

PACKAGING AND PACKAGING WASTE REGULATION (PPWR) PROPOSAL – Q & A

What are the obligations of distributors under the PPWR?

The PPWR establishes that distributors will have obligations of a **duty of care** in relation to packaging that they make available on the market, and obligations in relation to **surveillance and cooperation with Member States competent authorities** for packaging that has been placed on the market.

In cases where distributors put their name to packaging or make modifications to the packaging relevant to its compliance with the PPWR, then they assume the obligations of the manufacturer under the PPWR.

In recital 56 of the PPWR, the Commission notes that “As the distributor makes packaging available on the market after it has been placed there by the manufacturer or importer, they should act with due care in relation to the applicable requirements of this Regulation. The distributor should also ensure that their handling of the packaging does not adversely affect its compliance with those requirements”.

Furthermore, according to recital 57 of the PPWR, “as distributors and importers are close to the marketplace and have an important role in ensuring packaging compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.

Finally, recital 58 states that “any importer or distributor that either places on the market packaging under their own name or trademark, or modifies such a product in such a way that compliance with this Regulation might be affected, should be considered to be the manufacturer and should assume the manufacturer’s obligations.”

The PPWR defines ‘**distributor**’ as any natural or legal person in the supply chain, other than the manufacturer or importer, who makes a packaging, or a packaged product, available on the market.

Article 17 Obligations of distributors

1. When making packaging available on the market, distributors shall act with due care in relation to the requirements of this Regulation.
2. Before making packaging available on the market, distributors shall verify the following:
 - (a) the producer, that is subject to the obligations on extended producer responsibility for the packaging is registered in the register of producers referred to in Article 40;
 - (b) the packaging is labelled in accordance with Article 11;
 - (c) the manufacturer and the importer have complied with the requirements set out in Article 13(5) and (6) and Article 16(3) respectively.
3. Where a distributor, before making packaging available on the market, considers or has reason to believe that the packaging is not in conformity with the requirements set out in Articles 5 to 11 or that the manufacturer is not complying with those applicable requirements, the distributor shall not make the packaging available on the market until it has been brought into conformity or until the manufacturer complies.

Distributors shall ensure that, while the packaging is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Articles 5 to 11.

4. Distributors who consider or have reason to believe that packaging, which they have made available on the market with the packaged product, is not in conformity with the applicable requirements set out in Articles 5 to 11 shall make sure that the corrective measures necessary to bring that packaging into conformity, to withdraw it or recall it, as appropriate, are taken.

Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the packaging available of the suspected noncompliance and of any corrective measures taken.

5. Distributors shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a packaging with the applicable requirements set out in Articles 5 to 11 in a language or languages, which can be easily understood by that authority.

That information and documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority on any action taken to remedy any case of non-compliance with the requirements set out in Articles 5 to 11.

Manufacturers shall ensure that the packaging bears a type, batch or serial number or other element allowing its identification or, where the size or nature of the packaging does not allow so, that the required information is provided in a document accompanying the packaged product.

6. Manufacturers shall indicate on the packaging or on a QR code or another data carrier their name, registered trade name or registered trade mark as well as the postal address, and where available, the electronic means of communication, where they can be contacted.