

PRESS RELEASE

ZSVR ends practice of defining packaging as 'out of scope' – and creates a catalogue for (nearly) every packaging

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In future, it will be possible to determine whether packaging is subject to system participation conclusively and with legal certainty. The Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) has created a catalogue that categorises the vast majority of packaging according to what is required. In the past, essentially generalised expert opinions were used to define many types of packaging so that they fell outside the scope of requirements. The result was under-participation that led to a distortion of competition totalling roughly EUR 200 million annually.

"This catalogue should make interpretive licence in system participation for packaging a thing of the past," stated Ms Gunda Rachut, Chair of the ZSVR. "In future, it will be apparent from the packaging whether it is subject to system participation." Distribution bans can only be made effective when it is transparent that packaging is subject to system participation.

In total, the catalogue comprises a guideline and 36 product groups with 417 individual data sheets, covering all relevant consumer goods. So-called service packaging, such as carrier bags and takeaway coffee cups, are all classified as being subject to system participation because they virtually only ever accumulate as waste with private final consumers. Shipment packaging is listed in the catalogue separately. It too is predominantly subject to system participation. Both requirements existed under prior legislation. However, in both cases compliance was severely inadequate. The degree of participation for the paper, paperboard, cardboard (PPC) material group was only approximately 50% for 2016, according to a study by the German Gesellschaft für Verpackungsmarktforschung (Society for Packaging Market Research – GVM).

"It is only when producers and distributors properly pay for packaging that the incentivising effect of the Verpackungsgesetz (Packaging Act) comes to fruition. If it costs money, people start thinking about prevention and recycling-friendly design. That is why the catalogue is one of the central projects of the Foundation and furthers the objectives of the Verpackungsgesetz (Packaging Act)," explained Ms Rachut, emphasising the far-reaching impact of the catalogue.

As of 1 January 2019, one of the official duties of the ZSVR will be to determine applications about whether a type of packaging is subject to system participation. To save producers the time and effort of making a large number of case-by-case applications, the ZSVR has decided to create and publish a corresponding catalogue. The catalogue was created in collaboration with GVM Mainz, and was based on an extensive analysis of the packaging market. At its core is the rule that packaging that 'typically' accumulates as waste with private final consumers must also contribute to financing a nationwide collection and recovery system.

"By providing the catalogue, we are creating a way to simplify things for every stakeholder. In future, every party under obligation can obtain legal certainty at a glance about whether their packaging is subject to system participation. We're eliminating a lot of the uncertainties from previous years," explained Ms Rachut.

The consultation will open on 10 August 2018. Affected stakeholders have until 21 September 2018 to submit position papers. The ZSVR will then review the submissions and the finalised system participation requirement catalogue is expected to be released in October 2018.

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). Once the Verpackungsgesetz (Packaging Act) enters into force on 1 January 2019, it will serve as an entrusted body to foster greater transparency and control in packaging recycling. It will maintain a register of all industrial and commercial parties responsible for products, reconcile volumes between producers and systems, and provide for greater fairness and transparent cost-sharing among those involved. 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
www.verpackungsregister.org
Zentrale Stelle Verpackungsregister
Öwer de Hase 18
49074 Osnabrück
Germany

