

PPWD: Packaging and Packaging Waste Directive (Directive 94/62/EC), explained

The Packaging and Packaging Waste Directive set the first EU-wide rules for all packaging, essential requirements, heavy-metal limits, recycling targets and producer responsibility, binding producers, fillers, importers and distributors. It was repealed from 12 August 2026 by Regulation (EU) 2025/40; only its marking, minimisation and reporting provisions survive, until 2028 or 2029.

Reviewed 24 September 2026 by Conphora compliance team · Next review 13 March 2027 · Not legal advice

Key facts

Reference	Directive 94/62/EC	Act type	Directive
In force	31 December 1994	Applies from	30 June 1996
Amended by	Directive (EU) 2018/852, Directive (EU) 2015/720, Commission Directive 2013/2/EU, Regulation (EC) No 219/2009, Directive 2005/20/EC, Directive 2004/12/EC, Regulation (EC) No 1882/2003	Enforced by	The directive was addressed to the Member States and was enforced only through their transposing law; it contains no penalty article of its own.
CELEX	31994L0062		

Key dates

20 December 1994	European Parliament and Council Directive 94/62/EC on packaging and packaging waste adopted, repealing Council Directive 85/339/EEC on containers of liquids for human consumption from the transposition date	title and Art. 23
31 December 1994	Entry into force on the day of publication in OJ L 365 of 31 December 1994	Art. 24; OJ reference
30 June 1996	Deadline for Member States to bring the transposing laws into force; packaging manufactured before 31 December 1994 and conforming to existing national law could still be placed on the market for five years from entry into force	Art. 22(1), (4) and (5)
31 December 1997	Three years after entry into force: packaging may be placed on the market only if it complies with all the essential requirements of Annex II on minimisation, reuse and recoverability	Art. 9(1) and Annex II
30 June 2001	The first targets bite: 50 to 65 per cent of packaging waste recovered or incinerated with energy recovery and 25 to 45 per cent recycled with at least 15 per cent per material; the heavy-metal limit reaches its final 100 ppm for the sum of lead, cadmium, mercury and hexavalent chromium, five years after the transposition date	Art. 6(1) points (a) and (c), and Art. 11(1)
18 February 2004	Directive 2004/12/EC enters into force: it adds the three criteria and the Annex I list of illustrative examples to the definition of packaging and sets the 2008 recovery and recycling targets, with transposition by 18 August 2005	Art. 1, Art. 2 and Art. 3
5 April 2005	Directive 2005/20/EC enters into force, letting the ten Member States that acceded in 2004 postpone the 2008 targets to dates between 31 December 2012 and 31 December 2015, with transposition by 9 September 2006	Art. 1, Art. 2 and Art. 3
31 December 2008	The 2008 targets apply: at least 60 per cent of packaging waste recovered or incinerated with energy recovery, 55 to 80 per cent recycled, and per material 60 per cent glass, 60 per cent paper and board, 50 per cent metals, 22,5 per cent plastics counting only material recycled back into plastics and 15 per cent wood	Art. 6(1) points (b), (d) and (e)
28 February 2013	Commission Directive 2013/2/EU enters into force and replaces Annex I, the illustrative examples of what is and is not packaging, with transposition by 30 September 2013	Art. 1, Art. 2 and Art. 3
26 May 2015	Directive (EU) 2015/720 enters into force: Member States must cut the consumption of lightweight plastic carrier bags below 50 microns to 90 per person by 31	Art. 1, Art. 2 and Art. 3

December 2019 and 40 by 31 December 2025, or stop giving them out free of charge by 31 December 2018, with transposition by 27 November 2016

