NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** SWEDEN  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Miljödepartementet (Ministry of the Environment)  103 33 Stockholm  Sweden  [m.registrator@regeringskansliet.se](mailto:m.registrator@regeringskansliet.se)  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Kommerskollegium (The National Board of Trade Sweden)  Box 6803, 113 86 Stockholm  Sweden  0046-690 48 00  [1535@kommerskollegium.se](mailto:1535@kommerskollegium.se) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Packaging. |
| **5.** | **Title, number of pages and language(s) of the notified document:** **Draft Ordinance amending the Ordinance (2022:1274) on producer responsibility for packaging**; (1 page(s), in Swedish) |
| **6.** | **Description of content:** A person established in Sweden acting in a professional capacity as an intermediary for distance sales of packaging to end-users in Sweden may only act as such for sales from producers who have provided or used a producer responsibility organisation. The intermediary must provide to the Swedish Environmental Protection Agency their name, contact details, personal identity or corporate identity number and details of how assurances have been made that the producers selling their products through the intermediary have provided or used a producer responsibility organisation. An intermediary may also be a producer representative, i.e. fulfil producer responsibility, for producers selling through the intermediary. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Producer responsibility means that producers manufacturing, importing or selling a product in Sweden must provide or use a producer responsibility organisation to take responsibility for the packaging waste. By taking producer responsibility, producers contribute to sustainable development and a circular economy. E-commerce and other distance selling methods pose a particular challenge, as it is difficult to ensure that producers outside Sweden fulfil their obligations under national producer responsibility, and the waste generated by e-commerce or other distance selling will, in practice, be collected in many cases by a producer responsibility organisation in Sweden. The rules on producer responsibility should therefore be designed to ensure fair treatment of all operators and the financing of producer responsibility, regardless of how the goods are distributed.  The purpose of the Ordinance is to reduce the problems surrounding free-riders, i.e. producers who place packaging on the market but do not fulfil their producer responsibility by paying what is known as a packaging fee to a producer responsibility organisation. For any packaging that is covered by producer responsibility and is placed on the Swedish market, the objective with producer responsibility is for there to be at least one producer.  By imposing a requirement on intermediaries, who are established in Sweden and professionally sell to end-users in Sweden, to provide their name, contact details, personal identity or corporate identity number to the Swedish Environmental Protection Agency, and details of how assurances have been made that producers selling their products through the intermediary provide or use a producer responsibility organisation, the number of free-riders under the scheme will be reduced. The Environmental Protection Agency needs this information to be able to exercise supervision. Since the packaging waste is generated in Sweden, it is not sufficient for producers to be affiliated with a producer responsibility organisation in another country. Responsibility must be fulfilled where the waste is generated.; Protection of the environment |
| **8.** | **Relevant documents:**  <https://ec.europa.eu/growth/tools-databases/tris/index.cfm/en/search/?trisaction=search.detail&year=2022&num=604&mLang=EN> |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** 1 June 2023 |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  National Board of Trade (for Articles 10.1-3)  Swedish WTO-TBT Enquiry Point  Kommerskollegium  Box 6803  Stockholm  Tel: +(46 8) 690 48 00  Fax: +(46 8) 690 48 40  Email: [registrator@kommerskollegium.se](mailto:registrator@kommerskollegium.se)  Website: www.kommerskollegium.se  <https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=392>  <https://members.wto.org/crnattachments/2022/TBT/SWE/22_8558_00_x.pdf> |