

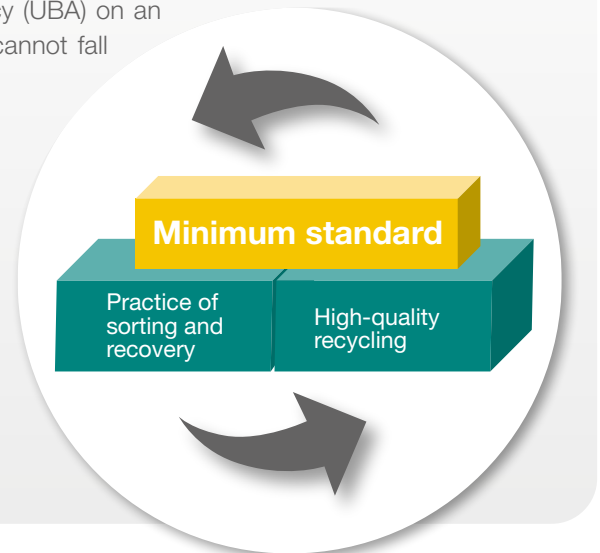
The law

Section 21 VerpackG (Packaging Act) is the first legal provision to require that packaging with an environmentally-friendly design enjoy financial benefits. Systems have to create incentives for packaging that has been optimised for recycling. But what types of packaging have been optimised? The standards for packaging made of paper differ from those for plastic or glass packaging. To establish a consistent assessment framework, the Verpackungsgesetz (Packaging Act) provided for what is known as the 'minimum standard'. This minimum standard defines the criteria for determining if packaging is recycling-friendly. It is set by the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) and the German Environment Agency (UBA) on an annual basis. The systems are free to set additional criteria, but cannot fall short of the standard.

The basis

Section 21 VerpackG contains two important provisions for the minimum standard:

- To ensure that packaging is only treated favourably if it is actually transferred for recycling, the practice of sorting and recovery must be considered.
- The reference scenario is **high-quality recycling** with the aim of high-quality circularity for packaging



Implementing these provisions is not trivial:

Practice of sorting and recovery

Implementation: UBA's annual stakeholder survey

- All the sorting facilities are surveyed
- All the recovery facilities in Germany and abroad are surveyed, for every material group

Based on this survey it is determined to which extent a sorting and recovery infrastructure is in place for each sorting group and the different types of packaging.

Published in German at:



<https://www.umweltbundesamt.de/publikationen/praxis-der-sortierung-verwertung-von-verpackungen-0>

High-quality recycling

Minimum standard definition:

For the purposes of the minimum standard, high-quality recycling means a process that yields a recyclate of a quality that allows the recyclate to be **substituted for primary raw material of the same substance**. To be classified as 'high-quality recycling', it is irrelevant whether the recyclate is deployed in primary or secondary use cases. [...]

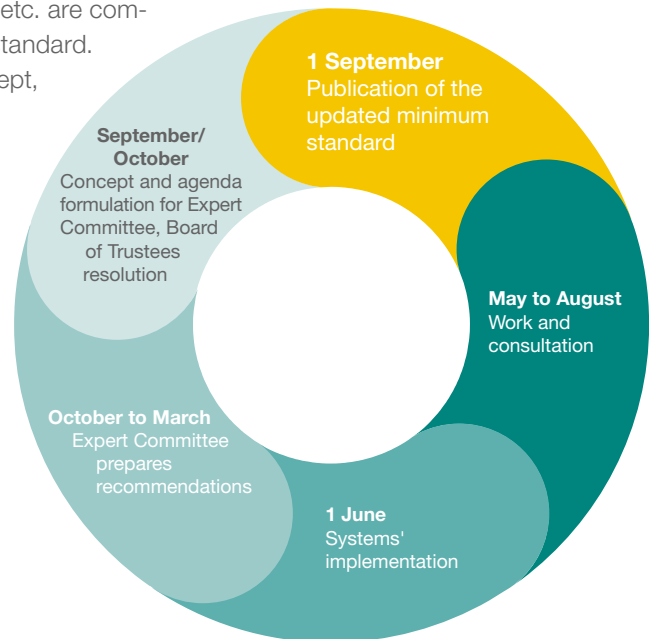
Questions:

There is **no statutory definition** of high-quality recycling. Recyclate use is regulated where it comes into contact with food, but no other standards, e.g for cosmetics packaging, have been set, though a demand has been expressed.