4 July 2018	Directive (EU) 2018/852 enters into force with the circular economy package: the 2025 and 2030 recycling targets, the calculation rules of Article 6a, extended producer responsibility schemes for all packaging by 31 December 2024 and the new reporting regime of Article 12	Art. 1 and Art. 3
5 July 2020	Deadline for Member States to transpose Directive (EU) 2018/852	Art. 2(1)
31 December 2024	Member States must have extended producer responsibility schemes in place for all packaging, set up in accordance with Articles 8 and 8a of Directive 2008/98/EC	Art. 7(2)
11 February 2025	Regulation (EU) 2025/40, the Packaging and Packaging Waste Regulation, enters into force as the act that repeals the directive	Art. 71
1 October 2025	Danish executive order nr. 1146 of 29 September 2025, the emballagebekendtgørelse, in force, replacing order nr. 323 of 20 March 2025; it still transposes the directive as amended by Directive (EU) 2018/852 and parts of Directive (EU) 2019/904	§ 121 and the EU footnote to the title
12 August 2026	Directive 94/62/EC is repealed and Regulation (EU) 2025/40 applies; references to the directive are read as references to the regulation through the correlation table in its Annex XIII; four groups of provisions of the directive continue to apply for a time	Art. 70(1), Art. 70(5) and Art. 71
12 August 2028	Commission Decision 97/129/EC, the numbering and abbreviation system that Article 8(2) of the directive refers to, is repealed	Art. 70(2)
31 December 2028	Last day on which Article 5(2) and (3), Article 6(1) points (d) and (e), Article 6a and Article 12(3a), (3b), (3c) and (4) of the directive continue to apply, except that the transmission of data to the Commission under Article 12 runs one year longer	Art. 70(1) points (c) and (d)
31 December 2029	Last day on which Article 9(1) and (2) of the directive continue to apply for the first indent of point 1 of Annex II, the requirement that packaging volume and weight be limited to the minimum, and last day for transmitting data to the Commission under Article 12; the minimisation duty of Article 10(1) of Regulation (EU) 2025/40 takes over from 1 January 2030	Art. 70(1) points (b) and (d), and Art. 10(1)
1 January 2030	End of the period in which Member States may maintain national provisions restricting the placing on the market of packaging in the formats and for the uses listed in points 2 and 3 of Annex V to Regulation (EU) 2025/40;	Art. 70(4)

its Article 4(3) applies to those national measures from
this date

Obligations by role

Packaging producer or converter, and supplier of packaging materials

- Keep applying the material identification marking. Article 8(2) and (3) survived the repeal: packaging shall indicate, for identification and classification by the industry concerned, the nature of the packaging materials used on the basis of Commission Decision 97/129/EC, on the packaging itself or on a label, clearly visible, easily legible and durable and lasting, including after the packaging is opened. The provision runs until 30 months from the entry into force of the labelling implementing act under Article 12(6) of Regulation (EU) 2025/40, which the Commission had to adopt by 12 August 2026 and which was still unadopted on 17 September 2026, when the Commission's implementation page and the industry tracker of the secondary legislation both recorded it as delayed in preparation, so no end date is fixed yet. Check this date before relying on it. Art. 8(2) and (3); Art. 70(1), point (a), and Art. 12(6)
- Keep minimising packaging volume and weight. Article 9(1) and (2) continue to apply, but only for the first indent of point 1 of Annex II, the requirement that packaging be so manufactured that its volume and weight are limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer; conformity with the relevant harmonised standards published in the Official Journal still gives the presumption of compliance. That bridge ends on 31 December 2029, when Article 10(1) of Regulation (EU) 2025/40 takes over with its own minimisation duty and Annex IV performance criteria.
Art. 9(1) and (2) and Annex II, point 1; Art. 70(1), point (b), and Art. 10(1)
- Read the rest of the Annex II essential requirements as the regulation's rules. The other requirements, that packaging be designed, produced and commercialised so as to permit its reuse or recovery including recycling and to minimise its environmental impact when disposed of, that noxious and hazardous substances in emissions, ash or leachate be minimised, the reusability conditions and the recoverability conditions for material recycling, energy recovery, composting and biodegradation, fell away on 12 August 2026 and are replaced by Articles 5 to 11 of Regulation (EU) 2025/40, whose compliance is shown in the technical documentation of its Annex VII and an EU declaration of conformity under its Article 15. Annex II, points 1 to 3; Art. 70(1), Art. 5 to Art. 11 and Art. 15
- Keep the heavy metals down, but under the new legal basis. Article 11(1), which capped the sum of lead, cadmium, mercury and hexavalent chromium in packaging and packaging components at 600 ppm from 30 June 1998, 250 ppm from 30 June 1999 and 100 ppm from 30 June 2001, was repealed on 12 August 2026; Article 5(4) of Regulation (EU) 2025/40 sets the same sum at 100 mg/kg and is directly applicable. The two derogations, Commission Decision 2001/171/EC for glass packaging and Commission Decision 2009/292/EC for plastic crates and pallets in a closed and controlled chain, remain in force until repealed by delegated acts under Article 5(8) of the regulation.
Art. 11(1) and (2); Art. 5(4), Art. 5(8), Art. 70(1) and Art. 70(3)
- Hold the Danish composition file. Whoever manufactures or imports packaging must hold the information listed in annex 3 of the Danish packaging order, including the lists of materials, substances and components with their weight distribution and the lead, cadmium, mercury and hexavalent chromium content, keep it for five years and produce it, and documentation that the sum stays under the limit, on request from Miljøstyrelsen; Miljøstyrelsen can order an accredited laboratory investigation at your expense if it is not satisfied. § 13, § 14, § 16 and § 17
- Keep the Danish statistical records. Whoever exports or imports packaging must hold, for five years, the total annual number of packaging units produced, exported or imported and the materials used, and produce them on request; whoever puts reusable packaging into circulation must hold the number of units, the materials and substances used, their weight and a general description of the packaging for the same period. § 19

