

## FAQ on documents, newspapers, magazines, books, manuals, unaddressed direct mail, advertising brochures, etc.: delineation between goods/non-goods for the classification of packaging

**One of the prerequisites for the system participation requirement of retail and shipment packaging under the Verpackungsgesetz (Packaging Act) is that the packaging be filled with goods. In the case of, for example, invoices or unaddressed direct mail sent in envelopes it can be unclear whether they qualify as goods or not. Here, the question is whether the focus is on transmitting a notional content (in this case the document does not qualify as goods) or on the physical aspect (in this case it does qualify as goods).**

Mere notifications and information do not qualify as goods if their only purpose is to transmit a notional content. This also applies if they are printed on paper for documentation purposes. A letter, a contract document or an invoice, for example, does not therefore qualify as goods. It can also be taken as an indication that the type and manner of the visual design are typically of no importance to the recipient. Envelopes containing correspondence are therefore not considered packaging subject to system participation.

However, in the delineation it has to be noted that just because the recipient – besides goods – also receives information or notifications, this does not mean that the definition of 'goods' does not apply at all. For example, in the case of newspapers, magazines, books, unaddressed direct mail, catalogues, manuals, directories, advertising brochures and advertising letters, as well as tickets that the holder must carry with them, the general consensus is that the evidential, physical aspect is more prominent for the recipient than the mere transmission of notional content.

Another indication for a subject qualifying as 'goods' may be that the visual design, the presentation, and the evidence of physical goods being present, are typically important to the recipient. In these cases, graphics, photos and the like are used – without being necessary for the mere transmission of information. This applies, for example, to advertising brochures, as they are designed to be as appealing as possible. In these and similar cases, the subjects in question thus qualify as goods in the packaging law sense and for this reason are subject to system participation.