

Obligated persons under the Regulation on Packaging and Packaging Waste (EU) 2025/40 (PPWR)

Version: 26/01



Who is the producer – that is, who is responsible for charging for packaging under the EKO-KOM system?

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This methodology is used to determine the status of a “producer” as defined by Regulation (EU) 2025/40 – that is, to determine who is responsible for charging fees for packaging in the Czech Republic under the EKO-KOM system. The status of a producer is determined primarily by the type of packaging (e.g., sale, group, transport, service, etc.).

Effective from August 12, 2026

Definitions

Overview of Basic Terms

A producer is an economic operator that pays into the EKO-KOM System.



A manufacturer of packaged products is the company that fills the products into their packaging – known as a filler.

For the purposes of this methodology, **a packaging manufacturer** is the physical manufacturer of empty packaging.

An end user is a natural or legal person established in the EU to whom the product has been made available either as a consumer or as a professional end user, and who does not make that product further available on the market in the form supplied to it.

The classification of packaging into sales, group, and transport packaging also applies to industrial packaging. Therefore, it is necessary to consider the manufacturer's position from the perspective of packaging types (sales, group, and transport) even in the case of industrial packaging.



1. Sales and Group Packaging

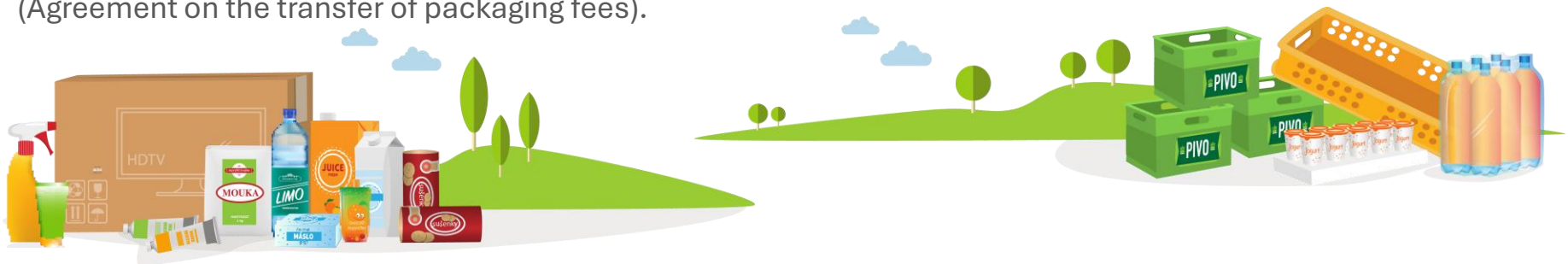
With regard to sales packaging (excluding service packaging) or group packaging, the producer is usually a business entity in the Czech Republic that performs **the final steps on the packaging supplied by the supplier – such as trimming, filling, and sealing – and fills it with its product in order to subsequently place the packaged product on the market.**

In other words, for sales and group packaging, the producer is the filler, who is often also the owner of the product brand. In the case of imports into the Czech Republic, the producer is the company that supplies the packaged product to the Czech market – that is, the company that makes available the product to the Czech market.

Sales and group packaging bearing a name or trademark

*If sales or group packaging bears a name or trademark, the producer is generally the owner of that name or trademark – see the “**Private Labels**” section for more information.*

The distributor must verify whether the supplier (filler) has paid for the packaging (Agreement on the transfer of packaging fees).



1. Sales and Group Packaging

Definition - Article 3 of Regulation (EU) 2025/40

Sales packaging means packaging conceived so as to constitute a sales unit consisting of products and packaging to the end user at the point of sale.

Group packaging means packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale, irrespective of whether that grouping of sales units is sold as such to the end user or whether it serves as a means to facilitate the restocking of shelves at the point of sale or to create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics.



2. Transport Packaging

Unlike sales and group packaging, transport packaging must include the **identification of the manufacturer of the empty packaging**.

The most common types of transport packaging include **pallets, strapping tape, stretch film, and cushioning material**.