- Stop relying on Article 12(6) for the data flow. The provision that obliged Member States to require all economic operators to give the competent authorities reliable data on their sector was not among the surviving provisions and fell away on 12 August 2026; the equivalent duty is now Article 56(8) of Regulation (EU) 2025/40, under which Member States require re-use system operators and all economic operators making packaging available to provide accurate and reliable data. Art. 12(6); Art. 70(1) and Art. 56(8)

Filler or user of packaging (the brand owner that packs or fills products)

- Place only compliant packaging on the market. Article 9(1) allowed packaging on the market only if it complied with all the essential requirements defined by the directive including Annex II; in Denmark § 4 of the packaging order still says packaging may be marketed here only if it meets the essential requirements of its annex 2, and § 5(1) that it may be marketed only if the sum of lead, cadmium, mercury and hexavalent chromium stays at or below 100 ppm by weight, while § 5(2) still exempts packaging made entirely of lead crystal glass as defined in executive order nr. 122 of 6 March 1973 — an exemption that came from Article 11(2) of the directive and has no counterpart in Article 5(4) of Regulation (EU) 2025/40, which is directly applicable. Making packaging available in breach of § 4 or § 5(1) is a fineable offence. Art. 9(1) and Annex II; § 4, § 5 and § 120
- Apply or omit the material code deliberately. Article 8(2) still requires packaging to indicate the nature of the materials used on the basis of Commission Decision 97/129/EC, but Denmark transposed it as an option: packaging marketed in Denmark may carry the marking, and if it does the marking must follow the abbreviations and number codes of annex 4 of the packaging order, sit on the packaging or on a label attached to it, be immediately visible and easily legible and be appropriately durable, including after opening. Art. 8(2) and (3); § 18
- Produce the compliance evidence on request. Anyone who markets packaging in Denmark must, at Miljøstyrelsen's request, produce documentation that it meets the essential requirements of annex 2, and must help obtain the composition information from the operator that holds it and pass it on; failing to do either is a fineable offence. § 13, § 15 and § 120
- Move the design work to the regulation. From 12 August 2026 the packaging you fill must meet Articles 5 to 12 of Regulation (EU) 2025/40 rather than the directive: minimised substances of concern and the PFAS limits for food-contact packaging, recyclability, recycled content, minimisation from 1 January 2030, the Annex V format restrictions and the harmonised labelling, all demonstrated in the Annex VII technical documentation and an EU declaration of conformity. Art. 4(1), Art. 5 to Art. 12, Art. 15 and Art. 71
- Register and report as a producer where you are the first to make packaging available. The directive required Member States to have extended producer responsibility schemes for all packaging by 31 December 2024; in Denmark that means registration in the producer register kept by Dansk Producentansvar at the latest 14 days before you start, and an annual report by 1 June of the quantities made available in the previous calendar year. Art. 7(2); § 21 and § 27
- Where you are the first to make packaging available in Denmark, have yourself or your representative entered in the producer register kept by Dansk Producentansvar at the latest 14 days before you start. § 21
- As a registered producer, report to Dansk Producentansvar by 1 June each year the quantities of packaging you made available in the previous calendar year. § 27
- Keep the carrier bag rules in view. Article 4(1a), added by Directive (EU) 2015/720, obliged Member States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags, through national targets, economic instruments or marketing restrictions, with either no more than 90 bags per person by 31 December 2019 and 40 by 31 December 2025, or no free lightweight bags at the point of sale from 31 December 2018. It was repealed on 12 August 2026 and Article 34 of Regulation (EU) 2025/40 carries the 40 bags per capita objective forward, measured annually from 31 December 2025. Art. 4(1a); Art. 34(1) and Art. 70(1)

