

Manual

Application procedure (section 26 (1) nos. 23-26 VerpackG)

The Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) uses administrative acts to issue general decisions on applications concerning whether packaging is classed as being subject to system participation, whether it is classed as reusable packaging, whether beverage packaging is subject to deposit, and whether a source of waste generation is deemed to be comparable to a private household.

The ZSVR will publish on its website the decisions on classification that were made upon application, excluding the applicant's personal data.

Please note the following information about the classification of packaging as 'subject to system participation' pursuant to section 26 (1) no. 23 VerpackG (Packaging Act):

In order to prepare for the large number of expected classification decisions and to save producers within the meaning of section 3 (14) and (9) VerpackG (initial distributors) the time and effort of having to make case-by-case applications, the ZSVR has decided to publish norm-interpreting administrative regulations. These contain indications of how the ZSVR would likely decide an application concerning the classification of a type of packaging as being subject to system participation or not. For ease of use, the administrative regulations are published in the form of a system participation requirement catalogue.

Information and documentation relevant for classification purposes is set out below.

1. Making an application

Applications can generally be made in any form. However, we recommend that an application be made in writing or by e-mail (cf. '2. Supporting documentation' for applications with test items / packaging or photographs) to the ZSVR. Please send applications to:

Stiftung Zentrale Stelle Verpackungsregister (ZSVR)
Legal/Recovery Department
Öwer de Hase 18
49074 Osnabrück
Germany

Or:

Antrag[at]verpackungsregister.org

The ZSVR sends the applicant confirmation of receipt and provides an administrative reference number. Please use this reference in any further correspondence.

Applications must be made in German. To facilitate a speedy decision regarding your application, full applicant details – as well as sufficient and specific details about the subject of the application – are required. Please therefore provide complete information about the applicant (item 3) as well as the relevant subject of the application (item 6).

Application forms are available from the ZSVR. The ZSVR recommends using these forms to ensure that the application submitted is complete.

2. Supporting documentation

2.1 Test items / packaging

When sending us test items / packaging, please send them with postal applications to the address listed above. For e-mail applications sent to [Antrag\[at\]verpackungsregister.org](mailto:Antrag[at]verpackungsregister.org), please send us the test items / packaging separately. Anything that is sent must include a reference to you as the applicant, including the information set out in 3. a) to d).

2.2 Photographs

When sending us photographs, please send them as attachments to your application e-mail to [Antrag\[at\]verpackungsregister.org](mailto:Antrag[at]verpackungsregister.org). For postal applications sent to the address listed above, please enclose prints of the photographs. Please do not send the application and the photographs separately. Anything that is sent must include a reference to you as the applicant, including the information set out in 3. a) to d).

3. Applicant information

To process any application made to the ZSVR pursuant to section 26 (1) nos. 23 to 26 VerpackG, a conclusive description of the applicant is required, including the company name (firm), postal address and any identification number that has been assigned to them by the ZSVR. The ZSVR sends the administrative act electronically, so an e-mail address must also be provided. Other information about the applicant is optional, and helps to conclude the application procedure more swiftly, especially when dealing with follow-up questions:

- a) Company name (firm)
- b) Identification number: e.g., registration number, system operator ID or sector-specific solution ID, where available
- c) Address of company headquarters, with street and house number
- d) Postcode, town/city, country
- e) E-mail address for sending the administrative act electronically
- f) Name and surname of contact person for follow-up questions (**optional**)
- g) Phone number of contact person for follow-up questions (**optional**)
- h) E-mail address of contact person for follow-up questions (**optional**)

4. Application

It needs to be clear to the ZSVR what the applicant is seeking in the application. The application is for a decision by the ZSVR on the classification of the test item. The determination the applicant is seeking, i.e. the classification for a type of packaging that means it is or is not subject to system participation, can be stated under 'Applicant's classification of the test item'.

5. Costs

The applicant is responsible for any costs they incur in making the application (e.g., postage costs). The ZSVR will not reimburse the applicant for any costs.

6. Information about the subject of the application pursuant to section 26 (1) nos. 23-26 VerpackG

6.1 Packaging subject to system participation pursuant to section 3 (8) VerpackG Application pursuant to section 26 (1) no. 23 VerpackG to distinguish packaging from the product, i.e. non-packaging

6.1.1 Application background

You would like a legally binding determination as to whether a particular item is or is not deemed to be packaging subject to system participation, and are asking whether an item should properly be treated as packaging or is instead a product. This distinction between packaging and products (non-packaging) is a preliminary matter to the subsequent question of whether the item ('**test item**') constitutes packaging that is subject to system participation.

