The responsible producer for EPR in the Member State

Basic explanation

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Definition of

- The definition of producer serves to implement the obligations under Art. 44 ff of the PPWR, i. e. the organisation of the disposal of packaging. The producer must always be determined in the EU Member State in which the packaging in question becomes waste (domestic priority).
- The decisive factor is who is the first in the domestic supply chain.
  - In the case of transport, service and primary production packaging, the supply chain begins with the complete (empty) packaging;
  - In the case of sales and grouped packaging, it begins with the filling.
- If the manufacturer of the (empty) packaging or the packaged product is based in this country, he is deemed to be the producer - because there is no one before him in the supply chain. If the manufacturer is based abroad, the first company in the domestic supply chain is deemed to be the producer. Only if a delivery from abroad is made directly to a private or commercial end user is the foreign company considered to be the producer.

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Simplified decision tree for visualisation

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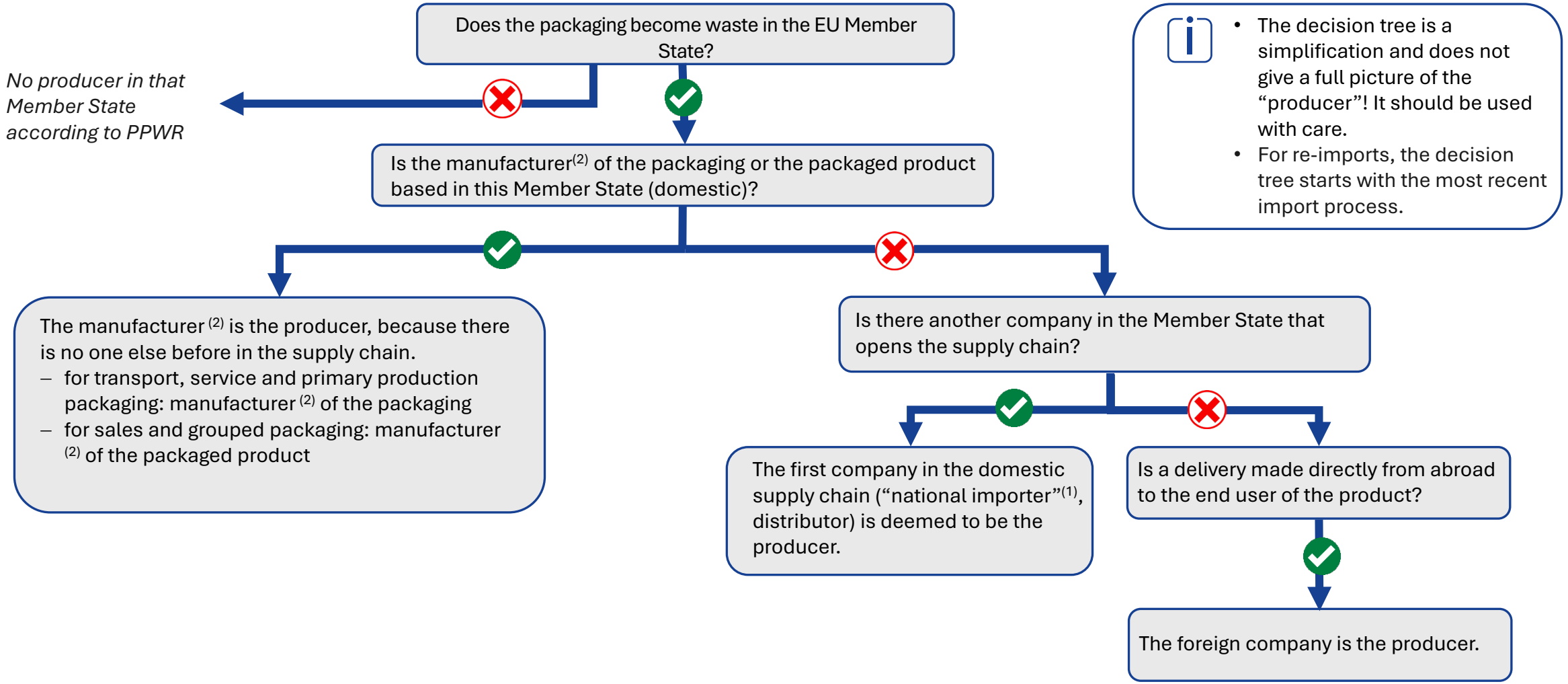

(1) "national importer" means "the one who makes packaging/packed products available for the first time from within the territory of that Member State"

(2) or the "importer" (as defined in the PPWR), in case the manufacturer is outside of the EU

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Concerning the end user

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The “end user” in the producer definition, part d (for sales and grouped packaging) refers to the consumer or industrial end user of the packed product. There can be no discussion about this, as the PPWR is extremely clear.

The “end user” in the producer definition, part c (for transport, service and primary production packaging) refers to the consumer or industrial end user of the product, not of the packaging material. The (transport, service and primary production) packaging is sent, directly from abroad, with the product to the end user of the product. For instance: e-commerce transport packaging sent directly to households.

A packer/filler importing pallets, stretch/shrink/cling film or wrapping paper from another member state, in order to pack his products, is not an “end user” for those packaging materials.