Importer

- Treat imported packaging as your own compliance question. The directive covered all packaging placed on the market in the Union regardless of material, and Member States could not impede packaging that satisfied it; the return, collection and recovery systems had to apply to imported products on non-discriminatory terms, including the arrangements and any tariffs for access. Art. 2(1), Art. 7(1) and Art. 18
- Hold the annex 3 composition information for five years and produce it, together with documentation that the sum of lead, cadmium, mercury and hexavalent chromium does not exceed the limit, whenever Miljøstyrelsen asks; the duty falls squarely on the operator that manufactures or imports the packaging. § 14
- Keep the import and export statistics. An operator that exports or imports packaging must hold the total annual number of packaging units and the materials used for five years and produce them at Miljøstyrelsen's request. § 19
- Check the material marking before the goods ship. Article 8(2) and (3) still apply, so packaging that carries the identification marking must use the Decision 97/129/EC codes and the visibility and durability conditions; in Denmark the marking is optional but a wrong marking is a fineable offence. Art. 8(2) and (3); § 18 and § 120
- Register as a producer if you are the first to make the packaging available in Denmark, and report the quantities by 1 June each year in kilograms per material category, split into household and business packaging and into single-use and reusable packaging; producers under 8 tonnes a year may report only the total weight split into household and business packaging. § 21 and § 27
- If you are the first to make the packaging available in Denmark, register as a producer in the producer register kept by Dansk Producentansvar before you start. § 21
- Report the quantities by 1 June each year in kilograms per material category, split into household and business packaging and into single-use and reusable packaging; producers under 8 tonnes a year may report only the total weight split into household and business packaging. § 27
- Switch the substantive checks to the regulation. From 12 August 2026 packaging may be placed on the market only if it complies with Regulation (EU) 2025/40, and an importer that places packaging on the market under its own name or trademark, or modifies packaging already placed on the market in a way that could affect compliance, carries the manufacturer's obligations under its Article 15. Art. 4(1), Art. 15 and Art. 21
- From 12 August 2026 place packaging on the market only if it complies with Regulation (EU) 2025/40. Art. 4(1)
- If you place packaging on the market under your own name or trademark, or modify packaging already placed on the market in a way that could affect compliance, you carry the manufacturer's obligations under Article 15 of Regulation (EU) 2025/40. Art. 15 and Art. 21

Trader or distributor, including retailers

- Do not block compliant packaging and do not create parallel rules. Member States could not impede the placing on the market of packaging that satisfied the directive, and the return, collection and recovery systems had to be open to the economic operators of the sectors concerned and designed to avoid barriers to trade or distortions of competition. Art. 7(1) and Art. 18
- Charge the Danish minimum price for carrier bags. Points of sale that hand out carrier bags with a handle made of material other than plastic, or plastic carrier bags with or without a handle with a wall thickness above 30 microns, must charge a minimum price of DKK 4 per bag; failing to do so is a fineable offence. § 12 and § 120
- Produce documentation on request. Anyone who markets packaging in Denmark must produce documentation at Miljøstyrelsen's request that it meets the essential requirements, and must help obtain and pass on the composition information held further up the chain. § 13 and § 15
- Keep the material marking correct on what you resell. Article 8(2) and (3) survive the repeal, and packaging that carries the identification marking must use the Decision 97/129/EC codes, sit on the packaging or its label and stay visible, legible and durable after opening. Art. 8(2) and (3); § 18
- Expect the regulation's distributor duties from 12 August 2026: verify that the packaging carries the required labelling and identification and is accompanied by the required documents, do not make non-compliant packaging available, and cooperate with the national authority on corrective action under Articles 5 to 12 of Regulation (EU) 2025/40. Art. 19 and Art. 21
- From 12 August 2026, before making packaging available, verify that it carries the required labelling and identification and is accompanied by the required documents. Art. 19
- Do not make packaging available where you consider or have reason to believe that it does not comply with Articles 5 to 12 of Regulation (EU) 2025/40. Art. 19
- Cooperate with the national authority on any corrective action concerning packaging you made available. Art. 19

