

Empty space in sales packaging from 12 February 2028: PPWR Article 24(4) explained

From 12 February 2028, whoever fills sales packaging must keep empty space to the minimum needed for function and product protection. There is no fixed percentage for sales packs, void fill counts as empty space, and settling products are judged at filling. Here is how Article 24(4) differs from the 50 % rule for transport and e-commerce packaging.

PUBLISHED 16 OCT 2026 · 4 MIN READ · ART. 24 · ART. 10 · ANNEX IV

SALES PACKS	2028-02-12
FIXED RATIO	None
VOID FILL	Counts as empty
50 % RATIO (OTHER)	2030-01-01+
METHOD ACT DUE	2028-02-12



SHORT ANSWER

From **12 February 2028**, economic operators who **fill sales packaging** must reduce empty space to the minimum necessary for the packaging’s function, including product protection (Article 24(4)). Unlike grouped, transport and e-commerce packaging, sales packaging has **no fixed ratio**. Paper, air cushions, foam and other fillers **count as empty space**. For products that settle or need headspace, compliance is judged at the time of filling.

Who this applies to: brand owners and co-packers that fill retail packs — cosmetics, toys, electronics, snacks, gift sets. **Who it does not:** the 50 % ratio for outer packaging is a separate rule (Article 24(1)) with a later date, and sales packaging used as e-commerce packaging is exempt from that 50 % rule but not from this one.

Two empty-space rules, two dates

SALES PACKAGING — ART. 24(4)		GROUPED, TRANSPORT, E-COMMERCE — ART. 24(1)	
Applies from	12 Feb 2028	1 Jan 2030, or 3 years after the methodology act, if later	

SOURCES

- [Regulation \(EU\) 2025/40, Articles 10 and 24 — EUR-Lex](#)
- [Commission guidance document C\(2026\) 3702, sections 10 and 11](#)
- [European Commission — packaging waste policy page](#)

Interpretation current as of 16 Oct 2026. Commission guidance is not legally binding; the Court of Justice has the final word.

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SALES PACKAGING – ART. 24(4)		GROUPED, TRANSPORT, E-COMMERCE – ART. 24(1)
Obligated party	The operator who fills the sales packaging	The operator who fills the grouped, transport or e-commerce packaging
Test	Minimum necessary for functionality, including product protection	Empty space ratio of at most 50 %
Empty space means	Total internal volume of the sales pack minus the volume of the product	Total volume of the outer pack minus the volume of the sales packaging inside
Fillers	Count as empty space	Count as empty space
Calculation method	None set; the guidance points to EN 13428:2004	Implementing act due by 12 Feb 2028
Exempt	—	Sales packaging used as e-commerce packaging; reusable packaging in a re-use system (Art. 24(5))

What counts as empty space

Article 24(4) lists filling materials that are treated as empty space: paper cuttings, air cushions, bubble wrap, sponge and foam fillers, wood wool, polystyrene or Styrofoam chips. Replacing air with filler does not help. An insert that holds the product in place may still be justified, but the justification is product protection, not volume.

Two adjustments apply to products that settle during transport or need headspace to protect food, and to other products with the same characteristics:

- compliance is assessed as the pack-fill level **at the time of filling**, not after settling;
- air between or within packed foodstuff, and protective gases, are **not** counted as empty space.

How Article 24(4) relates to Article 10

Article 10 requires the manufacturer to minimise packaging weight and volume by 1 January 2030, and bans features that only increase perceived volume — double walls, false bottoms and unnecessary layers — subject to limited design-right and geographical-indication exceptions. The Commission’s guidance treats the two together: for sales packaging there is no predefined threshold, so empty space is assessed using the existing minimisation standard **EN 13428:2004** until updated performance criteria under Annex IV apply, and the manufacturer documents it in the technical documentation and EU declaration of conformity.

In practice the filler and the manufacturer are often the same company. Where they are not, the filler carries Article 24(4) and the brand owner carries Article 10, so both should share the same evidence.

Building the evidence

RECORD	WHY
Internal volume of each sales pack and volume of the product	The basis of the Article 24(4) comparison
Function of each component and insert	Shows which space is needed for protection, handling, information or legal requirements
Drop, compression or transit test results	Supports a claim that a smaller pack would damage the product
Fill level at filling, for settling or headspace products	The point at which compliance is measured
EN 13428 minimisation assessment	The reference method named in the Commission's guidance

What to do now

1. **Rank SKUs by empty-space share.** Gift sets, cosmetics and toys usually top the list.
2. **Remove filler-only space** rather than swapping one filler for another.
3. **Document the space you keep** and the reason for it.
4. **Schedule changes before February 2028**, and align them with label and recyclability updates so artwork changes once.

Frequently asked

Is there a maximum percentage for sales packaging?

No. The 50 % ratio applies to grouped, transport and e-commerce packaging. By 12 February 2032 the Commission must assess whether to set ratios for sales packaging, particularly for toys, cosmetics, DIY kits and electronics (Article 24(6)).

We ship our retail box as the parcel. Which rule applies?

Sales packaging used as e-commerce packaging is exempt from the 50 % ratio, but it must still meet Article 10 and, as sales packaging, Article 24(4).

Does modified-atmosphere gas count?

No. Protective gases, and air between or within packed foodstuff, are not counted as empty space.

Next: see the full minimisation picture on the [requirements page](#), or check your packs in the [checker](#).

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The six PPWR packaging format bans from 1 January 2030 (Annex V)

From 1 January 2030, Article 25 bars six packaging formats for specific uses: plastic multipack wraps, plastic for small fresh-produce packs, single-use plastic for dine-in HORECA, HORECA portion packs, hotel miniatures and very lightweight plastic bags. Here is each point, its exceptions, and the 5 % plastic rule from the Commission's guidance.

[ART. 25](#)

[ANNEX V](#)

[ART. 70\(4\)](#)

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Compostable packaging under PPWR Article 9: what must, may and may not be compostable

From 12 February 2028, tea and coffee bags, soft single-serve pads and fruit stickers must be industrially compostable; Member States may require compostability for capsules and thin carrier bags; and everything else, biodegradable plastics included, must be designed for material recycling. Here is the three-way split and how to prove it.

[ART. 9](#)

[ART. 3\(1\)\(1\)\(F\)-\(G\)](#)

[ART. 12\(1\)](#)