

PPWR.HOW / BLOG / EPR PRODUCER

ARTICLES 44-45 · EPR

Who is the 'producer' under PPWR EPR? Registers, reporting and authorised representatives

PPWR separates the manufacturer, who makes the pack compliant, from the producer, who pays for its waste where it is first made available. Here is how to find the producer, what registering and reporting involve under Article 44, and where the authorised-representative duty of Article 45(3) stands after the Omnibus proposal.

PUBLISHED 16 OCT 2026 · 6 MIN READ · ART. 3(1)(15) · ART. 44 · ART. 45

PRODUCERS PER PACK

One per Member State

REGISTER FORMAT ACT

Due 2026-02-12

ANNUAL REPORT

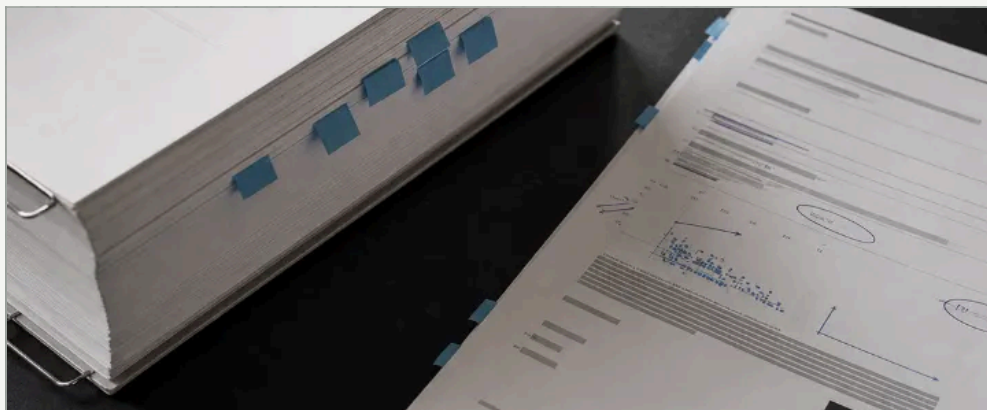
By 1 June

SMALL-PRODUCER DATA

< 10 t/year

AR SUSPENSION

Proposed to 2035



SHORT ANSWER

The **producer** is the manufacturer, importer or distributor that makes the packaging, or the packaged product, available **for the first time on the territory of a Member State** — in practice, where the pack is expected to become waste. That company registers in that country's producer register (Article 44), reports quantities every year by **1 June**, and pays into the EPR scheme (Article 45). If you sell directly to end users in another Member State, you are the producer there and must currently appoint an **authorised representative for EPR** in that country (Article 45(3)). A Commission proposal would suspend that duty for EU-based producers until 2035, but it is not law yet.

Who this applies to: brand owners, fillers, importers, distributors and online sellers whose packaging ends up as waste in the EU. **Who it does not:** packaging exported outside the EU — the Commission's guidance confirms there is then no producer in any Member State, because the pack is not expected to become waste there.

Manufacturer and producer are different roles

Most PPWR obligations attach to the *manufacturer*: the company that has the packaging designed or made under its own name or trademark. There is one manufacturer EU-wide, and it answers for the design requirements of Articles 5–12. EPR is different. It attaches to

SOURCES

- [Regulation \(EU\) 2025/40, Articles 3, 44 and 45 — EUR-Lex](#)
- [Commission guidance document C\(2026\) 3702, section 3](#)
- [Proposal COM\(2025\) 982, procedure 2025/0395\(COD\) — EUR-Lex](#)
- [European Commission — EPR guide for small businesses under the PPWR](#)

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

[ALL ARTICLES →](#)

the *producer*, and there is one producer *per Member State* in which the pack is first made available.

	MANUFACTURER	PRODUCER
Defined in	Art. 3(1)(13)	Art. 3(1)(15)
How many	One for the whole EU	One in each Member State where the pack is first made available
Responsible for	Conformity with sustainability and labelling requirements	Registration, reporting and financing waste management
Main articles	Arts. 5–12, 15	Arts. 44–46

The five producer cases in Article 3(1)(15)

POINT	WHO	SITUATION
(a)	Established in the Member State	First makes available, in that same Member State, transport, service or primary production packaging (empty)
(b)	Established in the Member State	First makes available, in that same Member State, products packed in any other packaging (sales, grouped)
(c)	Established in another Member State or a third country	Sells transport, service or primary production packaging <i>directly to end users</i> in the Member State
(d)	Established in another Member State or a third country	Sells packaged products <i>directly to end users</i> in the Member State
(e)	Established in the Member State	Unpacks packaged products without being an end user, unless someone else is the producer under (a)–(d)

Three questions settle most cases, following the Commission’s guidance: what type of packaging it is, whether it is first made available in the Member State where it was made, and whether the buyer is an end user or will sell it on.

