

Warszawa (Warsaw), 24th July 2026

Public Appeal for Clarification on the Implementation of the PPWR (Regulation (EU) 2025/40¹) in the E-commerce Sector

The Chamber of Digital Economy (Izba Gospodarki Elektronicznej, the “**Chamber**”) wishes to draw the attention of competent public authorities, policymakers, institutions and organisations to a number of practical questions arising from the implementation of Regulation (EU) 2025/40 on packaging and packaging waste (“**PPWR**”). As the organisation representing the interests of the e-commerce and digital economy sectors in Poland, the Chamber considers it important to ensure that the new rules are interpreted and applied in a clear, consistent and workable manner across the European Union. In this context, the Chamber has prepared the questions set out below, which should be addressed as a matter of urgency in view of the upcoming date of application of the PPWR on 12 August 2026.

1. Pay-on-behalf Model

With reference to Article 45(4) of the PPWR, could it be interpreted that, under the new regulatory framework, producers placing packaged products on EU Member States’ markets via e-commerce platforms may, by means of a written mandate, entrust an e-commerce platform service provider with the full performance of their EPR obligations?

Such obligations would include:

- Registration with the national EPR registers, once they are established in line with the Commission's implementing act adopted pursuant to Article 44 (14) PPWR;
- Reporting of packaging waste,
- Reporting of not only packaging waste, but also different products covered by EPR, for example batteries and WEEE placed on the market;
- other obligations related to the EPR system in each Member State.

In our view, such an interpretation would be consistent with the practical realities of e-commerce, where platform operators are often best positioned to efficiently fulfil EPR

¹ Regulation (EU) 2025/40 of the European Parliament and the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.

obligations on behalf of multiple producers, thereby contributing to higher compliance rates and a more streamlined administration of EPR schemes.

If such an interpretation is correct, we would further ask whether this mechanism would be available equally to:

- producers established in a different Member State from that in which the platform operates; and
- producers established in the same Member State as the platform.

2. Seller Registration

With reference to PPWR Frequently Asked Questions² XVII (4) regarding registration requirements for third-party sellers on e-commerce platforms:

- Does the “authorized representative” referred to therein correspond to the EPR authorized representative, and is it required to be established in the relevant Member State?
- Does “EPR registration and reporting” here refer to registration with, and reporting to, the competent authorities (via the EPR register) rather than PROs? In this context, can an e-commerce platform service provider, through contractual arrangements with local PROs and/or authorized representatives, facilitate the registration and fulfilment of EPR obligations on behalf of third-party sellers — including consolidated reporting, registration and the collection of fees?

Frequently Asked Questions XVII (4): *What is the scope of the activities that online platforms can fulfil on behalf of their sellers?*

Based on a written mandate by producers, online platforms can offer to pay the EPR fees in each Member State where the packaging or packaged products are made available on the market directly to consumers (Article 45(4) PPWR). However, only the producer, or its PRO or authorized representative, is responsible for the EPR registration and reporting. An online platform cannot fulfil these obligations on their behalf unless the producer has chosen to appoint the platform as an authorized representative.

It is crucial to understand whether the PPWR assumes that a platform is allowed to become an EPR authorised representative for its merchants.

3. Seller Registration Number

² European Commission: Directorate-General for Environment, *Packaging and Packaging Waste Regulation (PPWR) – Frequently asked questions*, Publications Office of the European Union, 2026, <https://data.europa.eu/doi/10.2779/6056528>.