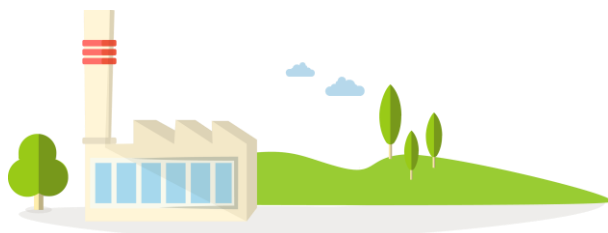
The manufacturer of an empty transport packaging is the entity that:

- manufactures **unlabelled packaging** (empty packaging manufacturer)
- sends **packaging labelled with its name or trademark** to production (filler) – see the **Private Label** section for more information.



*If a company uses **unlabelled stretch film** to stabilize packaged products on pallets and attaches a label bearing its name to it, this **cannot** be considered to mean that the packaging was designed or manufactured under its name or trademark. **A single shipping unit** (e.g., pallet + stretch film + spacers) may thus have **multiple producers**.*

Manufacturer of packaged products (filler) and Distributor must verify whether the manufacturer of packaging has paid for the packaging (Agreement on the transfer of packaging fees).



2. Transport e-commerce packaging

Transport packaging also includes **e-commerce packaging** used to deliver products in the context of sale online or through other means of distance sales **to the end user**.



Common transport packaging for e-commerce includes **cardboard boxes** or **bubble wrap**.

An e-shop that uses unlabelled transport packaging **is not a producer**.

Practical implication: Ordinary e-shops that use standard cardboard boxes will not be subject to these obligations if their supplier – the box manufacturer – charges them for the boxes.

Transport packaging for an e-shop bearing a name or trademark

*If transport packaging for an e-shop bears a name or trademark, the owner of that name or trademark is considered the manufacturer – see the “**Private Labels**” section for more information.*

Manufacturer of packaged products (e-shop) must verify whether the packaging manufacturer has paid for the packaging (Agreement on the transfer of packaging fees).



2. Transport Packaging

Definition – Article 3 of Regulation (EU) 2025/40

Transport packaging means packaging conceived so as to facilitate the handling and transport of one or more sales units or a grouping of sales units, in order to prevent damage to the product from handling and transport, but which excludes road, rail, ship and air containers.

E-commerce packaging means transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user.



3. Service Packaging

What is a service packaging?



A service packaging is packaging that is designed and intended **to be filled at the point of sale or taken away for the purpose of handing over the product to the customer.**

A typical feature of service packaging is that it is designed for easy and quick filling and is convenient to carry.



Plastic takeout box for restaurant food, pizza box, drink cup, slices of cold cuts, dessert box.



What is not considered service packaging: If a beverage cup is sold empty in a supermarket to consumers for their personal use (party cups, etc.), it is not considered packaging. Conversely, if cups are filled at a vending machine in a supermarket – for example, with coffee – they are considered packaging, specifically service packaging.



3. Service Packaging

Final Form – determines who is producer

The producer of the service packaging determines its **final form** – that is, once **the packaging** has reached its **final form**.

If the service packaging (e.g., a cup or bag) is in its **final form** – that is, the form in which it is **delivered to the customer** – **the manufacturer of the service packaging** becomes **the producer**.

Service packaging bearing a name or trademark

*If service packaging bears a name or trademark, **the producer is the owner of that name** or trademark – see the “**Private Labels**” section for more information.*



3. Service Packaging

When is the producer also the manufacturer of the service packaging?

The service packaging is in its final form at the packaging manufacturer's facility if:

- it is complete, structurally finished, and functionally capable of fulfilling its packaging function;
- it is intended for direct use by the operator or customer;
- it can be filled with the product immediately at the point of sale.

The filler at the point of sale must verify whether the packaging manufacturer has paid for the packaging.
(Agreement on the transfer of packaging fees).



3. Service Packaging

Definition – Article 3 of Regulation (EU) 2025/40

Service packaging is items that are **designed and intended to be filled at the point of sale** for the purpose of dispensing the product.



4. Primary Production Packaging

Basic Description

Primary production packaging is used primarily **by farmers for the production, rearing, or cultivation of primary products**, including **harvesting, milking**, and the production of livestock prior to slaughter.