Worked examples from the guidance

- **Sales packaging, domestic.** A packer fills fruit and sells it to a supermarket in its own country: the packer is the producer.
- **Sales packaging, cross-border B2B.** The same packer sells to a supermarket in another Member State: the supermarket is the producer there, because it makes the pack available first on that territory.
- **Cross-border web shop.** The packer sells online to consumers in another Member State: the packer is the producer there (point (d)) and has EPR obligations in that country.
- **Unbranded transport boxes.** A box maker sells plain cartons to a customer in its own country: the box maker is the producer. If the boxes carry the customer’s name or trademark, the customer is.
- **Logistics re-packing.** A logistics company that unpacks imported goods and re-packs them is not an end user; it is the producer of the transport packaging it adds.

If a distributor later moves packaging on which fees were paid into a different Member State, the guidance says the fees paid in the first country must be reimbursed — the aim is

one payment, where the waste arises.

Registering: Article 44

Each Member State must set up a national producer register within 18 months of the entry into force of the Commission’s implementing act on the register format (Article 44(1) and (14)). That act was due by 12 February 2026; at the time of writing EUR-Lex lists only a draft (Ares(2026)7688068), not an adopted regulation. Until the new registers open, follow the registration rules of each country’s existing EPR scheme.

DUTY	RULE	ARTICLE
Register before selling	No first making available in a Member State unless the producer (or its EPR representative) is registered there	44(4)
Application content	Information listed in Annex IX, Part A; Member States may ask for more where necessary	44(5)
Annual data	Annex IX, Part B, point 1, for the full preceding calendar year, by 1 June	44(7)
Small quantities	Under 10 tonnes in a calendar year: the lighter data set of Annex IX, Part B, point 2, also by 1 June	44(8)
Quarterly reporting	Possible where a Member State needs it for budgetary reasons	44(9)
Registration number	Granted within 12 weeks of a complete application	44(11)(b)
Changes and exit	Notify without undue delay; removed 3 years after the end of the year registration ends	44(12)

Where a producer has joined a producer responsibility organisation, the PRO meets the registration obligations on its behalf unless the Member State says otherwise (Article 44(2)). Registration fees, where charged, must be cost-based and proportionate (Article 44(11)(d)).

The authorised representative for EPR

Article 45(3) requires a producer under points (c) or (d) — one selling directly to end users in a Member State where it is not established — to appoint, by written mandate, an authorised representative for EPR in each such Member State. For producers established in third countries, Member States *may* require the same.

SELLER	TODAY (ART. 45(3))	IF COM(2025) 982 IS ADOPTED
EU company selling direct to end users in another Member State	Must appoint an EPR representative there	Optional until 1 January 2035; existing appointments can stay
Non-EU company selling direct to EU end users	Member State may require one	Member State may require one, or ensure traceability by other means
EU company selling B2B into another Member State	Not the producer there; the buyer is	No change

The proposal, published on 10 December 2025, would suspend the application of Article 45(3) until 1 January 2035 and make the same change for batteries. EUR-Lex lists procedure

2025/0395(COD) as ongoing. Until it is adopted and published, Article 45(3) applies as written.

Online platforms and fulfilment providers will ask for your number

Before letting a producer sell to EU consumers, online platforms covered by the Digital Services Act must obtain its registration number in the consumer's Member State and a self-certification of EPR compliance (Article 45(4)). Fulfilment service providers must collect the same information when contracting and suspend service if it is not corrected (Article 45(7)–(8)). In practice, a missing registration shows up first as a blocked listing or a paused warehouse contract.

What to do now

1. **Map each flow.** For every SKU and country, note who first makes the pack available there and whether the buyer is an end user.
2. **List the countries where you are the producer,** especially direct-to-consumer sales into other Member States.
3. **Check existing registrations and PRO contracts** in those countries; they continue until the new registers open.
4. **Keep tonnage data by material and packaging type** per Member State and year — it feeds the 1 June report.
5. **Do not cancel an EPR representative on the strength of the proposal.** Wait for the adopted text.

Frequently asked

We export filled products to a distributor in another Member State. Do we pay EPR there?

No. The distributor first makes them available on that territory and is the producer there. You may still be the producer at home for anything you sell domestically.

Is the producer always the brand owner?

No. The brand owner is usually the manufacturer. The producer depends on where and to whom the pack is first made available, so it is often the filler, importer or distributor in each country.

How much are EPR fees?

Fees are set nationally by schemes and PROs, and Article 45(2) adds the costs of labelling waste receptacles and of waste compositional surveys to what they must cover. Check the scheme in each Member State; there is no EU-wide fee table.

Next: see which obligations fall on each role on the [obligations page](#), or follow the Omnibus proposal on [Updates](#).

16 OCT 2026 · 4 MIN READ

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\(4\)](#)

16 OCT 2026 · 4 MIN READ

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.

[ART. 24](#)

[ART. 10](#)

[ANNEX IV](#)