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The European ceramic industry raises concerns about the implementation of the Packaging and Packaging Waste Regulation

Cerame-Unie, representing the European ceramic industry, welcomes the Commission's Guidance on the implementation of the Packaging & Packaging Waste Regulation (PPWR) published by the European Commission on 30 March 2026. We appreciate the work put towards enhancing legal clarity, however, we would like to raise some concerns related to the significant administrative burden and associated costs, as well as additional operational challenges for manufacturers resulting from the implementation of the PPWR.

1. Interpretation of the definition of a packaging manufacturer

On the definition of a packaging manufacturer, the Guidance provides an interpretation regarding the reference to the **design, trademark or name as a distinguishing factor**. According to the Commission's interpretation of Article 3(1), point (13), the manufacturer of packaging is distinguished from the producer by "*the design or manufacturing of packaging criterion*", and "*if the packaging or packaged product carries a certain name or trademark, it can be assumed that the owner of that name or trademark is the 'manufacturer'*". It follows that "*the manufacturer is the sole economic operator bearing legal responsibility for the packaging's compliance with the sustainability and labelling requirements*".

The decisive criterion for identifying the manufacturer, especially where no brand appears, is which entity orders and decides on the design specifications of the packaging. For transport packaging such as stretch film, the industrial user does not always provide packaging specifications; instead, this is determined by the packaging producer.

The practical consequence of the Guidance's approach is that industrial users of transport and service packaging risk being classified as "manufacturers" and made responsible for **compliance obligations they are structurally unable to fulfil**. They lack both control over the production of the packaging and access to the required information. More specifically, Article 5 of the PPWR requires the manufacturer to ensure that packaging does not contain restricted substances above defined thresholds. However, industrial users do not select packaging raw materials or control production processes. This responsibility lies with the **packaging producer**, who alone can verify and certify compliance with these substance requirements. The Guidance thus renders the compliance framework inoperable. In addition, under the current interpretation, users of the packaging materials are required to collect the relevant information from the packaging producers, which is administratively inefficient. The same logic applies to recyclability criteria, material composition, and other sustainability requirements under Articles 6 to 12.

To illustrate this, a typical ceramic manufacturer uses multiple packaging types (e.g. pallets, cardboard, foil, strapping) sourced from several hundred and up to over 1,000 suppliers. Applying the

design-control or trademark/branding criteria, the company would assume manufacturer obligations for each packaging component. This requires collecting, verifying, and maintaining multiple Declarations of Conformity for different packaging types and variants within the same company. The obligations would result in a **substantial and recurring administrative burden and associated compliance costs**, particularly for SMEs and multi-site companies, **without delivering additional environmental benefits** while undermining **the objective of regulatory simplification** under the Competitiveness Compass and the Environmental Omnibus.

2. Transport packaging in its “final form”

In addition, the Guidance exceeds its interpretative role with the introduction of the concept of transport packaging in its “**final form**” and, consequently, of the “**assembler**” as the presumed manufacturer. Neither concept appears in the PPWR. The Regulation defines packaging as an “item” (Article 3(1), point (1)) and makes no reference whatsoever to assembly or to a final-form threshold as a trigger for producer responsibility obligations. Likewise, the definition of “producer” in Article 3(1), point (15) contains no reference to packaging in its final form. The Guidance thereby introduces conditions for identifying the manufacturer and the producer that go beyond the legislative text, in contravention of the principle that **interpretative guidance cannot add to or amend a Regulation**.

3. Incompatibility with the modulation of EPR financial contributions

Furthermore, the approach taken by the Guidance is **incompatible with the modulation of Extended Producer Responsibilities (EPR) financial contributions** provided for in Article 8(4)(b) of Directive 2008/98/EC, which requires that contributions be modulated based on the environmental performance of the packaging. This modulation mechanism presupposes that the entity bearing producer responsibility has the power to influence the design and material composition of the packaging. As laid out above, that is not the case. Industrial users of transport or service packaging will in most cases be unable to exercise the leverage on packaging design that the modulation mechanism is premised upon. As a result, the EPR system would fail to deliver its intended environmental incentive.

4. Distinction between B2B and B2C packaging

Moreover, the PPWR approach **does not adequately reflect the specificities of business-to-business (B2B) packaging**. On the one hand, the material composition of neither B2B nor B2C packaging is determined nor controlled by the ceramic manufacturer. On the other hand, it is designed with a strong focus on labelling, collection, and recycling through municipal waste systems. In industrial sectors such as technical ceramics and refractories, packaging is typically managed within well-established closed-loop systems, where materials are reused, returned, or recycled directly along the supply chain (including pallets, crates, bins, or other returnable containers). Applying business-to-consumer (B2C)-oriented requirements to such systems risks creating unnecessary administrative burdens and additional costs and may undermine existing efficient circular practices. A **clear distinction between B2C and B2B packaging** is therefore essential to ensure that the PPWR supports, rather than disrupts, well-functioning industrial reuse and recycling systems.

5. Unrealistic timeline

Lastly, the **envisioned timeline arising from the proposal is not feasible**. Manufacturers need to register in the respective national producer registers by 12 August 2026; however, these registers have not yet been made available. This creates a regulatory gap, exposing companies to compliance obligations without the necessary administrative infrastructure in place.

6. Conclusions

Therefore, the European ceramic industry calls on the Commission to consider the following points:

Key messages

- **The manufacturer of packaging should be the entity that produces and controls the packaging, in line with Article 3(1), point (13) of the PPWR.** The mere presence of a brand name on packaging should not constitute evidence of manufacturer status. The entity that physically produces the packaging and controls its material composition is in all cases best placed to fulfil the sustainability and labelling obligations of the manufacturer under Articles 5 to 12.
- **The concepts of “final form” and “assembler” should be removed from the Guidance**, as well as from the heading of column G of the annexed identification table. These concepts are absent from the PPWR and thus cannot serve as a basis for identifying either the manufacturer or the producer.
- **National producer registers** must be made available in time to close the regulatory gap of compliance obligations.
- **B2B packaging should be treated distinctly from B2C packaging** to preserve existing closed-loop systems.

We remain available to engage further with the Commission on these points and stand ready to contribute to a revised interpretation that is both legally sound and operationally workable for the European industrial sectors concerned.