We understand that the implementing act referred to in Article 44(14) of the PPWR has not yet been published. Under the PPWR, EPR registers in each Member State may only be established or appointed once that implementing act has entered into force – and Member States have up to 18 months thereafter to do so. This means that PPWR-compliant EPR registers cannot, in practice, be in place before February 2028 at the earliest, and that the new register may only be established up to 18 months thereafter, potentially after the PPWR becomes applicable on 12 August 2026. On this basis, certain matters need clarification to allow companies to prepare properly:

- Given that the implementing act under Article 44(14) has not yet been published, existing national producer registers established under current directives and national laws do not meet the criteria that will be set out in that act (once published). On this basis, is it correct that existing national waste registers cannot be designated as PPWR-compliant EPR registers prior to the entry into force of the implementing act, and that existing registration numbers cannot serve as the basis for compliance with Article 45(4)(a)? Consequently, until then, e-commerce platforms have no obligation to verify the registration status of merchants.
- Whether existing national EPR registrations (under current directives and national laws) will be automatically migrated into the new register or require re-registration under the PPWR.
- When is the final implementing act referred to in Article 44(14) expected to be published by the Commission?

4. Clarification on the existence of a hierarchy in producer identification

We would kindly seek clarification regarding the interpretation of the producer identification framework under the PPWR, in particular in light of the Commission guidance published on 30th March and 5th June 2026³.

Specifically:

- Should the identification of the “producer” be understood as following a hierarchical order (decision tree), where each category of economic operator is assessed in sequence?
- If so, does this imply a fallback mechanism, whereby:
 - the next category of operator is only considered if the previous one does not exist or does not meet the criteria?
 - Or alternatively, should all potentially relevant operators be assessed independently, without any strict hierarchy?
- In cases where multiple operators are involved in the supply chain (e.g. manufacturer, importer, distance seller, logistics provider), is it possible that more

³ Commission Notice Guidance document for Regulation (EU) 2025/40 on packaging and packaging waste, C/2026/3702 final, [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=intcom:C\(2026\)3702](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=intcom:C(2026)3702)



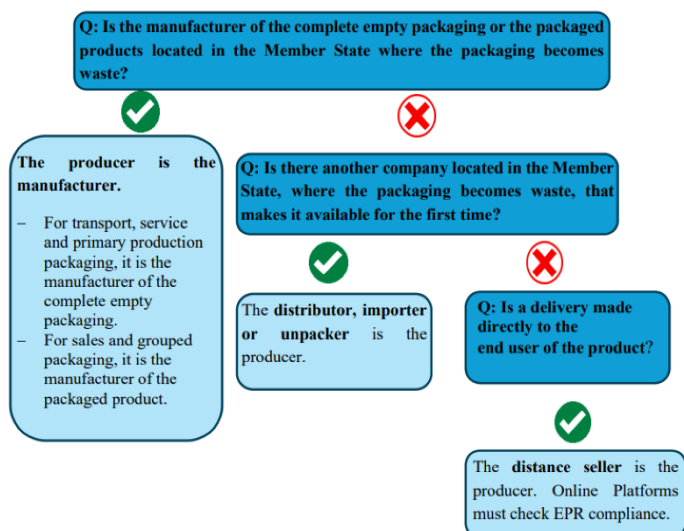
than one entity may simultaneously qualify as a “producer”, or should only one entity be designated per packaging stream?

- If so, in cases where two entities simultaneously fulfil the definition of producer in different Member States in respect of the same packaging, given that the producer is responsible for the EPR fee in the Member State in which the packaging becomes waste (Article 45(1)) - on what basis and through what practical mechanism should the reimbursement to which the Commission refers should be effected, and which entity bears the obligation to initiate the reimbursement process?

According to the Commission guidance:

The producer is responsible for paying the costs for the collection and recovery of packaging waste in the respective Member State (Article 45(1)). To this end, a producer must register and report to the relevant national authorities as specified in Article 44 and pay the extended producer responsibility (EPR) fee in the Member State, in which the packaging is expected to become waste. If fees are paid in a Member State, and afterwards a distributor makes the packaging available for the first time on the territory of another Member State, the fees must be reimbursed.

Below is a demonstration diagram of how the producer in the EU can be identified.



