

EUROPEN's recommendations for the implementation of Article 5.5 of the Packaging and Packaging Waste Regulation (PPWR)

This paper outlines the views and recommendations of EUROPEN, the European Organisation for Packaging and the Environment, representing the entire packaging value chain and all packaging materials, for the implementation of Article 5.5 of the Packaging and Packaging Waste Regulation (PPWR) which prohibits, from 12 August 2026, the placing on the market of food-contact packaging containing per- and polyfluorinated alkyl substances (PFAS) in a concentration equal to or above the limit values listed in the text.

Scope of the restriction

EUROPEN fully supports the underlying objective of the requirement to protect the health and safety of EU citizens by removing PFAS exposure where possible. However, as framed, Article 5.5 of the PPWR does not differentiate between intentionally-added PFAS and the unforeseen presence of PFAS, including legacy PFAS, in packaging.

While the packaging value chain is continuing efforts to phase-out intentionally used PFAS in food-contact packaging, a ban targeting non-intentionally added PFAS in a concentration equal to or above the limit values given in Article 5.5 of the PPWR, may expose companies to non-compliance beyond their control, considering the impossibility of controlling the presence of such substances in complex supply chains, the growing use of recycled materials in packaging (also mandated in the PPWR), as well as the current uncertainty in relation to accredited methods and laboratories for assessing PFAS concentration. The unintentional presence of PFAS above maximum allowed amounts will continue to be complex to control considering that certain PFAS might continue to be used in specific applications in the future, for instance if derogated under the future REACH restriction.

Our recommendation:

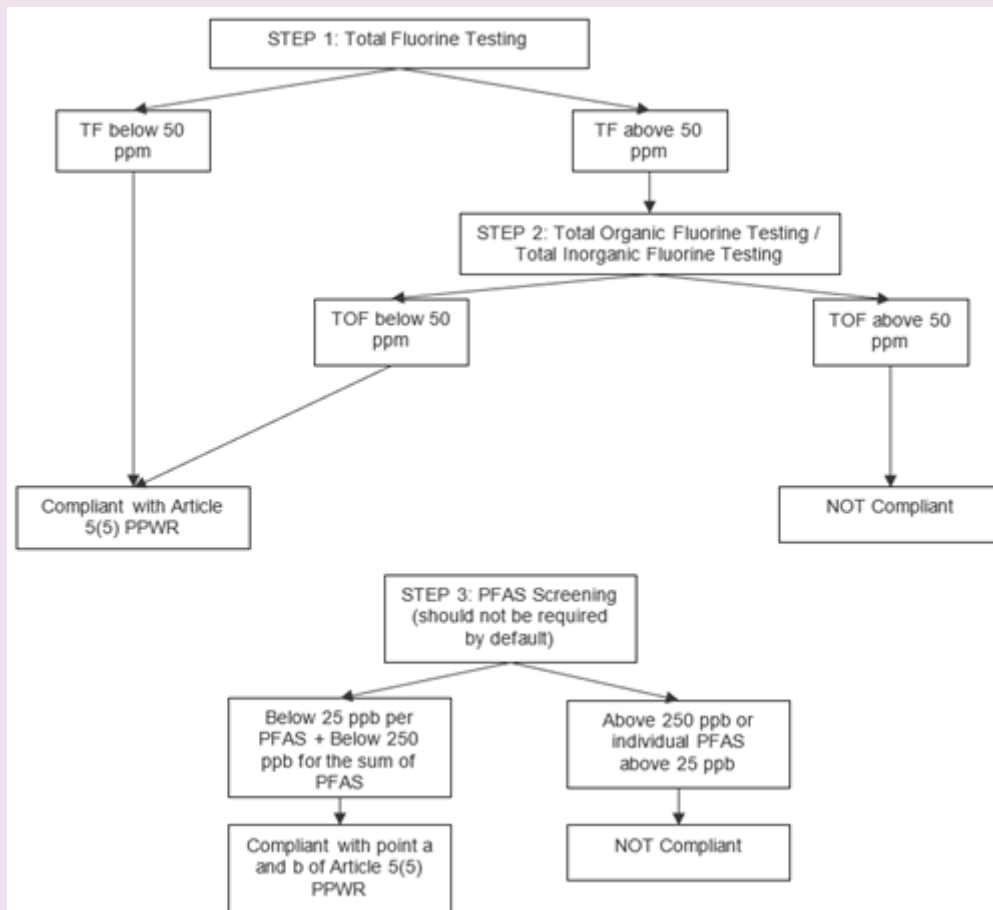
- The ban should be implemented in two phases, prioritising a restriction on intentionally added PFAS in food-contact packaging exceeding the limit values of Article 5.5 from August 2026, with a deferral on the restriction on non-intentionally added PFAS until harmonised testing methods are available at large scale.
- The ban could be extended to unintentionally added PFAS only after the development and adoption of a harmonised methodology to test the concentration of unintentionally added PFAS against the PPWR limits.