The producer of primary production packaging is already **the manufacturer of that packaging**.



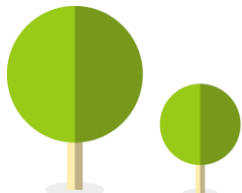
*A potato sack used to transport potatoes from the field to the customer's packing machine;
an apple crate used to move apples from the orchard to the packing machine.*

Primary product packaging bearing a name or trademark

*If the primary production packaging bears a name or trademark, the producer is the owner of that name or trademark – see the “**Private Labels**” section for more information.*

Filler and Distributor must verify whether the packaging manufacturer has paid for the packaging.

(Agreement on the transfer of packaging fees).



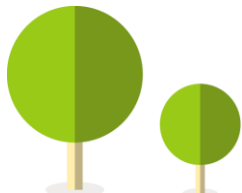
4. Primary Production Packaging

Definition – Article 3 of Regulation (EU) 2025/40

Primary production packaging refers to items **designed and intended for use as packaging for unprocessed primary production products** within the meaning of Regulation (EC) No. 178/2002 of the European Parliament and of the Council.

Regulation on Packaging and Packaging Waste (PPWR) – Frequently Asked Questions

“Primary production” is defined as “the production, rearing, or cultivation of primary products, including harvesting, milking, and the production of livestock prior to slaughter.” Packaging materials, such as plastic film or straps used on hay bales, are considered to be made available – and thus considered packaging – only when the bales are placed on the market, and not when they are used in the production process, in this case on the same farm.



5. Private Labels

If **the packaging bears a name or trademark, the producer is generally the owner of that name or trademark.**

If economic operators **agree in writing to transfer the producer's obligations** (in accordance with the contract on collective compliance), this agreement will be accepted.



If **the packaging does not bear a trade name or trademark, the producer** may be either **the supplier** (i.e., the company that actually manufactures the packaging) or **the company** that makes available the packaged products to the Czech Republic (imports them into the Czech Republic).

If the owner of a private label is **a micro-enterprise**, then the producer is the actual manufacturer of the packaging established in the Czech Republic.



6. Micro-enterprise

According to Recommendation 2003/361/EC, a business is considered a **micro-enterprise** if it **employs fewer than 10 people** and its annual turnover or annual balance sheet total **does not exceed 2 million EUR**.

Definition – Article 3 of Regulation (EU) 2025/40

If a natural or legal person who has packaging or a packaged product designed or manufactured under their name or trademark falls under the definition of a micro-enterprise as set forth in Commission Recommendation 2003/361/EC, as amended, effective as of February 11, February 2025, and the natural or legal person supplying the packaging to the natural or legal person who has the packaging designed or manufactured under their name or trademark is located in the same Member State, then the “manufacturer” (note: and thus also the potential producer) is the natural or legal person supplying the packaging.



 MICRO-ENTERPRISE

 number of employees < 10
annual turnover ≤ EUR 2 mil

7. Foreign companies importing into the Czech Republic for the end user

An end user is someone who:

- consumes the product,
- uses it in its operations,
- discards the packaging after using the product (e.g., raw materials),
- and does not resell it in its original form.

An end user is not someone who:

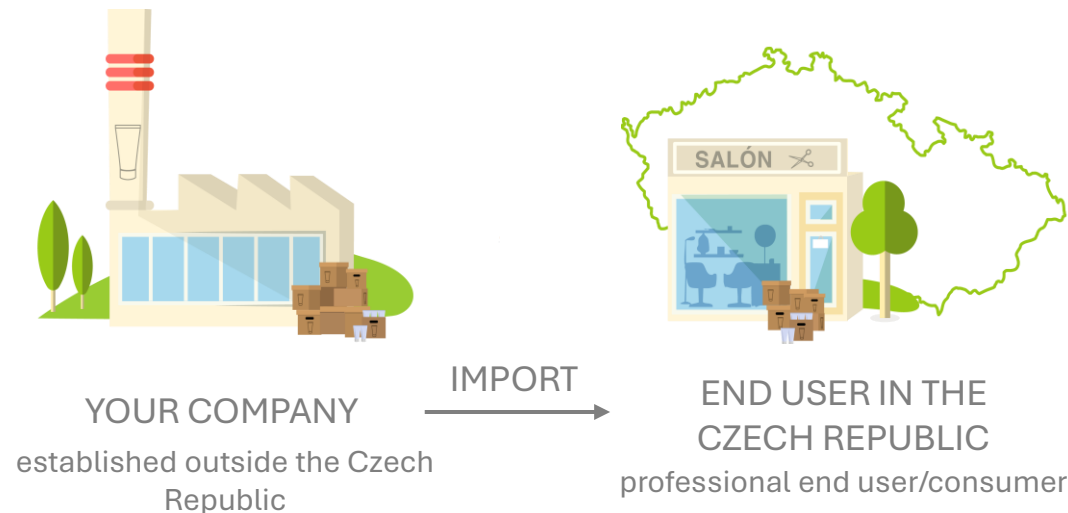
- repackages the product,
- resells it,
- redistributes it,
- or supplies it to another entity as a product for onward resale.



7. Foreign companies importing into the Czech Republic for the end user

Packaging from products from abroad made available to an end user in the Czech Republic, who does not further make available the product on the market in the form supplied to it

In the case of direct sales to end users in another Member State, the seller is considered the producer, not the user. Therefore, if your company is **established abroad** (outside the Czech Republic) and supplies packaged products **to end users** in the Czech Republic, it **is considered the producer in the Czech Republic.**



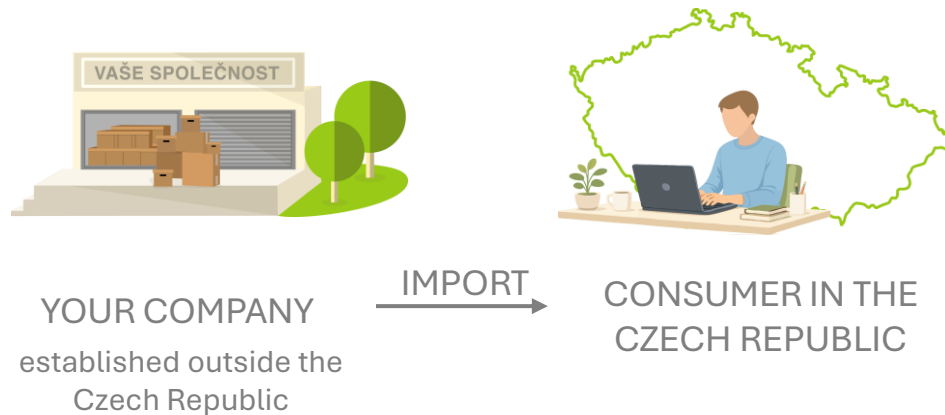
7. Foreign companies importing into the Czech Republic for the end user

Two types of end user

What matters **is not the legal form**, but how **the product is handled after delivery**.

The decisive criterion is: “**DOES NOT FURTHER MAKE AVAILABLE THE PRODUCT TO THE MARKET.**”

1. CONSUMER (B2C)



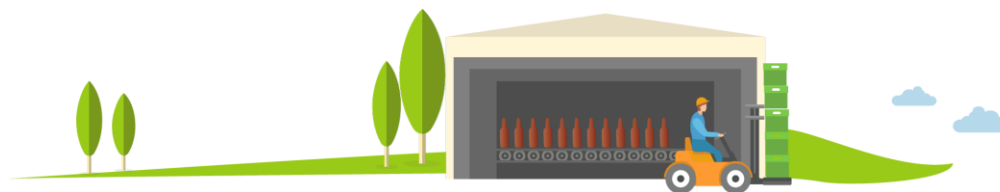
2. PROFESSIONAL END USER (B2B)



7. Foreign companies importing into the Czech Republic for the end user

Typical examples of end users:

Situation	Is he the end user?
A consumer buys a product	Yes
A restaurant receives ingredients and uses them up	Yes
A company purchases a product for its own operations	Yes
A distributor repackages the product and resells it	No
A logistics company will unpack and repack the items	No



7. Foreign companies importing into the Czech Republic for the end user

In accordance with the General Terms and Conditions effective as of July 1, 2026: A professional end user who is a party to a contract for collective compliance is required, prior to purchasing packaging (a packaged product), to inform their supplier (i.e., the producer) that they are the end user and that the producer must properly fulfill the obligations arising from extended producer responsibility.