6.1.2 Application information

Your application should contain the following information:

- a) Statement of your legal interest in the determination;
- b) Description of the test item, including the product that will be placed onto the German market in connection with the test item;
- c) Applicant's classification of the test item as packaging/non-packaging, with reasons;
- d) Information about the function of the test item in relation to the product (e.g., transport protection, storage, casing, conservation, dosage aids);
- e) Information about the product's lifespan;
- f) Information about the test item's lifespan (e.g., disposed of at the same time as the product versus disposal the first time that the product is used);
- g) Information about the approximate market value (e.g., by indicating the price range of the purchase price) and intrinsic value of the test item (marketability comparable with that of an independent product);
- h) If you believe that an item constitutes a product component: description of the production process, and the accompanying reasons as to why the item constitutes a product component.

6.1.3 Attachments to your application: supporting samples/documentation/forms

- a) Unfilled but printed sample of the test item, with all components. Where the unfilled item does not assist in forming a conclusive assessment of the filled item, you may, as an exception, send us filled packaging as a sample. If the packaging is not suitable for transport or storage, please send photographs from every side, as well as from above.
- b) Instructions concerning whether the ZSVR may dispose of the sample after the administrative procedure has concluded, or whether it should be sent back.

6.2 Packaging subject to system participation pursuant to section 3 (8) VerpackG Application pursuant to section 26 (1) no. 23 VerpackG to distinguish packaging subject to system participation from packaging not subject to system participation

6.2.1 Application background

You would like a legally binding determination as to whether a particular packaging is or is not subject to system participation (section 3 (8), section 7 VerpackG). Please note that your application should contain information about items 6.1.2 a) to d), even if you believe that the test item constitutes packaging.

6.2.2 Application information

- a) Information under items 6.1.2 a) to d);
- b) Description of the packaging with all components according to material type (paper/paperboard/cardboard; plastic; composite; metal; glass), dimensions, volume and sales unit (one-piece packaging, multi-piece packaging / assorted packaging);
- c) Description of the area of application of the packaged product for the final consumer (e.g., directly usable/applicable, integration/installation by the final consumer / comparable source of waste generation; installation/usage in retail/large commercial enterprises/industry);
- d) Description of the typical source of waste generation (private final consumers, large commercial enterprises, retail), in relation to the entire German market (majority with private final consumers / comparable sources of waste generation; majority with retail/large commercial enterprises/industry), stipulating the shares where possible, with reasons;
- e) Applicant's classification of the packaging, with reasons;
- f) Description of distinguishing features that lead to a source of waste generation different from the typical source of waste generation listed in the system participation requirement catalogue, in cases where the packaging / packaged product is listed.

6.2.3 Attachments to your application: supporting samples/documentation/forms

- a) Unfilled but printed sample of the packaging, with all components. Where the unfilled item does not assist in forming a conclusive assessment of the filled item, you may, as an exception, send us filled packaging as a sample. If the packaging is not suitable for transport or storage, please send photographs from every side, as well as from above.
- b) Instructions concerning whether the ZSVR may dispose of the sample after the administrative procedure has concluded, or whether it should be sent back;
- c) Packaging specification from the packaging manufacturer, where available.
- d) Opinion on where the packaging and comparable packaging typically accumulate as waste, with quantitative and documented data on the sources of waste generation, in relation to the entire German market (majority with private final consumers / comparable sources of waste generation; majority with retail/large commercial enterprises/industry), including statements on the methodology of the opinion, where available.

6.3 Packaging subject to system participation pursuant to section 3 (8) VerpackG Application pursuant to section 26 (1) no. 23 VerpackG to determine an exemption from the system participation requirement: retail packaging with hazardous contents pursuant to section 3 (7) VerpackG

6.3.1 Application background

You would like a legally binding determination as to whether a particular packaging is not subject to system participation because it may fall within the exemption to requirements contained in part 2 of the Verpackungsgesetz (Packaging Act), section 12 no. 4 VerpackG. You are asking whether the item constitutes retail packaging for hazardous contents (cf. section 3 (7) VerpackG). Please note that your application should contain information about items 6.1.2 a) to d), even if you believe that the test item constitutes packaging.

6.3.2 Application information

- a) Information under items 6.1.2 a) to d);
- b) Description of the packaging with all components according to material type (paper/paperboard/cardboard; plastic; composite; metal; glass);
- c) Description of the contents, including its chemical components;
- d) Description of the area of application of the contents;
- e) Applicant's classification as hazardous contents or non-hazardous contents, stipulating the classification pursuant to appendix 2, nos. 1-4 to section 3 (7) VerpackG, with reasons;
- f) Description of how the requirements under section 15 VerpackG are complied with, where classed as hazardous contents (optional).

6.3.3 Attachments to your application: supporting samples/documentation/forms

- a) Product specification of contents, where available
- b) Unfilled sample of the packaging, with all components. Where the unfilled item does not assist in forming a conclusive assessment of the filled item, you may, as an exception, send us filled packaging as a sample (no dangerous goods). If the sample is not suitable for transport or storage, please send photographs from every side, as well as from above.
- c) Instructions concerning whether the ZSVR may dispose of the sample after the administrative procedure has concluded, or whether it should be sent back.