The reference to 'high-quality recycling' is essential to developing the minimum standard, yet also problematic. Packaging can be reincarnated into new cosmetics packaging or even a bollard for road construction. Requirements on the recyclate are much higher for cosmetics packaging and they cannot be met through the recycling process alone; the original packaging in the recycling loop has to be designed accordingly. 'High-quality recycling' as per the Verpackungsgesetz is broadly defined. The minimum standard narrows this definition, requiring that a recyclate be substituted for primary raw material of the same substance. A bollard used in road construction could also be made out of wood or concrete, meaning it would not be deemed to be a high-quality application for the purposes of the minimum standard. It will be interesting to see what definition the new EU Packaging and Packaging Waste Directive contains. Ideally greater precision will be provided for in terms of how packaging should be designed for high-quality circularity.

Revision cycle of the minimum standard

- Step 1:** Findings from the previous cycle, remaining questions, etc. are compiled and used to set the agenda for the updating the standard. The Board of Trustees adopts a resolution on the concept, the agenda and appointment of the Expert Committee.
- Step 2:** The Expert Committee considers the questions and prepares a draft of the new minimum standard.
- Step 3:** By 1 June, the systems submit their report on the implementation of section 21 VerpackG. The ZSVR assesses these reports. Any findings are used to revise the minimum standard.
- Step 4:** The ZSVR and the UBA review the Expert Committee's draft and the results from the systems' reports before another draft is prepared. This further draft then goes to consultation.
- Step 5:** All submissions to the consultation are reviewed and evaluated. The final version of the minimum standard is prepared before publication on 1 September.



The Expert Committee

The first draft of a new minimum standard is prepared by an Expert Committee comprising more than 30 experts from every stage in the value chain and representing all material types. The first step is indispensable because

- packaging types, composition, ink colours, labels, etc. are heavily innovation-driven, meaning very rapid change cycles;
- negative changes become apparent very quickly in sorting and recovery.

Getting experts involved early on ensures that the draft reflects the latest developments (positive and negative) to a high technical standard. Antitrust regulations, as published on the ZSVR's website, govern the constitution of the Expert Committee. Appointments are made by the ZSVR's Board of Trustees. UBA representatives are present at the meetings as permanent guests.

The Expert Committee has formed four working groups to ensure that it works efficiently: glass, plastics, fibre-based packaging and emptyability. The following table shows the different institutions with delegate experts, and that proper consideration of the different technical aspects for each material type is clearly ensured.

Constitution of the Expert Committee:

Producers/distributors (designating institutions)	Sorting/recovery/systems/research
<ul style="list-style-type: none"> → Markenverband e.V. (German Trade Mark Association) → Bundesvereinigung der Dt. Ernährungsindustrie e.V. (Federation of German Food and Drink Industries) → Handelsverband Deutschland e.V. (German Retail Association) → Industrievereinigung Kunststoffverpackungen e.V. (German Association for Plastics Packaging and Films) → Die Papierindustrie e.V. (German Paper Industry) → Industrieverband Papier- und Folienverpackung e.V. (German Association for Paper and Film Packaging) → Wirtschaftsverband Papierverarbeitung e.V. (German Trade Association for Paper Processing) → Verband Metallverpackungen e.V. (German Metal Packaging Association) <ul style="list-style-type: none"> • Industrieverband Klebstoffe e.V. (German Adhesives Association) • Aluminium Deutschland e.V. (German Aluminium Association) • Fachverband für Getränkekartonverpackungen e.V. (German Beverage Carton Packaging Trade Association) • Bundesverband Glasindustrie e.V. (German Glass Industry Association) 	<ul style="list-style-type: none"> → Gemeinsame Stelle dualer Systeme Deutschlands GmbH, the clearing house for Germany's system operators, → Bundesverband der Dt. Entsorgungs-, Wasser- und Kreislaufwirtschaft e.V. (BDE) (Federal Association of the German Waste, Water and Raw Materials Management Industry) and → Bundesverband Sekundärrohstoffe und Entsorgung (bvse) (German Association for Secondary Raw Materials and Waste Management) with representatives for the following: <ul style="list-style-type: none"> • Sorting • Glass recycling • Plastics recycling • Tinplate recycling • Paper recycling and fibre-based composite recycling → TU Darmstadt (academic research on paper and process technology) → Papiertechnische Stiftung (Paper Technology Foundation)