

Seafood Europe Position on the Draft Commission Guidance for the Packaging and Packaging Waste Regulation (PPWR)

Brussels, 24 July

Seafood Europe supports the objectives of Regulation (EU) 2025/40 on packaging and packaging waste (PPWR) and welcomes the European Commission's efforts to provide implementation guidance through the draft Commission Notice adopted in March 2026. Clear and harmonized guidance is essential to ensure legal certainty and a consistent application of the regulation across Member States.

The European seafood processing and importing sector is characterized by a wide diversity of operators, product formats, and packaging applications, including fresh, frozen, canned, and processed seafood products. Many companies in the sector, including SMEs, will be directly affected by the new obligations introduced under the PPWR, notably regarding Extended Producer Responsibility (EPR), conformity assessments, recycled content requirements, reuse obligations, and restrictions on hazardous substances.

While Seafood Europe supports the objectives of improving packaging sustainability and circularity, several elements of the draft guidance risk creating legal uncertainty, disproportionate administrative burden, and operational challenges for food-contact packaging applications and highly perishable supply chains. This paper therefore outlines targeted clarifications and adjustments that would support proportionate, harmonized, and operationally feasible implementation of the PPWR for the seafood sector.

1. Definition of packaging manufacturer and producer of packaging

Regulatory Context

Seafood Europe understands Article 3(15) PPWR as establishing a clear allocation of producer responsibility for transport, service and primary production packaging, with responsibility generally resting with the operator first making such packaging available on the market. This definition is important for fish processing and trading companies, as it significantly facilitates administrative obligations under EPR schemes by avoiding unnecessary fragmentation of responsibility across the supply chain.

However, Seafood Europe is concerned about the clarifications provided by the European Commission in the guidance published in March 2026. The guidance appears to use the concept of “packaging function” in a way that goes beyond the classification of an item as packaging under Article 3(1) and instead affects the identification of the producer for EPR purposes. In particular, the guidance suggests that the assembler of transport packaging, or the filler of sales or primary production packaging, could be considered the producer for the purposes of EPR schemes.

This creates considerable legal uncertainty. Article 3(1)(b) PPWR explicitly recognises that packaging components may themselves be considered packaging. The interpretation suggested in the guidance would therefore imply that, for each packaging item or component, operators would need to assess whether that component, taken individually, fulfils a complete packaging function to determine whether the producer is the packaging manufacturer, assembler or filler.

Seafood Europe's position

Seafood Europe is concerned that the introduction of these concepts risks fragmenting responsibility within a single transport unit, requiring operators to assess each component separately rather than applying a clear and predictable producer rule. In cases where transport packaging consists of several components, such as pallets, crates, labels, pallet wrapping film and strapping, fish processing and trading companies could be considered the producer for certain packaging components, while merely handling or using intermediate packaging components for others.

This would create a significant administrative burden for our members and generate considerable legal uncertainty regarding the identification of the producer under EPR schemes. It would also run counter to the objective of administrative simplification in an area where companies already face complex registration, reporting and fee obligations across Member States.

Seafood Europe therefore calls on the European Commission to clarify the legal basis for using the concepts of “packaging function”, “assembler” and “filler” to determine the producer for EPR purposes. The Commission should also explain how this interpretation contributes to the objective of administrative simplification and legal certainty within EPR schemes.

To support simplification and provide greater legal certainty for European fish processing and trading companies, Seafood Europe calls for the guidance to avoid using the concepts of “packaging function”, “assembler” and “filler” as criteria for shifting EPR producer responsibility onto operators where packaging is supplied by specialised packaging manufacturers, distributors or importers.

2. PFAS restrictions and stock exhaustion

Regulatory Context

The PPWR strengthens restrictions on PFAS in packaging through the introduction of threshold limits under Article 5(5). Packaging manufacturers and producers will therefore be required to demonstrate conformity with these limits before placing packaging on the market. Certain food-contact packaging used within the seafood sector, particularly metal cans and related coatings, may contain PFAS substances. Seafood operators filling such packaging are considered producers under the PPWR and therefore bear significant compliance responsibilities.

