

Packaging & Waste

09.2025

EU Regulation 2025/40

Issue

Difficulty to have a single packaging satisfying all 27 Member States' individual requirements because so far, this topic was governed by an EU Directive (94/62) which allowed greater flexibility but led to significant divergences within the EU

Objective

Harmonising national measures on packaging and packaging waste in order to **avoid obstacles to trade** and the distortion and restriction of competition within the Union, while preventing or **reducing the adverse impacts on the environment and human health**

Key Takeaways

1. Packaging

A. Materials

- Substances in packaging:** limitation of the presence of heavy metals and substances of concern
- Recyclability:** compulsory + performance grades A or B by 2038
- Plastic packaging:** minimum recycled content + from specific installations
- Reusable packaging:** compulsory for certain flows + re-use targets for grouped and transport packaging + reporting obligations

B. Dimensions & Format

- Minimisation requirements & Performance** criteria
- Maximum empty space ratio

C. Declaration of Conformity

- Technical documentation** requirement
- Declaration per packaging type
- In **languages** of territories where it is placed on the market

2. Packaging End-of-Life

A. Marking

- Harmonised **label** & QR code
- Manufacturer / Importer **identification**

B. Extended Producer Responsibility (EPR)

- Registration** in each relevant Member State + **reporting**
- Financial contributions

Target Audience

- Applies to **ALL packaging** (regardless of materials used)
- Applies to **ALL packaging waste** (industry/retail/household origin)
- No exemption** for the Defence industry
- Obligations based on the status (**manufacturer/importer/distributor of products in EU**)

Non-Compliant ?



- Packaged product can no longer be placed on the EU market !
- Sanctions → Recall / Rewithdrawal from the market
- Sanctions → Penalties

Expected from Member States by 12.02.2027

Key Dates



- 12.08.2026 - Entry into force
- 2030 : 1st reporting year on re-use targets

To Do



- Collect** the identity of economic operators i) that supplies you with and ii) that you supply with, packaging or packaged products
- Perform a gap analysis** of what you do vs. what is coming
- Raise awareness** amongst your staff
- Inform** asap your non-EU suppliers to discuss and **implement changes** earlier on
- Update your **policies & processes** (incl. recordkeeping)

Support



Non-exhaustive examples

- D-Wise Strategy:** Detailed memorandum & recommandations ; obligations timeline
- D-Wise Consult:** what are substances of concern ?
- D-Wise Implementation:** checklist of key requirements to check with your suppliers
- D-Wise Academy:** on-site training or development of a dedicated e-Learning module
- D-Wise News:** monitoring of any EU regulatory update (delegated act / implementing act / public consultation)