuring a smooth application of the PPWR to reach the targets set by the regulation on the three ‘R’ – reduction, reuse and recycling – for packaging.

We are already taking concrete “no regret” actions to support companies in preparing for the PPWR. Through practical design-for-recycling guidance, we help market parties move forward with confidence, based on areas where sufficient consensus already exists. We have recently published [a collaborative study to support the companies in the implementation of PPWR](#) .

We would like to draw your attention to an uncertainty arising from the Commission guidance document. This uncertainty concerns the qualification of the **manufacturer** and the **producer** for transport packaging, service packaging and primary production packaging, and more specifically the scope of the concepts of “**placing packaging on the market in its final form**” and the “**assembler**”.

The manufacturer and the producer have different roles and obligations in PPWR: the **manufacturer** has to **provide evidence that the packaging is compliant** (through the declaration or document of conformity)., whereas the **producer**, has to **report the relevant tonnages and pay the contribution to the PRO**.

Our understanding is that the PPWR maintains the principle that the manufacturer is the entity that places the packaging on the market in its final form, including where several elements are assembled.

- In Section 2, “*Definition of a manufacturer of packaging*”, page 9, paragraph 1:

“As regards transport packaging, service packaging (in their final form), and primary production packaging the manufacturer will normally be the company which manufactures the transport or service packaging, unless such packaging is clearly branded by the user of such packaging, by carrying its name or trademark.”

- In Section 3, *“Definition of a producer of packaging”*:

Criteria for identifying the producer of transport packaging (page 14):

“1) Is the item ready to serve a packaging function? Transport packaging will often consist of multiple components or ancillary elements, which in themselves do not serve a packaging function after other components are added; the assembler will be the manufacturer and the first potential producer.

2) Who is the manufacturer of transport packaging? Contrary to sales and grouped packaging, a producer of transport packaging must be identified for the empty packaging because it is often the empty packaging that is made available on the market for the first time.”

However, certain elements appear to contradict or deviate from this principle:

The example of stretch film has been removed: *“A packaging item, for example stretch film, is only considered to be made available on the market when it is used as packaging.”*

The example relating to cardboard packaging (page 15) no longer explicitly mentions the concept of an assembler and merely illustrates the concept of the contracting authority / ordering party. The example therefore states that the cardboard manufacturer is the producer, unless the cardboard is marked, whereas the earlier version explicitly included the notion of assembly.

But cardboard is always delivered flat and only take its final shape at the assembler’s premises. Therefore, for any type of cardboard, the producer cannot be the cardboard manufacturer; it is always the assembler.

The new example reads as follow: *“Company A manufactures big cardboard boxes without a name or trademark in a Member State. Company A sells the empty cardboard boxes to Company B in the same Member State. In this transaction, Company A is the producer. However, if the cardboard box has the name or trademark of Company B, Company B becomes the producer in that Member State.”*

European companies frequently export their products beyond national borders. A cardboard manufacturer or converter has no visibility on the Member State or third country in which the cardboard will ultimately become waste. If the manufacturer or converter is considered the producer, they would need—to report accurately to the PRO—to request from all their customers detailed information on the share of cardboard placed on the market within the Member State versus outside it. This would significantly increase the administrative burden for all parties involved.

Lastly, the reference to **“final form”** mentioned above (page 9) is placed **after “service packaging”** and not at the end of the list of the three packaging categories (transport, service and primary production packaging) which creates ambiguity as to its scope.

In the case of service packaging, the guidance suggests that the manufacturer will normally be the company that manufactures the service packaging, unless the packaging is clearly branded by the user (i.e., it bears the user's name or trademark). In practice, this implies that, where service packaging is branded, the point of sale (filler) would be considered the producer.

The lack of clarity has direct consequences:

- financial uncertainty regarding EPR responsibilities,
- inconsistent reporting and declaration obligations,
- increased complexity for companies operating across borders, and
- risks to a level playing field within the internal market.

It also creates a material risk of **fragmented enforcement and legal disputes at national level**, which may take considerable time before leading to harmonised interpretation at EU level.

Considering the above, we respectfully **ask the Commission to provide the legal clarity needed to operate our respective EPR schemes**. Should such legal clarity not be provided before the entry into application of the PPWR, we would kindly ask the Commission to ensure that clarity is available sufficiently in advance of the relevant national implementation and reporting obligations under the EPR schemes in our respective Member States. The intervening period should be used to develop clear and harmonised guidance in close cooperation with Member States and stakeholders.

We would very much appreciate your reply to this specific question, crucial for our respective operations. We are at your disposal should you have any question.

Kind regards,

The signatory organisations



Hester Klein Lankhorst

CEO Verpact

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.



Claude Turping

Managing Director Valorlux

A handwritten signature in blue ink, featuring a large, stylized initial 'C' followed by a series of loops and a horizontal stroke.



Jean Hornain
Managing Director Citeo



Julien Dubourg
Chairman CITEO PRO



Francis Huysman
Managing Director Fost Plus



Francis Huysman
Managing Director Valipac