

G u i d a n c e

of the Director General of the Waste and Geology Section of the Ministry of Environment of the Slovak Republic on the application of certain provisions of Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (hereinafter referred to as the “Packaging Regulation”)

Intended for: entities concerned in relation to the Packaging Regulation

Ministry of Environment of the Slovak Republic

Waste and Geology Section

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The Packaging Regulation entered into force on 12 February 2025 and will apply from 12 August 2026, with the exception of Article 67(5), which will apply from 12 February 2029. The Packaging Regulation is binding in its entirety and directly applicable in all Member States. In the Slovak Republic, the area of packaging and packaging waste is regulated by Act No. 79/2015 Coll. on Waste and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the “Waste Act”), which needs to be brought into compliance with the provisions of the Packaging Regulation. In this connection, the Ministry of Environment of the Slovak Republic (hereinafter referred to as the “Ministry”) is preparing an amendment to the Waste Act, which, however, will not be effective as of 12 August 2026. For this reason, it is necessary for the Ministry to issue guidance to ensure that all obligated entities within the meaning of the Packaging Regulation will be able to smoothly fulfil the obligations arising from the legislation in force in relation to packaging and packaging waste.

1. Guidance on the definition of a packaging producer

The Packaging Regulation defines the term “packaging producer” differently from the original definition of a packaging producer set out in Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, which was transposed into the Waste Act. Since the Packaging Regulation will, from 12 August 2026, be binding in its entirety and directly applicable in all Member States, the definition of a packaging producer laid down in the Packaging Regulation will also apply from 12 August 2026.

On 5 June 2026, the European Commission published the “Guidance document on Regulation (EU) 2025/40 on packaging and packaging waste” (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52026XC03084>), in which, on pages 8-16, it provides an interpretation of the definitions of manufacturer and producer.

This interpretation is subsequently supplemented by the updated, second edition of the European Commission document “Packaging and Packaging Waste Regulation (PPWR) – Frequently Asked Questions”, which contains an expanded interpretation of the definitions of manufacturer and packaging producer (for further details, see point 4 of this Guidance), in particular in relation to transport packaging and branded packaging. The current versions of the above-mentioned documents will always be available on the official website of the European Commission. The original definition of a packaging producer laid down in Section 52(11) of the Waste Act ceases to apply on 12 August 2026. Obligated entities must take into account all circumstances related to the change in the definition of a packaging producer in relation to the functioning of the existing system of individual or collective management of the reserved waste stream through a producer responsibility organisation for packaging.

2. Guidance on the application of penalties for breaches of obligations arising from the Packaging Regulation and the Waste Act

Article 68(1) of the Packaging Regulation stipulates that, by 12 February 2027, Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. As part of the amendment to the Waste Act, the Ministry will align the existing penalties for breaches of obligations laid down in the Waste Act and, at the same time, establish new penalties for breaches of obligations arising from the Packaging Regulation.

At the same time, the Ministry would like to draw the attention of the entities concerned to the new approach to enforcement of the rules, which the European Commission presented in the updated Frequently Asked Questions and Answers (FAQ) document concerning the Packaging Regulation. According to this guidance, enforcement of the obligations applicable from 12 August 2026 should not disrupt trade flows, supply chains or the availability of goods to consumers. If non-compliance with the Packaging Regulation is identified, the competent supervisory authority should first call upon the economic operator concerned to remedy the non-compliance, i.e. provide a warning and a reasonable period for taking corrective action, before proceeding with any further measure. Only if the non-compliance continues to persist and has not been remedied within the specified period is the supervisory authority entitled to take further steps, including the imposition of penalties.

3. Guidance on addressing possible conflicts between the Waste Act and the Packaging Regulation during the period in which the amendment to the Waste Act implementing the Packaging Regulation has not been adopted

The Ministry is currently analysing possible conflicts between the Waste Act and the Packaging Regulation and is preparing a legislative amendment to the Waste Act on this matter with the aim of implementing the Packaging Regulation.

4. Updated European Commission document concerning Regulation (EU) 2025/40 on packaging and packaging waste

The European Commission published an updated, second edition of the document “Packaging and Packaging Waste Regulation (PPWR) – Frequently Asked Questions” (<https://op.europa.eu/en/publication-detail/-/publication/35277381-29a0-11f1-8803-01aa75ed71a1/language-en>), which replaces the original edition from March 2026. The updated edition, among other things, expands the interpretation of the definitions of manufacturer and packaging producer referred to in point 1 of this Guidance and adds a new interpretation of the European Commission’s approach to the enforcement of obligations arising from the Packaging Regulation, as referred to in point 2 of this Guidance.

The document is currently available on the official website of the European Commission in English only.

This Guidance shall take effect on the date of its publication on the website of the Ministry of Environment of the Slovak Republic.

Mgr. Adrián Grolmus
entrusted with performing the duties of the
Director General
of the Waste and Geology Section
of the Ministry of Environment
of the Slovak Republic
(electronically signed)