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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB for the meeting of the Competitiveness Council of 24 September 2026: Influence of the Regulation on packaging and packaging waste (PPWR) on the Single Market <i>- Information from Poland</i>

NON-PAPER of Poland on the influence of Regulation on packaging and packaging waste (PPWR) on the Single Market

Regulation (EU) 2025/40 of 19 December 2024 on packaging and packaging waste (PPWR) became applicable across the European Union on 12 August 2026. Extended producer responsibility (EPR) schemes for packaging have existed in the Member States for many years and play an important role in implementing the “polluter pays” principle and financing of the packaging waste management. However, from a Single Market perspective, businesses operating across borders often face significant administrative complexity resulting from differences between national EPR systems. Different registration, reporting and financial requirements may effectively mean that a business seeking to sell in several Member States faces multiple separate administrative entry points to the EU market. This can be particularly burdensome for SMEs and businesses engaged in cross-border sales and e-commerce and may discourage them from expanding across the Single Market.

An additional practical issue reported by entrepreneurs concerns the application of the requirement to appoint authorized representatives for EPR purposes. In particular, it affects EU-based businesses that make packaging or packaged products available directly to end users in another Member State. Especially for small and micro-enterprises engaged in such direct cross-border sales, including through e-commerce, the requirement to appoint an authorised representative in each relevant Member State entails significant administrative complexity and financial costs. The cumulative impact of these requirements is particularly challenging for businesses selling relatively small quantities of products in several Member States, such as small manufacturers.

In practice, these costs and administrative requirements may discourage SMEs from expanding their activities to other Member States and fully benefiting from the opportunities offered by the Single Market, particularly where the costs of entering or operating in another Member State outweigh the potential benefits of accessing that market. As a result, it creates a situation in which the Single Market becomes fragmented into 27 separate compliance environments. Without questioning the environmental objectives of the PPWR or the role of national EPR systems, we believe that the issue requires urgent action. We are aware that some of these issues may be addressed in the context of the forthcoming Circular Economy Act (CEA). However, as the PPWR Regulation is already in force, businesses – in particular SMEs operating across borders – are required to comply with the current provisions as of now. For this reason, we advocate that work in the Council resume as soon as possible on the proposals presented by the European Commission on 10 December 2025 as part of Omnibus VIII concerning: a Regulation of the European Parliament and of the Council suspending the application of the provisions on the appointment of an authorized representative for extended producer responsibility in relation to batteries and spent batteries, as well as packaging and packaging waste; and a directive of the European Parliament and of the Council suspending the application of provisions concerning the appointment of authorized representatives for extended producer responsibility in relation to waste, waste electrical and electronic equipment and waste from single-use plastic products. In particular, in our view, it is necessary to urgently examine the possibility of introducing the institution of an authorized representative in the context of extended producer responsibility (EPR) on a voluntary, rather than mandatory, basis, particularly in situations where de minimis exemptions for producers are in effect in a given Member State and small producers could benefit from such an exemption.

Another significant issue for businesses is the lack of full legal certainty and precise practical guidance on how to apply the PPWR. While the Commission has already published guidance and frequently asked questions (FAQs) concerning selected provisions of the Regulation, work on the delegated and implementing acts provided for under the PPWR is still ongoing. Some obligations have become applicable before all the necessary delegated and implementing acts, technical requirements and practical guidance have been finalised. This makes it difficult for businesses to plan investments and adapt their products, packaging and business processes with sufficient certainty and in a timely manner.

We therefore call for the intensification and acceleration of work on the outstanding delegated and implementing acts, as well as for the timely provision and regular updating of practical guidance and FAQs. It is essential to ensure a uniform interpretation and application of the PPWR across the EU and to provide businesses with sufficient time and legal certainty to prepare for the new requirements.
