



COMMISSION NOTICE

Application 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 to and in the United Kingdom in respect of Northern Ireland

(C/2025/946)

DISCLAIMER

This guidance notice is intended to facilitate the application of Regulation (EU) 2025/40 of the European Parliament and of the Council on packaging and packaging waste ⁽¹⁾, to and in the United Kingdom in respect of Northern Ireland. While this Notice seeks to assist authorities and operators, only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

1. Legal framework and other relevant considerations

On 1 February 2020, the United Kingdom withdrew from the European Union. The Withdrawal Agreement ⁽²⁾ was concluded between the European Union and the European Atomic Energy Community, on the one part, and the United Kingdom, on the other part. It was approved by Council Decision (EU) 2020/135 ⁽³⁾ of 30 January 2020 and entered into force on 1 February 2020. The Withdrawal Agreement provides for a transition period which ended on 31 December 2020.

At the end of the transition period, Union law ceased to apply to the United Kingdom, whilst the Protocol on Ireland/Northern Ireland – now referred to as the Windsor Framework ⁽⁴⁾, which forms an integral part of the Withdrawal Agreement, became applicable.

In accordance with Article 5(4) of and point 25 of Annex 2 to the Windsor Framework, Directive 94/62/EC ⁽⁵⁾, as well as legal acts of the Union supplementing or implementing ⁽⁶⁾, amending or replacing ⁽⁷⁾ that legal act, apply to and in the United Kingdom in respect of Northern Ireland.

On 19 December 2024, the European Parliament and the Council adopted Regulation (EU) 2025/40, which replaced Directive 94/62/EC. In accordance with Article 13(3) of the Windsor Framework, the reference to Directive 94/62/EC in point 25 of Annex 2 to the Windsor Framework shall therefore now be read as referring to Regulation (EU) 2025/40.

2. Applicability to and in the United Kingdom in respect of Northern Ireland

Several provisions of Regulation (EU) 2025/40 fall outside the scope of the Windsor Framework. Those provisions are:

— Article 23;

— Articles 29-33;

⁽¹⁾ Regulation (EU) 2025/40 of the European Parliament and of 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 (OJ L, 2025/40, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/40/oj>).

⁽²⁾ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ L 29, 31.1.2020, p. 7) ('Withdrawal Agreement').

⁽³⁾ OJ L 29, 31.1.2020, p.1.

⁽⁴⁾ The Windsor Framework is the new way in which the Protocol on Ireland / Northern Ireland, as amended by the Withdrawal Agreement Joint Committee Decision No 1/2023, is referred to in accordance with Joint Declaration No 1/2023 of the Union and the United Kingdom (OJ L 102, 17.4.2023, p. 87).

⁽⁵⁾ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

⁽⁶⁾ Article 6(3) of the Withdrawal Agreement.

⁽⁷⁾ Article 13(3) of the Windsor Framework.

- Article 34 and Article 56(1)(b) unless the United Kingdom in respect of Northern Ireland takes measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags in accordance with Article 34(1);
- Articles 41-55;
- Paragraphs 1(a), 1(c) and 6 of Article 56; and
- Articles 57 and 63.

In view of the above, those provisions of Regulation (EU) 2025/40 should not apply to and in the United Kingdom in respect of Northern Ireland.
