

Positive track record after 10 months of Packaging Register – the Verpackungsgesetz (Packaging Act) is evolving as envisaged

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- **Number of companies acknowledging producer responsibility has tripled since the end of 2018.**
- **The quality of packaging volume reporting has improved, and system participation volumes have increased.**
- **Considerable progress towards more recycling-friendly packaging.**
- **Challenges: ZSVR announces tightening, too many companies are not complying with the law.**

Ten months after the Verpackungsgesetz (Packaging Act) entered into force on 1 January 2019, the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) can claim a **positive track record to date**. The ZSVR, which – despite great time pressure – was already established when the Act was published in July 2017, has achieved **all milestones on schedule**, most recently the publication of the minimum standard for determining the recyclability of packaging by 1 September 2019.

The **number of registrations in the LUCID Packaging Register amounts to around 170,000**. This means the number of **companies acknowledging their producer responsibility** has approximately **tripled** compared to 2016. The **level of system participation** has also already increased significantly in the paper/paperboard/cardboard (PPC) and glass material groups. However, there is still room for improvement. Ms Gunda Rachut, Chair of the ZSVR, commented: *"System participation of lightweight packaging is not yet at a satisfactory level. 60,000 inquiries demonstrate companies' lack of knowledge, even after 25 years of producer responsibility. In future, we will be consistently demanding that companies assume their own responsibility."*

In order to finally provide legal certainty on the obligations for almost all packaging, the ZSVR has published a system participation requirement catalogue. This catalogue specifies, for the first time, the system participation requirement of an article of packaging in the form of an administrative regulation, so that every producer can quickly and unbureaucratically determine their obligations. At the same time, the shortcomings of the old legal framework are eliminated. *"This new administrative regulation will end the competitive disadvantages caused by the ability to define packaging so that it falls outside the scope of the system participation requirement. The old system, which allowed for companies to limit their producer responsibility by making their own assessments and assumptions on their responsibility, has been abolished,"* says Ms Rachut. Unfortunately, however, there are companies still failing to comply with their obligations.

"Producer responsibility means that companies must assume their responsibility. Anyone who still has not understood this should beware the sanctions provided for by statute. We shall proceed resolutely. Our work also serves to protect the companies operating in compliance with the law," warns Ms Rachut.

Germany's recycling objectives can only be achieved on the basis of a financially solid recycling market – this is a basic economic precondition. The 2018 **recycling quotas** were exceeded for all material types, and companies are now preparing for higher and very demanding quotas requirements for 2019. In order to meet the quotas, almost 90% of plastic packaging was recovered within Germany. Of the remaining 10%, almost 7% was recovered in Austria and the Netherlands alone. Only 0.05% of the rate volumes were exported to a non-EU country (Switzerland), and then verifiably recovered there.

Industrial and commercial companies have understood the **objective of making packaging more recycling-friendly**. Based on the guidelines published in 2018, the ZSVR – in agreement with the German Environment Agency – published a revised **minimum standard for determining the recyclability of packaging** on 1 September 2019. This standard has a more far-reaching effect than originally intended by the Verpackungsgesetz. Retail companies require their packaging suppliers to ensure that packaging fully complies with the minimum standards requirements. *"This goes far beyond what the legislator had planned and puts pressure on the packaging manufacturers to modify the packaging as quickly as possible. In order to come as close as possible to achieving the objectives of the Verpackungsgesetz – prevention and recovery of packaging waste – it is important to preserve the innovative strength of the packaging industry,"* says Ms Rachut.

For the first time, the systems have submitted reports on the financial incentives they provide to encourage ecological design in packaging. However, these reports (dated 1 June 2019) only refer to the short year 2019 and are not yet meaningful. The developments presented are heading in the right direction and demonstrate the innovative capacity of the systems. Here, the evaluation of section 21 VerpackG (Packaging Act) to be carried out by the German Federal Government in 2022 will become relevant.

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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