

PPWR transition must not become a pause in EPR compliance

To the European Commission, Member States and competent authorities,

In the current debate around the implementation of the PPWR, businesses are increasingly being told that authorities should take a pragmatic approach to enforcement while implementation questions remain unresolved. Pragmatism is necessary where requirements are genuinely unclear. But this must not translate into a general message that companies can wait before complying with their EPR obligations, or that authorities should refrain from enforcing obligations that are already clear.

For Producer Responsibility Organisations (PROs) this is critical. PROs finance and organise the collection, sorting and recycling of packaging waste based on contributions from obligated producers. They operate every day, irrespective of ongoing regulatory discussions. If companies delay registration, reporting or financial participation because they understand current political messages as an invitation to “wait and see”, the costs of the system do not disappear.

There are undoubtedly aspects of the PPWR that still require clarification. But uncertainty regarding individual provisions does not mean that the EPR framework as a whole is unclear. Where it is clear who qualifies as a producer and which obligations apply, these obligations must continue to be fulfilled and enforced. The same applies to the proposed suspension of authorised representative under the Environmental Omnibus. As long as no alternative mechanism is in place to ensure effective enforcement of EPR obligations across borders, we support the Council’s position that existing authorised representative requirements should not be suspended.

It is also important not to confuse increased attention to EPR obligations with entirely new obligations. Registration, reporting and financial participation in national EPR systems have already been requirements in many Member States. Companies that have been complying with their obligations across the markets in which they operate are therefore not starting from zero under the PPWR. The current debate has, however, made many companies more aware of obligations that already existed, particularly when selling across borders.

We therefore call on policymakers and competent authorities to communicate this distinction clearly: Allow flexibility where the PPWR genuinely leaves implementation questions unresolved, but do not encourage or tolerate non-compliance where obligations are clear.

The transition to the PPWR must not come at the expense of the EPR systems that are already financing Europe’s packaging waste management today. Their financial stability, and a level playing field between compliant and non-compliant producers, must be safeguarded throughout the transition.

