



DEFINITION OF A PRODUCER

A producer under the obligation of producer responsibility is defined in sections 48 and 66a of the Waste Act (646/2011) and in the Government Decrees on Packages and Packaging Waste (518/2014), Scrap Vehicles (123/2015), Accumulators and Batteries (520/2014), Waste Electronic and Electrical Equipment (519/2014), Discarded Tyres (527/2013) and Waste Paper (528/2013) pursuant to the Act. The legislation pertaining to tyres and paper is purely national, the regulations on the other sectors are based on corresponding EC directives.

In the definition of responsible producer, the following considerations have to be taken into account:

- The definition of responsible producer has to be based on law
- Each product shall have no more than one responsible body
- The Waste Act is applicable only in Finland
- One brand may be imported by several companies; parallel import

Based on the above, the Pirkanmaa ELY Centre lays out the guidelines on producers liable to producer responsibility in continental Finland as follows:

A producer is:

- ***a Finnish* producer or a foreign entrepreneur's Finnish branch**, which manufactures products for the Finnish market;***
- ***a Finnish* importer or a foreign entrepreneur's Finnish branch**, which imports products to the Finnish market;***
- ***a Finnish* company or a foreign entrepreneur's Finnish branch**, which operates in tyre retreading or product packaging and which sells products on the Finnish market;***
- ***a Finnish distributor which sells electrical and electronic equipment on the Finnish market under their own name or brand;***
- ***a business operator which is established in another EU member state or a third country and which sells electrical and electronic equipment via distance selling directly to users in Finland.***

*A Finnish company refers in this context to a company entered into the Trade Register maintained by the National Board of Patents and Registration; said company must have a Finnish business ID and be domiciled in Finland

** A branch of a foreign entrepreneur refers to the part of a foreign corporation or foundation that engages in continuous business or trade activities in Finland from a permanent establishment in Finland in the name of the foreign corporation or foundation; said branch must be entered as a branch in the Trade Register maintained by the National Board of Patents and Registration.

Producer's liability for distance selling (WEEE)

In accordance to Article (17)(2) of Directive 2012/19/EU as well as section 66a(1) of the Waste Act pursuant to it, a foreign seller engaged in distance selling of electrical and electronic equipment must appoint an authorised representative** to be responsible for fulfilling the obligations pertaining to the producer responsibility for the seller's products on the Finnish market. Correspondingly, in accordance to Article (17)(1) of Directive 2012/19/EU as well as section 66a(2) of the Waste Act pursuant to it, other foreign entrepreneurs in the field of electrical and electronic equipment may appoint an authorised representative to be responsible for fulfilling the obligations pertaining to the producer responsibility on the Finnish market. Although not a producer, an authorised representative appointed to Finland shall be considered equivalent to a producer.

The other areas of producer responsibility have not been regulated through a Directive and, consequently, it is not possible to appoint an authorised representative to Finland.

*** In this context, an authorised representative established in Finland refers to a company or corporation entered into the Finnish Business Information System maintained by the National Board of Patents and Registration, and said company or corporation has a Finnish business ID and is domiciled in Finland; or to a branch of a foreign corporation or foundation which has been entered into the Finnish Business Information System maintained by the National Board of Patens and Registration; or to a person who has a Finnish social security code and whose domicile is in Finland.

Establishing a producer association and membership in it

A producer association can be established only by producers, and only producers and authorised representatives can be members in an association (sections 62 and 66a of the Waste Act).

As only Finnish producers and Finnish branches of foreign entrepreneurs are identified as producers, other foreign entrepreneurs cannot participate in establishing a producer association or be members in one. According to section 102(2)(1) of the Waste Act, if a founder or member of a producer association is not a producer, the association cannot be approved as a producer association. According to the Waste Act, authorised representatives may not establish a producer association.

These guidelines are applicable in continental Finland. In Åland, similar guidelines can be drawn up by the Åland authorities, based on the local legislation.

These guidelines will be amended as deemed necessary.

MORE INFORMATION

For more information: www.environment.fi/producerresponsibility

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