

PRESS RELEASE

ZSVR lays groundwork for enforcement

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The Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) has now been active as an authority for six months, receiving data on producer and system packaging volumes, analysing them and uncovering irregularities. Approximately 2,000 administrative offences have been handed over to the Federal States, with the aim of initiating enforcement in these cases. This shows that the mechanism of the Verpackungsgesetz (Packaging Act), i.e. monitoring obligations for packaging waste management via the ZSVR, is working. Parties failing to adhere to their obligations now must expect severe fines.

Producer responsibility for packaging has existed for more than 25 years. Environmental pollution from packaging is now increasingly dominating public debate. Therefore, it is all the more important that the parties filling packaging with goods consider prevention of packaging, as well as an environmentally sound packaging design, as early as during the design process. The fact that said parties must pay for the recovery of their packaging via a (dual) system promotes such behaviour. The past years have shown quite clearly that many producers and retailers have been neglecting this obligation. There was (and still is) a high number of free riders completely ignoring it; but there are also many producers failing to meet their obligations for all packaging. As a result, the legislator established the ZSVR, where all parties under obligation have been subject to registration with the LUCID Packaging Register since 1 January 2019. Since that date, the companies under obligation have been required to submit data reports on the packaging volumes placed onto the German market in a given year to the register. The systems also submit data reports to the ZSVR.

"We receive all system data on a quarterly basis, as well as data from the parties under obligation. On 15 May we also received the so-called declaration of completeness for 2018 from the large parties under obligation, i.e. annual packaging volumes attested by auditors. It seems that many producers and retailers still fail to realise that we reconcile and analyse this data," explains Ms Gunda Rachut, Chair of the ZSVR, setting out the requirements for the ZSVR's work.

"Since large companies are the parties responsible for large packaging volumes placed onto the German market, it makes sense to start measures there. Thus, we have analysed the declarations of completeness filed by 15 May and identified a large number of administrative offences. Pursuant to section 26 VerpackG (Packaging Act) we are required to hand over administrative offences to the enforcement authorities, along with the evidentiary material. That's what we've done for approximately 2,000 cases," Ms Rachut elaborates. However, this review applies not only to the parties under obligation. The auditors of declarations of completeness are also reviewed. The ZSVR has published audit guidelines and is now also examining their implementation.

The ZSVR has also had to identify shortfalls regarding adherence to these guidelines when auditing and filing declarations of completeness.

Nevertheless, the work of the ZSVR as regards reviewing is not complete after it has handed over flagged cases to the Federal States. There is more to be done. Analyses have been initiated or investigations continued in writing for many further cases. "Our inquiry portal and the evaluation of figures and reports available to us have shown that many market participants are unaware of their obligations. It is disconcerting to see only relatively low compliance with the Verpackungsgesetz," says Ms Rachut.

These activities of the ZSVR are a direct factor when it comes to achieving the objectives of the Act: "The Verpackungsgesetz aims to minimise packaging impact on the environment. As long as the parties under obligation fail to take the provisions set out in the Verpackungsgesetz into account, the Act cannot be effective. We would like to ensure that all parties under obligation fulfill their obligations in order to actually achieve environmental relief," Ms Rachut summarises the environmental policy significance of these activities.

About the ZSVR

The Stiftung Zentrale Stelle Verpackungsregister (Foundation Central Agency Packaging Register – ZSVR) is headquartered in Osnabrück. The founders are the Bundesvereinigung der Deutschen Ernährungsindustrie (Federation of German Food and Drink Industries – BVE), the Handelsverband Deutschland (German Retail Association – HDE), the IK Industrievereinigung Kunststoffverpackungen (German Plastics Association – IK), and the Markenverband (German Trade Mark Association).

Since the Verpackungsgesetz (Packaging Act) entered into force on 1 January 2019, the ZSVR has served as an entrusted body to foster greater transparency and control in packaging recycling. To this end, the ZSVR maintains a register of all industrial and commercial companies under legal obligation, reconciles volumes between producers and systems, and provides for more recycling-friendly design by setting standards. Lawyer Gunda Rachut is the Chair of the Foundation.

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