Producer under an extended producer responsibility scheme

- Register before you start. The directive obliged Member States to run extended producer responsibility schemes for all packaging by 31 December 2024 in accordance with Articles 8 and 8a of Directive 2008/98/EC; in Denmark a producer that makes packaging available must have itself or its representative entered in the producer register kept by Dansk Producentansvar at the latest 14 days before it begins, and producers of reusable packaging had to be registered by 1 February 2025.

Art. 7(2); § 20, § 21 and § 22

- Report every year by 1 June. Report to Dansk Producentansvar the quantity of packaging made available in the previous calendar year, in kilograms, split by the material categories of annex 6, marked as household or business packaging, split between single-use and reusable packaging and flagged where the packaging must be sorted as hazardous or residual waste; composite packaging that cannot easily be separated is reported under its main material, and producers below 8 tonnes a year may report only the total weight split into household and business packaging. § 27
- Keep the registration current and run the self-checks. Register changes to the registered information and the cessation of your producer status, join a collective scheme, and carry out the self-control the packaging order requires; omissions and false or misleading information are fineable offences.

§ 24, § 25, § 80, § 90, § 91 and § 120

- Register every change to your registered producer information, and the cessation of your producer status, with the producer register. § 24 and § 25
- Join a collective scheme as the packaging order requires for your producer responsibility. § 80
- Carry out the self-control the packaging order requires; omissions and false or misleading information are fineable offences. § 90, § 91 and § 120
- Know which reporting rules still come from the directive. Article 12(3a), (3b), (3c) and (4) continue to apply until 31 December 2028, and until 31 December 2029 for the transmission of data to the Commission, so Member States keep reporting the implementation of Article 6(1) points (a) to (i) and the data on reusable packaging electronically within 18 months of the end of the reporting year, with a quality check report. These are Member State duties; your own duties come from national law.

Art. 12(3a) to (4); Art. 70(1), point (d)

- Watch the handover of the targets. Article 6(1) points (d) and (e), the 2008 targets, Article 6a, the rules on calculating attainment, and Article 5(2) and (3), the adjustments for reusable sales packaging and repaired wooden packaging, continue to apply until 31 December 2028; the 2025 and 2030 recycling targets themselves moved to Article 52 of Regulation (EU) 2025/40 on 12 August 2026, with the calculation rules in its Article 53. Art. 5(2) and (3), Art. 6(1) and Art. 6a; Art. 52, Art. 53 and Art. 70(1), point (c)
- Prepare for the regulation's reporting regime. Under Article 56 of Regulation (EU) 2025/40 Member States report the implementation of the recycling targets, the data on reusable packaging, the per-capita consumption of the four carrier bag classes and the separate collection rates, electronically within 19 months of the end of the reporting year; the first reporting year is the second full calendar year after the reporting-format implementing act, which the Commission must adopt by 12 February 2027, and Member States must require operators to supply the data. Art. 56(1) to (4), Art. 56(7) and Art. 56(8)