You can use this document to communicate with suppliers:

[Template for an end-user declaration under the PPWR Regulation for foreign suppliers \(CZ/ENGLISH\)](#)



Do you export to end users outside the Czech Republic?

If your company, for example, operates an online store and sells packaged products to end users in another Member State, your company is considered a producer and must comply with EPR obligations in that other Member State.

The decisive factor, therefore, will be whether the professional end user uses the product in its own production and, as a result, no longer makes it available to the market in the form supplied to it. Logistics companies that receive imported packaged goods from abroad and perform activities such as **unpacking or repackaging** into smaller quantities prior to the subsequent shipment of the packaged product **are not considered end users**. On the contrary, they **are considered producers of transport packaging** if the product is repackaged – even if they are not the owners of the packaged products.



7. End User

Definition – Article 3 of Regulation (EU) 2025/40

End user means any natural or legal person that resides or is established in the Union to whom a product has been made available either as a consumer or as a professional end user in the course of its industrial or professional activities, and that does not make that product further available on the market in the form supplied to it.



8. Packaging Streams that must be recorded – Czech Companies

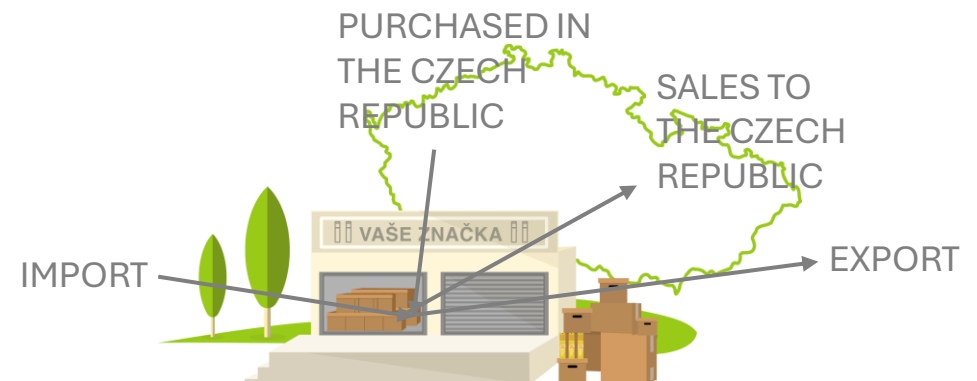
1. PRODUCTS

Your company **packages products** which it **sells within the Czech Republic** or **exports** abroad.



2. GOODS

Your company **resells** goods by **selling them in the Czech Republic**.



