

SEFA's Comments on the definition of "manufacturer" in PPWR as discussed at the Meeting of the WASTE EXPERT GROUP, subgroup PACKAGING AND PACKAGING WASTE on 17 JUNE 2025

SEFA would like to thank the Commission for the opportunity to comment on the topic mentioned above. We would further like to share our understanding of the term "manufacturer" as defined in PPWR Art.3,1 (13) and as discussed in the Commission's presentation "Packaging and Packaging Waste Regulation (EU) 2025/40 Concept of 'manufacturer'".

The Commission's presentation refers to PPWR Art. 3,1 (13):

'manufacturer' = n/l person that manufactures packaging or a packaged product, however

(a)

*where a n/l person **has** packaging or a packaged product **designed or manufactured under its own name or trademark**, regardless of whether any other trademark is visible on the packaging or on the packaged product, 'manufacturer' means that n/l person;*


(b)

where the n/l person that has the packaging or packaged product designed or manufactured under its own name or trademark is a micro-enterprise (...), and the n/l person that supplies the packaging is located in the same Member State, 'manufacturer' means the n/l person that supplies the packaging.*


Hence it is concluded in the presentation, that **in most common situations, 'manufacturer' is the user of packaging**, i.e., the brand owner and not the actual packaging maker, who is considered to be "supplier" of packaging.

We support this reading and, with regard to packaging formats made by our industry, would like to provide you with practical examples underlining this common understanding.

1. A natural or legal person has packaging designed under its own name or trademark:

	<p>During the making process of the drums, the lacquer and printing are applied in accordance with the user's design specifications so that his brand can be recognised from the external appearance of the drum.</p> <p>Therefore, the user of the packaging is the manufacturer and not the maker of the packaging.</p>
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2. A natural or legal person has packaging manufactured under its own name or trademark:

	<p>The drums are made by order using a standard lacquer finish.</p> <p>After filling, the user of the packaging affixes a sticker on the drum on which the name and/or the trademark of the user's own company (or product) is visible.</p> <p>Only the drum including the affixed label allows for appropriate handling, re-use and/or recycling of the packaging.</p> <p>Therefore, the user of the packaging is the manufacturer and not the maker of the packaging.</p>
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With regard to **reusable packaging**, the presentation further acknowledges a special situation and states: "When reusable packaging is designed following specific requirements of reuse operators and poolers, the latter are considered 'manufacturer'." It is our understanding that this substantiation is helpful but can only apply to closed loop re-use systems.

Closed loop re-use systems are not always available for steel drums and other formats of rigid industrial packaging. To the best of our knowledge drums are currently mostly re-used in open loop systems. In this respect, we kindly ask the Commission to clarify that the understanding of the manufacturer definition for single-use packaging (as outlined above) also applies to reusable packaging operated in open loop systems.

SEFA hopes that the examples and practical insights given as well as our ask for clarification regarding reusable packaging are helpful and remains at your disposal should you have any further questions.