6.4 Reusable packaging: Application pursuant to section 26 (1) no. 24 VerpackG

6.4.1 Application background

You would like a legally binding determination as to whether a particular packaging constitutes reusable packaging within the meaning of section 3 (3) VerpackG. Please note that your application should contain information about items 6.1.2 a) to d), even if you believe that the test item constitutes packaging.

6.4.2 Application information

- a) Information under items 6.1.2 a) to d);
- b) Description of the packaging with all components according to material type (paper/paperboard/cardboard; plastic; composite packaging; metal; glass), dimensions and volume;
- c) Description of the contents;
- d) Description of the sales channels (e.g., retail stores, specialist retailers, online retailers, restaurants);
- e) Description of reverse logistics in relation to relevant consumer (with a description of the return system as appropriate);
- f) Description of how the packaging is treated prior to being re-filled (e.g., washing and cleaning steps, hygienic standards that must be maintained, facilities used for pre-treatment prior to reuse);
- g) Description of the incentive system (e.g., deposit, loyalty points to redeem for vouchers or product offers);
- h) Return figures (sold packaging, returned packaging), with a calculation of cycles.

6.4.3 Attachments to your application: supporting samples/documentation/forms

- a) Unfilled but printed sample of the packaging with all components. Where the unfilled item does not assist in forming a conclusive assessment of the filled item, you may, as an exception, send us filled packaging as a sample. If the packaging is not suitable for transport or storage, please send photographs from every side, as well as from above.
- b) Where available: instructions to final consumers on return options and the incentive system;
- c) Evidentiary documentation of the reverse logistics system (e.g., contracts with / appropriate documentation of logistics companies, washing and cleaning facilities);
- d) Instructions concerning whether the ZSVR may dispose of the sample after the administrative procedure has concluded, or whether it should be sent back.

6.5 Beverage packaging subject to deposit: Application pursuant to section 26 (1) no. 25 VerpackG

6.5.1 Application background

You would like a legally binding determination as to whether a particular type of packaging constitutes beverage packaging subject to deposit within the meaning of section 31 VerpackG. Please note that your application should contain information about items 6.1.2 a) to d), even if you believe that the test item constitutes packaging.

6.5.2 Application information

- a) Information under items 6.1.2 a) to d);

- b) Description of the packaging, especially the material (beverage carton packaging, plastic, metal, glass) and volume;
- c) Information about the form of the packaging (e.g., square, gable-top or cylindrical packaging, tubular bags);
- d) Information about all of the product's ingredients as per food law labelling requirements (in particular the percentage content of wine, products similar to wine, milk, milk products, alcohol, carbonation);
- e) Applicant's assessment of the classification of the deposit requirement, with reasons.

6.5.3 Attachments to your application: supporting samples/documentation/forms

- a) Unfilled but printed sample of the packaging with all components;
- b) Food law opinion on the milk/alcohol content / percentage content of wine and/or products similar to wine, where available;
- c) Instructions concerning whether the ZSVR may dispose of the sample after the administrative procedure has concluded, or whether it should be sent back.

6.6 Classification of source of waste generation: Application pursuant to section 26 (1) no. 26 VerpackG

6.6.1 Application background

You would like a legally binding determination as to whether a particular source of waste generation constitutes a source of waste generation comparable to a private household within the meaning of section 3 (11) VerpackG.

6.6.2 Application information

- a) Statement of legal interest in the determination;
- b) Description of the source of waste generation; where the source of waste generation comprises multiple parts, the part of the source relevant for classification and how it is distinct from the other parts (e.g., mechanic that also sells replacement parts; hospital with a kiosk; vending machines);
- c) Where a source of waste generation contained in section 3 (11) VerpackG is concerned: type (e.g., craft enterprise, hospital, etc.);
- d) Where a craft enterprise or agricultural holding source of waste generation is concerned:
 - aa) name of the specific craft / agricultural segment;
 - bb) Calculation of the average monthly waste volume, broken down into lightweight packaging (plastic, metal and composite packaging) and paper/paperboard/cardboard;
 - cc) Information about the collection frequency;
 - dd) Applicant's classification of the source of waste generation, with reasons.

6.6.3 Attachments to your application: supporting documentation/forms

- a) Current photographs of the source of waste generation (and of how it is distinct from the other sources of waste generation at the same location, where applicable);
- b) Current photographs of the waste container at the source of waste generation;
- c) Where the source waste generation is located on the same premises as other, non-comparable sources of waste generation within the meaning of section 3 (11) VerpackG: current photographs of the waste containers;
- d) Where a craft enterprise or agricultural holding source of waste generation is concerned: invoice documentation on monthly waste volumes;
- e) Written correspondence with authorities and other written documentation on its previous classification.
