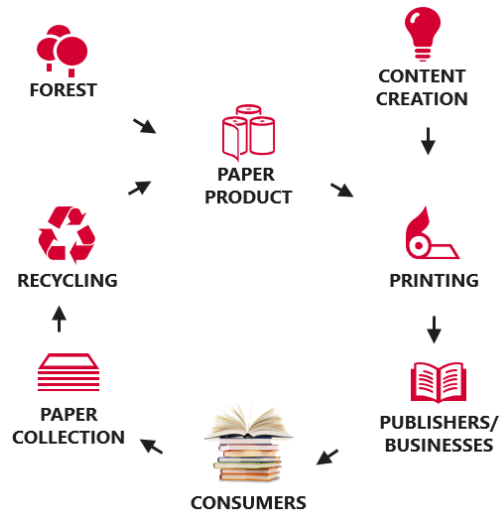


Graphic paper products: Need for clarifying “producer” in EPR guidance February 2020

The supporters of this statement represent companies of the paper value chain (see graph), both in the production of graphic products (printed products) and in the production of the paper substrate.

The Extended Producer Responsibility principle is set in the Waste Framework Directive 2008/98/EC (article 8) amended by Directive (EU) 2018/851 (article 8a), which allocates the responsibility to the ‘producer of the product’.

Our sectors are increasingly facing questions from companies and national trade bodies on who the ‘producer of the product’ is in our value chain.



Indeed, the concept of ‘producer of the product’ is defined in article 8.1 of Directive 2008/98/EC as “*any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products*”. Whereas our companies (printing companies and papermakers) do ‘professionally manufacture’ the product and advise their customers on design aspects such as recyclability, they do not decide on the design and technical specifications of the product. They act as suppliers to the company that will ultimately make the product available to the final consumer.

The customers of our industries (publishers/businesses) are ultimately deciding on the design and technical specifications of the product. They are also the ones placing the product on the market.

Although Directive (EU) 2018/851 refers to the concept of ‘placing on the market’, the identification of the ‘producer of the product’ is still subject to misinterpretation.

The focus of Directive (EU) 2018/851 on the fee modulation provides for an additional reason to clarify that the ‘producer of the product’ is actually the one who decides on the design and technical specifications of the product. The fee modulation can indeed only work if the designer of the product is financially incentivised to opt for more environmentally friendly design options.

Directive (EU) 2018/851 calls on the Member states to “*define in a clear way the roles and responsibilities of all relevant actors involved, including producers of products placing products on the market of the Member State [...]*”. With a view to support Member States in fulfilling this requirement, we call on the European Commission to clarify in the upcoming guidance document on Extended Producer Responsibility that the “producer of the product’ is the one placing the product on the market.

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