5. Third-party logistics providers (3PL) as “producers”

We would like to seek clarification as to whether third-party logistics providers (e.g., fulfilment centres and warehouses), whether established within or outside the relevant EU Member State, may qualify as “producers” of logistics packaging under Article 3 of Regulation (EU) 2025/40 when performing the following activities:

- add logistics packaging to products on behalf of sellers prior to shipment to end consumers; or

- receive, unpack, and dispose of the logistics packaging in the relevant Member State, where the logistics packaging was already added in a third country.

In the first situation, will their role differ depending on whether they have a logo on the packaging materials, and how they acquire the packaging materials (from a local manufacturer or imported from a third country)?

In the context of distance sales via e-commerce platforms, should such logistics packaging be considered as being “placed on the market” by the third-party sellers and therefore subject to the EPR obligations of the third-party seller, given that logistics providers add or remove such packaging on the seller’s behalf?

6. Meaning of “make available on the market”

With respect to the definitions of ‘making available on the market’ and ‘placing on the market’ under Article 3(9) of the PPWR:

(9) ‘Making available on the market’ means any supply of packaging, whether empty or with a product, for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

We would like to clarify whether “making available on the market” requires the packaging or packaged product to be supplied to the end user in the relevant Member State, so as to ensure that the resulting packaging waste is expected to arise in that Member State.

- In cross-border distance sales, is the decisive event for “making available on the market” the moment of shipment or the moment of delivery to the consumer?
- Does the Commission interpret “making available on the market” consistently regardless of whether the supply is domestic or cross-border? In particular, for EPR allocation purposes, is the relevant Member State always that of the end user’s delivery address - irrespective of where the transaction was concluded or the goods dispatched, and does this apply equally where both parties are in the same Member State?

This is critical for the correct allocation of EPR obligations between Member States.

7. Empty Packaging

Should packaging sold as a standalone product and not filled with goods (e.g., empty gift bags, empty shopping bags and empty carrier bags, through distance selling to the end consumers be regarded as “packaging” and therefore subject to EPR obligations under the PPWR?

8. Platform liability

To what extent will e-commerce platforms be held liable if they allow non-registered producers (distance sellers) to make packaging available on the market, despite Article 45(4)(a) verification obligations that arise once the EPR register is operational and aligned with the criteria set out in the implementing act (Article 44(14) PPWR)?

Could such liability arise prior to the date on which the EPR registers become operational pursuant to Article 44(1)?

What constitutes sufficient verification by platforms under Article 45(4)(a)? Is validation of a registration number sufficient, or are continuous compliance checks required?

9. VAT vs EPR

Are VAT establishment or IOSS registration relevant for determining EPR obligations or authorized representative requirements under PPWR?

In light of the above, the Chamber respectfully calls on the competent authorities, institutions and organisations to provide practical guidance and clarification on the issues raised in this appeal. Clear and timely guidance would greatly assist e-commerce operators, online platforms and other market participants in preparing for the application of the PPWR and in ensuring effective, proportionate and harmonised compliance across the European Union.

Yours faithfully

Patrycja Sass-Staniszewska

President of the Chamber of Digital Economy

poświadczenie złożenia podpisów i pieczęci elektronicznych

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Dokument przekazany do podpisu przez Izba Gospodarki Elektronicznej biuro@eizba.pl, został zabezpieczony pieczęcią elektroniczną Autenti przed wprowadzeniem nieautoryzowanych zmian.



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W ramach składania podpisów elektronicznych przeprowadzono uwierzytelnienie podpisujących.

Usługa została wykonana zgodnie z Rozporządzeniem Parlamentu Europejskiego i Rady (UE) nr 910/2014 z dnia 23 lipca 2014 r. w sprawie identyfikacji elektronicznej i usług zaufania w odniesieniu do transakcji elektronicznych na rynku wewnętrznym oraz uchylające dyrektywę 1999/93/WE (Rozporządzenie eIDAS).

Karta podpisów stanowi poświadczenie Autenti w zakresie realizacji poszczególnych usług zaufania, zgodnie z zasadami ich świadczenia oraz definicjami zawartymi w Polityce.