

**Question for written answer E-003862/2026/rev.1
to the Commission**
Rule 144
Jan-Christoph Oetjen (Renew)

Subject: Practical implementation problems under the Packaging and Packaging Waste Regulation

The Packaging and Packaging Waste Regulation¹ has applied since 12 August 2026. Businesses, particularly small and medium-sized enterprises, face considerable legal uncertainty. German chambers of commerce report unclear allocation of roles along supply chains, whereby merely affixing a label can make a shipper a ‘producer’ under Article 3(1)(15).

Furthermore, disproportionate documentation obligations, including the obligation to document data for which the legal basis (recyclability grades, minimum recycled content) has not yet been adopted, point to a broader pattern of enforcement preceding the legal basis it is meant to rest on.

In addition, enterprises face manual labelling burdens for importers under Article 18(3) and raise valid concerns that disclosing producers within the supply chain may expose trade secrets. Even a member of the Commission has publicly questioned whether the regulation should be applied as adopted.²

1. Through which legislative vehicle, and on what timeline, will the Commission address the implementation problems that have emerged since 12 August 2026?
2. When will the act establishing a harmonised format for registering extended producer responsibility, which was due by February 2026 under Article 44(14), be adopted?
3. How does the Commission intend to clarify the definition of ‘producer’ and Article 21, and to introduce de minimis thresholds for small enterprises?

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¹ Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/40/oj>).

² In the plenary debate of 16 September 2026 Commissioner Jessika Roswall stated that: ‘[w]e cannot ask small companies selling small quantities across several Member States to set up authorised representatives in each national market. [...] Last December, we proposed to suspend these obligations, and I really urge you to approve this proposal as quickly as possible. [...] SMEs said they cannot be ready on day one, we allowed authorities to hold off on imposing fines...’; see: European Parliament, *Verbatim report of proceedings*, 16 September 2026, item 10 (https://www.europarl.europa.eu/doceo/document/CRE-10-2026-09-16-ITM-010_EN.html). The Commissioner thus called for the obligation to appoint authorised representatives to be suspended and acknowledged that authorities may refrain from imposing fines, meaning that core provisions of the regulation are not to be applied as adopted.