Operational Concerns

Seafood Europe identifies several practical implementation challenges. First, there is currently no harmonised or fully validated analytical methodology at EU level to consistently assess PFAS content in food-contact packaging. Second, while packaging manufacturers have started issuing declarations of conformity, these are often based on general statements that the raw materials used comply with the requirements set out in Article 5, or on similar wording. In many cases, these declarations are not supported by analytical confirmation that total fluorine levels comply with the applicable threshold, such as <50 ppm. Although such documentation provides a certain degree of assurance, it does not constitute a sufficiently robust guarantee of compliance with the proposed PFAS limit. Third, Annexes VII and VIII set out the information that should be communicated along the supply chain. However, no harmonised Declaration of Conformity template currently exists. This risks creating a fragmented and burdensome system in which customers request different formats, wording, and supporting information from suppliers. Such divergence would increase administrative burden, create duplication of effort, and undermine consistency across the supply chain. Lastly, uncertainty remains regarding the regulatory status of packaging produced before 12 August 2026. This raises concerns about the exhaustion of existing stocks and the potential practical impossibility of using packaging already purchased, supplied, or placed on the market before the application date.

Seafood Europe Position

Seafood Europe calls on the Commission to introduce a proportionate transitional implementation period, allowing companies sufficient time to obtain reliable conformity assessments once harmonised methodologies become available. Pending the establishment of validated EU-wide testing methods, companies should temporarily be permitted to rely on reasonable internal validation procedures and supplier documentation demonstrating due diligence and good-faith compliance efforts. Seafood Europe also calls for the development of a harmonised Declaration of Conformity template for packaging. Such a template would reduce the risk of multiple customer-specific formats, improve consistency of compliance documentation across the supply chain, and support a more efficient and practical implementation of Annexes VII and VIII. Lastly, Seafood Europe calls for clarification that stock depletion rules should apply to empty packaging already sold or supplied to manufacturers prior to the application date and should not be limited exclusively to finished packaged products.

3. Harmonized labelling requirements

Regulatory Context

Article 12 PPWR introduces harmonized consumer sorting labels intended to improve packaging waste sorting and facilitate the functioning of the internal market. The Commission guidance correctly confirms that national rules introducing additional sorting instructions should not undermine harmonization or the primacy of EU law.

Operational Concerns

Seafood Europe welcomes the objective of harmonized consumer information. However, operators require sufficient lead time and technical clarity to adapt packaging formats accordingly. Many seafood products are sold in small packaging formats already subject to extensive mandatory information requirements under the CMO and INCO Regulations. Additional labelling obligations may therefore create important space constraints. Furthermore, the use of certain colours or printing specifications may be technically difficult or economically disproportionate depending on the packaging material.

Seafood Europe Position

Seafood Europe calls on the Commission to publish detailed harmonized display requirements as early as possible to allow companies sufficient time to adapt packaging and avoid unnecessary redesign costs. The organisation further recommends that harmonised sorting logos remain operationally flexible and capable of being displayed effectively in black and white where necessary. Finally, Seafood Europe encourages public authorities to adopt a pragmatic and pedagogical approach during the transition period, including clear communication and guidance towards operators across the supply chain.

4. Reuse targets for transport packaging

Regulatory Context

The PPWR introduces reuse obligations for certain categories of transport packaging with the objective of promoting circular packaging systems where environmentally and operationally appropriate. However, the precise scope of these obligations remains insufficiently clarified for several food-contact and hygiene-sensitive applications.

Seafood Europe Position

Seafood Europe welcomes the Commission's intention to clarify the scope of reuse obligations through the draft guidance. However, the organisation emphasizes that single-use fish boxes should remain excluded from reuse obligations due to food safety and hygiene considerations specific to seafood supply chains. Contamination risks linked to fish exudates, including blood and other organic residues, justify maintaining exemptions for single-use packaging applications used within the seafood sector.

Seafood Europe therefore calls on the Commission to explicitly include “blood” among the examples listed in Part 18 of the guidance as a substance capable of altering packaging properties and justifying exemption from reuse requirements.