

Distance selling: Navigating Extended Producer Responsibility in Finland Q&A

Distance selling

Q: Can a distance seller take over EPR obligations voluntarily for their subsidiaries/re-sellers in Finland?

A: The economic operator can be both a distance seller and they can have importers in Finland. A distance seller may handle both, their own ERP obligations and also voluntarily obligations on behalf of the Finnish producers.

Q: Distributors: if non-Finnish company has direct sales in Finland and indirect sales to Finnish distributors. Can non-Finnish company take over Finnish distributors (retailers, resellers etc..) to simplify?

A: A distance seller may handle both, their own ERP obligations and also voluntarily obligations on behalf of the Finnish producers.

Q: Is distance selling only about online sales? In solar business, B2B sales are often not done via online platforms. Foreign companies sell solar panels directly to a Finnish professional end user (for example, a solar farm owner). The sales contact contacts the customer via emails. In this case, who is the producer? When foreign manufacturers sell to Finnish EPC companies, who build solar farms and later on sell to an investor, in this case, who is the the producer?

A: All sales from abroad by the means of distance communication directly to the end-user are considered as distance selling. This includes any means which may be used for the conclusion of a contract between supplier and the consumer without simultaneous physical presence (for example letter, phone, email etc.), not just online selling. Thus, foreign company is considered as a producer if it sells solar panels by email directly to the end-user. In some cases (such as your example of a solar farm) it can be difficult to say who is the end user without more detail. In such cases, you can contact us and we will look into it.

Authorised representative

Q: is this the Authorized representative as per the GPSR requirement, or a separate EPR Authorized Representative?

A: It is a separate representative.

Q: Also, I would like to confirm the AR requirements, does it mean from 2025 when AR is required for all distance sellers, that producers can't join a PRO directly at all or do they need to do both, join a PRO AND appoint an AR?

A: From 17th August 2025, all distance sellers of **batteries** must appoint an Authorised Representative to Finland. They are not allowed to join a PRO directly. The AR will join a PRO on their behalf.

Q: What means being part of the VAT register in Finland? is this related to the fact that distance seller must have a stock in Finland?

A: Having stock in Finland does not come into consideration here. For EPR, an activity is not considered professional if a distance seller is not in the VAT register, or in an equivalent foreign register, in its home country or in Finland.

Q: Thank you, so let's say a company from UK wants to add Finland for their distance sales, they would need to obtain a Finnish VAT first and then join a PRO/appoint an AR? Is that correct? you can't do distance sales without Finnish VAT number, right?

A: The VAT number is not a prerequisite to selling to Finland. It was shown in the context of what is not professional activity (if the company is small enough to not be in the VAT register in its own country or in Finland, it is not considered professional activity)

Q: For WEEE AR, distance sellers inside of EU must appoint an AR, does this mean they can't directly join a PRO? Or do they join a PRO and appoint an AR? and distance sellers outside of EU can either join a PRO directly or appoint an AR meaning they can only choose one option? Is this correct?

A: Yes, they must appoint an AR and are not allowed to join a PRO directly. Sellers outside of EU can choose.

Q: It seems that distant sellers in the EU have to appoint an AR and PRO. when non-EU distance sellers can decide> so will go for the cheaper... (without AR costs). it is unfair for EU distant sellers. Do I get it correctly?

A: Yes, that is right. We are working with definitions in EU and national legislation which is why the AR requirement on most product groups is currently only obligatory for sellers in the EU... (AR requirement for batteries after 8/2025 does include distance sellers outside of EU).

Q: What is the AR requirement for SUP at the moment? is it the same for both SUP packaging and SUP products, or just for SUP products?

A: AR requirement is the same for SUP packaging and SUP products.

1. Single-use plastic packaging:

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:
 - is intended for immediate consumption, either on-the-spot or take-away,
 - is typically consumed from the receptacle, and
 - is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food
- Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation
- Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic
- Cups for beverages, including their covers and lids
- Lightweight plastic carrier bags

2. Single-use plastic products:

- Beverage cups sold empty and their caps and lids
- Wet wipes for personal hygiene and consumer use (will enter into force in 2025)
- Balloons for consumer use (will enter into force in 2025)
- Tobacco products with filters and filters marketed for use in combination with tobacco products
- Fishing gear and its parts containing plastics (will enter into force in 2025)

Online platforms

Q: How does a producer prove for the platform that they are compliant? Any standard certificate or similar they need to present?

A: The platform operator can check this directly from the producer register.

Q: For batteries, does it mean that platform cannot take over vendors obligations?

A: At the moment they can, but the situation may change after August 2025. Unfortunately, we don't have a clear answer to this question at the moment (how the situation after August 2025) is. This issue will be resolved during the national implementation (summer 2025)

Other questions

Q: Considering circular business models, how does EPR work for putting second-hand products in the market?

A: The same rules apply whether the products are new or used, if they are placed on the Finnish market for the first time.

Q: Does producer responsibility apply to medical devices?

A: EPR applies to all electrical and electronic equipment that meet the definition of EEE unless the equipment falls under a separate exclusion. The exclusions are defined in the Article 2 of the WEEE Directive. EPR for electrical and electronic equipment does not apply to medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and to active implantable medical devices (more specific criteria for the exclusion can be found from the European WEEE Registers Network (EWRN) publications under New WEEE2 Exclusions <https://www.ewrn.org/publications-events/publications>). EPR also applies to batteries and packaging and should be managed separately for these product groups if needed.

Electrical and electronic equipment means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents or fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current.

Q: How is the PRO created - it is always the producers? They have to set it up? Is there any solution in case the producers just are not able to create one? May the producers themselves join a PRO of a different commodity? There will be furniture, toys atc...

A: In Finland, a PRO can only be established by producers. A PRO must be non-profit and only producers may be members. Currently, all EPR product groups in Finland have a PRO. If there would be a situation that no PRO exists, individual producers would need to manage all the responsibilities that a PRO normally handles and join the register directly. While establishing a PRO is not strictly mandatory this would be a very exceptional case (currently there are no individual producers in the register). A producer may be a member of multiple PROs for the same product (e.g. packaging, WEEE, batteries), but it can only join PROs for product groups for which it is a producer. It cannot join a PRO of a product group it does not produce.