

### **ZSVR publishes case reports on own investigations**

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**The Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) has now been operating the LUCID Packaging Register as an authority for 15 months. In line with its statutory mandate, the ZSVR analyses the information received from producers and identifies irregularities therein. The ZSVR continuously passes on information to the state enforcement authorities if it sees indications of behaviour comprising an administrative offence; now, the ZSVR also has a new instrument at its disposal. As of today, the ZSVR will also be publishing case reports, transparently outlining facts regarding breaches of the Verpackungsgesetz (Packaging Act). As at the date of publication on the ZSVR website, the cases published with the reports have already been submitted to the state enforcement authorities. The aim of this instrument is to help producers identify their own unlawful behaviour more rapidly, and to end it.**

Packaging is an environmental problem whenever it is in excess or too large, or whenever it is not duly recycled. Therefore, producers and retailers must ensure the nationwide collection, sorting and recovery of their packaging. Acknowledged producer responsibility is reflected by companies registering with the LUCID Packaging Register and entering into a system participation agreement with a (dual) system. Ms Gunda Rachut, Chair of the ZSVR, explains: "Only those carrying the financial responsibility for the recovery of each and every article of packaging will give thought to prevention and better recycling." Ensuring implementation of producer responsibility for packaging is the ZSVR's core responsibility. "During the Verpackungsverordnung (Packaging Ordinance) era, a decreasingly lawful practice developed in many companies. This has to change – urgently. We would like to make this clear to all companies that have not yet questioned their own implementation."

"Since large companies are the parties responsible for large packaging volumes placed onto the German market, it makes sense to start measures there. Therefore, the first case reports will deal with companies deploying high packaging volumes and below-average legal conformity," Ms Rachut explains. Pursuant to section 26 VerpackG (Packaging Act), the ZSVR is required to hand over specific indications of administrative offences to the enforcement authorities, along with the evidentiary material. In a next step, the enforcement authorities are then responsible for initiating fine proceedings. Parties failing to comply with their obligations will have to deal with the consequences.

'Gartencenter', the first case report published, summarises the crucial facts regarding packaging volumes for the 2018 reference year at a horticultural company with associated mail order business. The report details specific indications relating to breaches of the packaging law, in this case regarding the requirements to participate in a system and file a declaration of completeness. It also outlines potential far-reaching consequences.

Ms Rachut comments: "This is a start. As of today, the ZSVR will publish further case reports on a regular basis, thus providing assistance to companies as regards reviewing compliance in the area of producer responsibility." Case reports also concern auditors performing auditing activities under the Verpackungsgesetz. The ZSVR has published audit guidelines which auditors have to comply with when confirming declarations of completeness or performing other audit activities. "We also had to identify shortfalls regarding adherence to these guidelines when auditing and filing declarations of completeness. We will follow up on these shortfalls as well, and publish them via auditor case reports," says Ms Rachut, and she adds:

"By publishing case reports, we comply with our obligation to inform, and ensure that companies comply with their producer responsibility." She summarises: "Recycling incurs costs and requires a healthy market. The targets of the Verpackungsgesetz can only be achieved if we make sure that all parties involved carry their share of financing – in a fair and just manner."

### **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.

#### Contact:

Dr Bettina Sunderdiek  
Head of Communications and  
Press Phone: +49 541 201971-13  
Mobile: +49 160 84 33576  
[presse@verpackungsregister.org](mailto:presse@verpackungsregister.org)  
[www.verpackungsregister.org](http://www.verpackungsregister.org)  
Zentrale Stelle Verpackungsregister  
Öwer de Hase 18  
49074 Osnabrück  
Germany