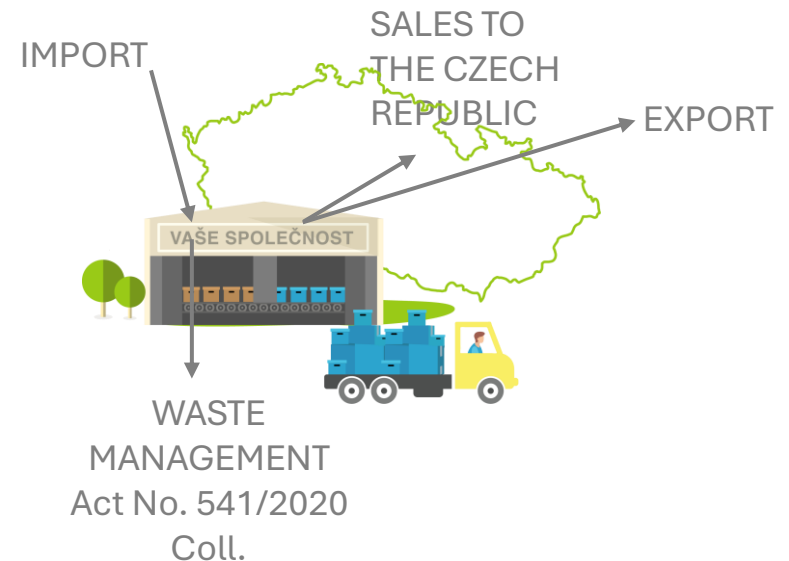
8. Packaging Streams – Czech Companies

3. IMPORTED PACKAGED PRODUCTS,

which are repackaged and then delivered in new packaging

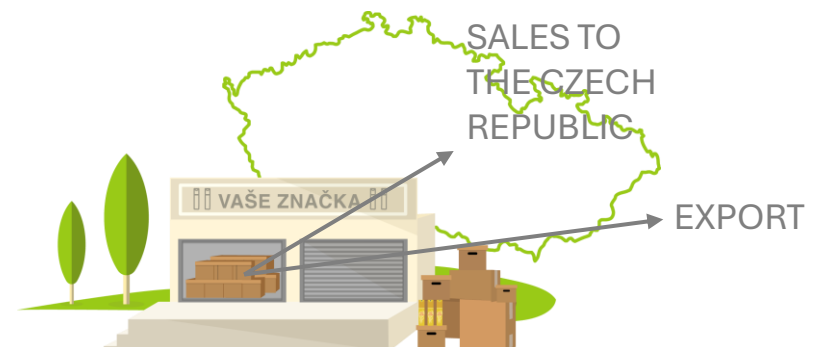
In this case, your company is **not the end user** of the products, since it **does not consume them**, does not use them in its operations, and **resells them in their original form**.

You keep records of both the packaging that ends up **in your trash** (repackaging) and the **new packaging you add** to your products.



4. PRIVATE LABELS

If your company (most often a retailer) has **packaging** or a **packaged product designed or manufactured under its name** or trademark, then **your company is the manufacturer**.



8. Packaging Streams – Foreign Companies

1. RAW MATERIALS IMPORTED FROM ABROAD

to professional end users in the Czech Republic

Your company is a **foreign company** and supplies raw materials to a **professional end user in the Czech Republic**.

The professional end user **consumes** the raw material (or semi-finished product), uses it in its operations, or **does not resell it in the same form**.

*Note: The professional end user **is required to inform** its foreign supplier that it is a professional end user and, therefore, **its foreign supplier is considered a producer**.*

[Template for an end-user declaration under the PPWR Regulation for foreign suppliers \(CZ/ENGLISH\)](#)

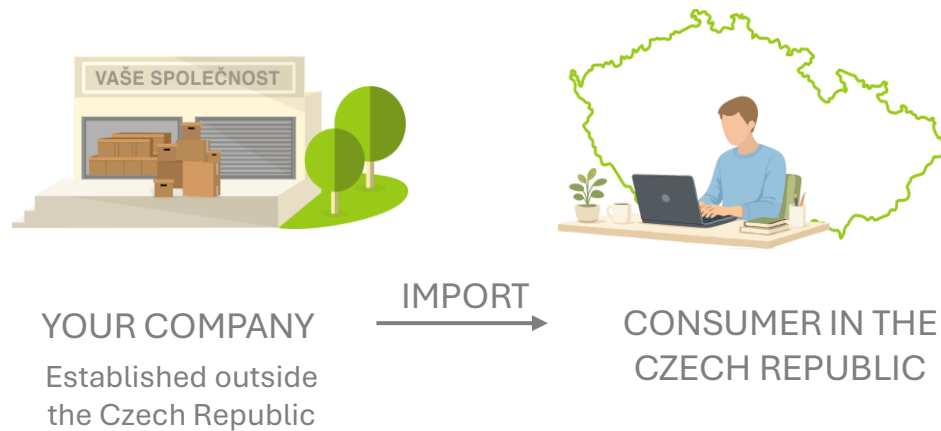


8. Packaging Streams – Foreign Companies

2. GOODS IMPORTED FROM ABROAD

to end user – consumer in the Czech Republic

Your company is a **foreign company** and supplies goods **to consumers in the Czech Republic**.



Contacts

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