Information for manufacturers, importers and distributors of packaging from 12. 8. 2026

Version 26-01

Information on the changes resulting from Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste (known by the acronym ‘PPWR’), which amends the rules for determining the packaging producer and the associated obligations under extended producer responsibility (EPR).

EKOKOM

What changes for you?

Following the application of the Packaging and Packaging Waste Regulation (PPWR) from 12 August 2026, manufacturers, importers and distributors of packaging may be considered producers of empty service packaging, transport packaging and primary production packaging. Consequently, they may become subject to reporting obligations and the payment of fees within the EKO-KOM system. The key changes and practical examples are outlined below.

This overview focuses on three areas most affected by the new rules and most relevant to your business activities:

Service packaging – expanded scope and new rules for determining the producer.

Transport packaging – determination of the producer of empty transport packaging and changes in responsibility for placing packaging on the market.

Primary production packaging – determination of the producer of empty packaging intended for products from primary agricultural production.

The key changes are outlined below together with practical examples.

Change in the Determination of the Obligated Entity

As a result of the PPWR, the rules for determining the obligated entity are changing. Under the new framework, the **producer**, i.e. the entity responsible for paying fees into the EKO-KOM system, **will generally be the supplier of the empty packaging referred to above**.

1. Service packaging

The PPWR expands the scope of service packaging, for which the **manufacturer, importer or distributor of the empty packaging becomes the producer**.

Service packaging is packaging intended to be filled at the point of sale or intended for takeaway purposes to enable the transfer of products to the final customer.

Service packaging is defined in Article 3(1)(1)(d) PPWR, while takeaway packaging is defined in Article 3(1)(3) PPWR.

For the purpose of determining whether packaging qualifies as service packaging, **the material from which the packaging is made is not decisive**. Consequently, the scope is no longer limited to plastic packaging only.

Typical examples of service packaging include:

- plastic takeaway food containers,
- cardboard pizza boxes,
- beverage cups,
- deli sheets and wraps,
- bakery and food bags,
- carrier bags.

Who Is the Producer of Service Packaging?

The producer is the manufacturer, importer or distributor of the **empty packaging**, provided that it is supplied in its final form, meaning that it is:

- complete, structurally finished and fully functional;
- intended for direct use by staff or customers;
- ready for immediate filling with products at the point of sale.

Exception: Packaging Bearing a Trademark

Where service packaging bears the name, trademark or registered trademark of a specific company, that company becomes the producer, as the packaging is placed on the market under its brand.

Typically, this is the company that commissioned the design, manufacture or printing of the packaging for its own business activities, for example bakery bags displaying a supermarket logo.

Important: If the company whose name or trademark appears on the packaging qualifies as a micro-enterprise, the producer is instead the supplier of the empty packaging, provided that the supplier is established in the same Member State as the micro-enterprise.

Packaging Not Supplied in Its Final Form

Where service packaging is not supplied in its final form, the producer becomes the person or company that completes the packaging and uses it for packaging products.

Service packaging and Reimbursement of the costs for cleaning up packaging waste (“littering“)

For service packaging made wholly or partly of plastic, the producer is also required to finance costs for cleaning up packaging waste (littering fees).

2. Transport Packaging

Another significant change concerns transport packaging.
For transport packaging, the producer of the empty packaging must now be identified. Transport packaging is defined in Article 3(1)(7) PPWR.

Typical examples of transport packaging include:

- pallets,
- strapping bands,
- stretch film,
- separators/interlayers,
- protective corner pieces,
- cardboard boxes,
- e-commerce packaging used for delivery to the end user, such as shipping boxes,
- cushioning and void-fill materials (bubble cushioning wraps,..)
- carrier bags,
- bubble envelopes used for shipping goods.

Who Is the Producer of Transport Packaging?

The producer of transport packaging is the entity that:

- manufactures or imports unbranded transport packaging; or
- has the packaging designed or manufactured according to their specifications, under their business name or trademark.

Where transport packaging has been commissioned by a company that qualifies as a micro-enterprise, the producer is the supplier of the empty packaging, provided that the supplier is established in the same Member State as the micro-enterprise.

Example 1

Your company manufactures or imports stretch film and distributes it to customers who use it for pallet wrapping. The film is not marked with any private label or trademark.

Your company is the producer of this transport packaging.

Compared to the current situation, where you may only have reported the core tube and outer carton, you will now also be required to report and pay fees for the stretch film itself.

However, if the same stretch film bears the name or trademark of the filler, the producer becomes the company under whose brand the film is placed on the market.

Example 2

Your company manufactures or imports cardboard boxes and bubble emvelopes and supplies them to e-commerce businesses for packing and shipping their goods. The packaging is supplied without printing or branding.

Your company is the producer of the transport packaging.

If the same cardboard boxes or bubble envelopes bear the name or trademark of the e-commerce business (the filler), the e-commerce business becomes the producer because the packaging is placed on the market under its brand.

3. Primary Production Packaging

According to Article 3(1)(4) PPWR, primary production packaging means packaging designed and intended to be used for unprocessed products from primary production within the meaning of Regulation (EC) No 178/2002.

Typical examples include:

- potato sacks,
- apple crates, bins.

For these packaging types, the **producer** must also be correctly identified and will generally be the supplier of the empty packaging.

The same rules as in previous types of packaging apply where packaging bears a trademark or where a micro-enterprise is involved.