Penalties

Directive 94/62/EC contains no penalty article: it was addressed to the Member States, which had to bring transposing laws into force before 30 June 1996 and could, provided the objectives of Articles 4 and 6 were met, transpose Article 4(1a) and Article 7 through enforceable, published and monitored agreements with the economic sectors concerned. Enforcement therefore ran entirely through national law. Regulation (EU) 2019/1020 lists the directive as point 9 of Annex I and listed it as point 8 of Annex II, the list of Union harmonisation legislation for which Member States must lay down penalties applicable to infringements that impose obligations on economic operators; Article 66 of Regulation (EU) 2025/40 deleted that Annex II point and added the regulation as point 75 of Annex I, so since 12 August 2026 the penalty duty for packaging runs through Article 68 of the regulation, under which Member States must have effective, proportionate and dissuasive penalties in place and notified by 12 February 2027, including administrative fines for infringements of its Articles 24 to 29. In Denmark the emballagebekendtgørelse punishes with a fine, unless a higher penalty is due under other legislation, fifty-nine listed breaches, among them making packaging available in breach of the essential requirements or the 100 ppm heavy-metal limit, breaching the glass and plastic crate derogations, failing to take the monthly glass furnace samples or to report an average above 200 ppm, failing to charge the DKK 4 minimum price for certain carrier bags, failing to hold or produce the composition and statistical information, failing to comply with an order for an investigation, marking packaging contrary to the marking rule, making packaging available without being registered as a producer or a collective scheme, giving false or misleading information, failing to report the quantities, failing to run the required self-control, failing to stop making packaging available after an order from Miljøstyrelsen, failing to produce documents, data or information demanded by the supervisory authority and failing to change or remove content on an online interface after an order. The penalty rises to imprisonment of up to 2 years where the breach was intentional or grossly negligent and either damaged or endangered the environment or obtained or was intended to obtain an economic advantage for the offender or for others, including through savings, and criminal liability may be imposed on legal persons under chapter 5 of the Danish criminal code. Miljøstyrelsen may also order an operator to produce documents, technical specifications, data, compliance information, supply-chain and distribution information and website-ownership information, acquire packaging samples including under a concealed identity and reverse engineer them, order the making available of packaging to stop, and order the owner of an online interface to change or remove content referring to non-compliant packaging where no other effective means exist to eliminate a serious risk; decisions of Dansk Producentansvar can be appealed to Miljøstyrelsen, and Miljøstyrelsen's own decisions cannot be taken to another administrative authority.

Art. 22(1) and (3a); Art. 41(1), Annex I point 9 and Annex II point 8; Art. 66 and Art. 68; § 115, § 116, § 117, § 119 and § 120

Checklist

- 1. Start from the date: packaging placed on the market from 12 August 2026 is governed by Regulation (EU) 2025/40, not by Directive 94/62/EC, and references to the directive are read through the correlation table in Annex XIII of the regulation (Regulation (EU) 2025/40, Article 70(1) and (5)).
- 2. List the four survivors and put their end dates in the compliance calendar: Article 8(2) material identification, open-ended until 30 months after the labelling implementing act; Article 9(1) and (2) for packaging minimisation to 31 December 2029; Article 5(2) and (3), Article 6(1) points (d) and (e) and Article 6a to 31 December 2028; Article 12(3a) to (4) to 31 December 2028, or 31 December 2029 for data sent to the Commission (Regulation (EU) 2025/40, Article 70(1)).
- 3. Confirm each item is packaging at all, using the three criteria in Article 3(1) and the Annex I examples as replaced by Commission Directive 2013/2/EU, and remember that road, rail, ship and air containers are not transport packaging.
- 4. Check whether your packaging still carries the identification marking and whether the codes match Commission Decision 97/129/EC; in Denmark the marking is optional under § 18 of the packaging order, but a wrong marking is a fineable offence.
- 5. Re-base the heavy-metal check on Article 5(4) of Regulation (EU) 2025/40, the same 100 mg/kg sum of lead, cadmium, mercury and hexavalent chromium, and check whether you rely on Commission Decision 2001/171/EC for glass or Commission Decision 2009/292/EC for plastic crates and pallets, both still in force.
- 6. Keep the national files alive: in Denmark the annex 3 composition information and the heavy-metal documentation for five years, the import, export and reusable packaging statistics for five years, and the technical documentation for closed-loop plastic crates and pallets for four years after the report.
- 7. Check your producer registration and reporting: registration with Dansk Producentansvar at the latest 14 days before you start making packaging available, and the annual report by 1 June in kilograms per material category, split household and business and single-use and reusable.
- 8. Move the design and documentation work to the regulation: substances of concern and the PFAS limits for food-contact packaging from 12 August 2026, recyclability and recycled content, minimisation from 1 January 2030, the Annex V format restrictions, harmonised labelling from 12 August 2028 at the earliest, the Annex VII technical documentation and the EU declaration of conformity.
- 9. Check whether your Member State kept national format restrictions under Article 70(4) of Regulation (EU) 2025/40, which it may maintain until 1 January 2030 for the formats and uses in points 2 and 3 of its Annex V.
- 10. Read the guide to Regulation (EU) 2025/40 for the live rulebook and put its dated milestones, not the directive's, into the plan.

Sources

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