

PRESS RELEASE

Specifying producer responsibility for packaging

System participation requirement catalogue: Determining packaging obligations at a glance

Osnabrück, 15 July 2019

In Germany, producer responsibility for packaging was introduced in 1993. However, many producers have long been failing to comply with this responsibility, either completely or in part. One major issue has been that many producers or retailers tended to underestimate the extent of their obligations. Thus, producer responsibility was not applied to a substantial share of packaging. At year-end 2018, the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) specified the requirements for the first time, within the scope of a system participation requirement catalogue. For the 2019 edition the catalogue has been slightly extended and some points revised. Public consultation with the stakeholders opens today, and will run until 18 August 2019.

Since 1 January 2019, every producer can apply to the ZSVR to receive a determination as to whether a specific article of packaging is subject to system participation. This requirement applies whenever the packaging typically accumulates as waste with a private final consumer. The ZSVR is required to treat all packaging equally. The same article of packaging cannot typically accumulate as waste with a private final consumer with one producer, and not with another. For most packaging, the ZSVR has identified where it typically accumulates as waste, with the aim of enhancing efficiency within the authority and sparing producers the necessity of having to submit bureaucratic applications. Parties under obligation can now find out whether their packaging is subject to system participation with just a quick glance in the catalogue. Ms Gunda Rachut, Chair of the ZSVR, says: "Many companies welcome the opportunity to determine themselves whether packaging is subject to system participation, with legal certainty and transparency."

The catalogue aims to put an end to defining packaging so that it falls outside the scope of the the Verpackungsgesetz (Packaging Act), and to map packaging with obligations. The times of under-participation – leading to a distortion of competition amounting to at least EUR 200 million annually – should be a thing of the past. "Based on the first 2018 edition, individual product groups have now been revised where expedient, and new relevant products added to the former, with the aim of including niche products in the catalogue," Ms Rachut explains the contents of the new edition. As a result, all market participants now finally start from the same basis, and distortions of competition are no longer an issue. "The catalogue removes the injustice arisen on the market during the Verpackungsverordnung (Packaging Ordinance) era. Defining packaging as 'out of scope' must no longer be possible."



The catalogue is also available on the ZSVR website as a database, including the full-text search function. Furthermore, the ZSVR continues to offer all product groups and the entire catalogue as a file. The current catalogue continues to comprise 36 product groups, with now 442 products. For the sake of clarity, the new products with their packaging were categorised and added to the already existing product groups. Thus, the structure of the catalogue has remained the same.

In addition, the **guideline for using the catalogue** has been available since year-end 2018, explaining the basics, and providing specific information on how to use and how to read the catalogue. "From the standpoint of equal treatment and pursuant to the Verpackungsgesetz, we cannot classify packaging on a case-by-case company- or sector-specific basis," Ms Rachut says. "This would be unacceptable for the companies affected."

The consultation will open on 15 July 2019. Affected stakeholders have until 18 August 2019 to submit position papers. The ZSVR will subsequently review the received position papers, and publish the system participation requirement catalogue in its 2019 edition following a final revision.

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.