Obligation to finance costs for cleaning up packaging waste (“Littering”)

We would also like to remind you of the existing obligation to finance the costs associated with the clean-up of litter arising from selected single-use plastic packaging items (**littering**) pursuant to Section 10a of Act No. 477/2001 Coll., on Packaging.

This obligation applies to single-use packaging made wholly or partly of plastic and listed in Annex 4, Parts C and D of the Packaging Act, including:

- bags and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation,
- beverage containers with a capacity of up to 3 litres,
- plastic carrier bags,
- beverage cups,
- Food containers, i.e. receptacles such as boxes, with or without a lid, used to contain food which:
  a) is intended for immediate consumption, either on-the-spot or to take away,
  b) is typically consumed from the receptacle, and
  c) is ready to be consumed without any further preparation

Who Is Required to Finance costs for cleaning up packaging waste (“Littering”)?

The determining factor is the identity of the producer of the relevant packaging.

For service packaging, primary production packaging and transport packaging made wholly or partly of plastic (for example, coffee cups, deli sheets or carrier bags), the producer is generally the manufacturer, importer or distributor of the empty packaging. That entity is also responsible for financing litter clean-up costs.

For sales packaging, with the exception of service packaging, the producer is the manufacturer, importer or distributor of the packaged product, i.e. the entity placing the packaged product on the market. Typical examples include yoghurt cups, crisp packets or plastic soft-drink bottles filled at a manufacturing facility.

In these cases, the obligation to finance costs for cleaning up packaging waste rests with the producer of the packaged product (the filler).

Possibility of a Contractual Transfer of Obligations:

In certain cases, the relationship may be regulated contractually and the producer's obligations may be transferred to a customer participating in the EKO-KOM system **(please note that such obligations may only be transferred between entities participating in the EKO-KOM system).**

This option may be particularly practical in relation to transport packaging where the customer uses the packaging for goods intended for export. In such cases, the transfer of obligations may help ensure more accurate packaging reporting and proper recognition of exports when fulfilling obligations under the extended producer responsibility scheme.

A template **Agreement on the transfer of charging for packaging** is available on our website:

https://www.ekokom.cz/wp-content/uploads/2026/08/Agreement_on_the_transfer_of_charging_for_packaging_2026.docx

Final Remarks

Finally, we would like to emphasise that the changes described above relate specifically to the determination of the producer of **service packaging, primary production packaging and transport packaging** under the PPWR.

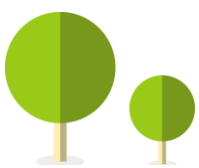
The obligations relating to so-called "packaging used for the supply of packaging" remain unchanged. These include, for example, cartons, transport films and other packaging used to supply service packaging, primary production packaging or transport packaging to customers.

Such packaging continues to be assessed in accordance with the general provisions of the Packaging Act and the PPWR, and the corresponding producer obligations remain unchanged.

Should you have any questions regarding the determination of the producer of a specific packaging item or your obligations under the PPWR, please do not hesitate to contact us. We will be pleased to help you assess your specific situation.

Further information is available on our website:

https://www.ekokom.cz/en/clients/ppwr/



Disclaimer

Please note that, as of the date of this communication, not all delegated acts, implementing acts and methodologies under the Packaging and Packaging Waste Regulation (PPWR) are available. Consequently, it is not possible to fully anticipate the requirements that may arise from them. Therefore, no assumption should be made that the conclusions set out in this email will necessarily correspond to conclusions derived from future legislative, regulatory or technical requirements.

Although EKO-KOM, a.s. makes considerable efforts to ensure that the consultations, information and recommendations it provides are accurate and up to date, it cannot guarantee this. EKO-KOM, a.s. provides consultations, information and recommendations solely on the basis of the information available to it as of the date on which the relevant consultation, information or recommendation is provided. EKO-KOM, a.s. accepts no liability for any impact on such consultations, information or recommendations resulting from circumstances which could not reasonably have been identified, even with the exercise of due professional care, or which became known or arose only after the consultation, information or recommendation had been provided. Furthermore, EKO-KOM, a.s. accepts no responsibility for the accuracy or completeness of information, materials or studies prepared by third parties where such information, materials or studies are clearly identified as originating from a third party.

Should you have any doubts regarding the accuracy or relevance of any consultation, information or recommendation provided, or should you have access to information or recommendations that differ from those communicated by EKO-KOM, a.s., we would appreciate hearing from you. Feedback and dialogue with our clients help us continuously improve the quality of the services we provide.

The information and recommendations provided in this document are subject to ongoing changes. They are deemed valid and current as of the date of the last revision.

Contacts

EKO-KOM, A. S., CLIENT DEPARTMENT

Na Pankráci 1685/17,
Prague 4, 140 21 Czech Republic
phone: +420 729 848 444,
+420 729 848 445,
+420 261 176 256
e-mail: info@ekokom.cz
www.ekokom.cz

JOINING THE EKO-KOM SYSTEM

phone: +420 729 848 444,
+420 261 176 256,
+420 729 848 445,
+420 261 176 257
e-mail: info@ekokom.cz

PACKAGING RECORDS, STATEMENT ABOUT PACKAGING PRODUCTION

phone: +420 729 848 430
e-mail: evidence@ekokom.cz

INVOICING, URGENCY OF PAYMENTS

phone: +420 729 848 450
e-mail: pohledavky@ekokom.cz

REQUIREMENTS FOR PACKAGING PLACED ON THE MARKET, LABELLING OF PACKAGING

phone: +420 729 848 460
e-mail: kolar@ekokom.cz