Testing protocol and methodology

Several protocols and methodologies to test the presence of PFAS exist, with different approaches being used from one laboratory to another. However, no harmonised methodology currently exists at EU level, nor are there commercially available analytical reference standards. This effectively means that a packaging could be tested for PFAS in a laboratory, be found compliant according to the limit values set in Article 5.5 of the PPWR, and that same packaging sample could show different values (and possibly be found non-compliant) in another lab and thus prohibited from the market of that laboratory's Member States territory. In parallel, the lack of a standardised methodology, also setting the appropriate testing conditions and protocols, could potentially lead to cross-contamination of the samples, hindering, in turn, the consistency and comparability of the results.

Our recommendation:

- > In view of the fast-approaching deadline for compliance with Article 5.5 of the PPWR, the following tiered protocol - based on Total Fluorine testing - should be officially recognised as part of an EU Commission guidance document as a valid workflow to prove compliance with Article 5.5:



- > In addition, in the long run, harmonised testing methodologies, which adapt to the needs of different packaging types and materials, should also be adopted by the EU Commission as part of an implementing act, based on Article 37(2) of the PPWR. This approach would ensure the harmonised application of the testing method and protocol by economic operators and Competent Authorities alike.

Assessment procedure

Article 15 of the PPWR obliges manufacturers to carry out a conformity assessment procedure, referred to in Article 38 and Annex VII, prior to placing packaging on the market. However, the Regulation does not provide sufficient guidance on the assessment procedure companies should follow to show compliance with Article 5.5.

Our recommendation:

- > In the absence of a differentiation between intentional and non-intentional use of PFAS in the requirement and in order to facilitate practical compliance and enforcement by Competent Authorities, companies should be provided with the possibility of demonstrating compliance with the PFAS limits by providing supporting documentation, in the form of a written declaration, from across the value chain that no PFAS were intentionally added to packaging throughout the manufacturing and filling process.

- > NB: This approach is similar to the one adopted under BPA Regulation (EU) 2024/3190. Article 3 of the BPA Regulation prohibits the use of BPA in the manufacture of food contact materials. The Regulation does not make it obligatory to undertake analytical testing on all materials and, according to Article 8 of the Regulation, business operators can demonstrate via supporting documentation that accompanies the Declaration of Compliance (DoC) that BPA has not been used in the manufacture of the food contact materials.
- > The procedure should be based on risk assessment, ensuring that compliance with the requirement of Article 5(5) is demonstrated through proportionate and feasible efforts.

Exhaustion of stocks

In order to ensure food-contact packaging compliance with the PFAS value limits from 12 August 2026, the guarantee that packaging materials are compliant will have to come much sooner, likely already at the start of 2026. Unfortunately, the PPWR text does not foresee a clause to exhaust existing stocks, which would imply the destruction of many semi-finished and finished packaging, contradicting the PPWR's goal of preventing and reducing packaging waste, and potentially disrupting the food value chain.

Our recommendation:

- > Clarify, as soon as possible, the possibility to exhaust food contact packaging that is manufactured before 12 August 2026 until 3 years after the date of application of Article 5.5, similarly to the clause provided in Article 12.12 of the PPWR.
