

Mehrsprachige Info

Information on the Austrian Packaging Ordinance 2014

Information zur Verpackungsverordnung 2014

The Packaging Ordinance 2014 (Verpackungsverordnung, VVO – Federal Gazette II no. 184/2014) took effect as of 1 January 2015 and replaces the Packaging Ordinance 1996. The new EU packaging definition (Section 3 line 1 and Appendix 2) has already been valid since 23 July 2014. With it, the scope of application for packaging material was expanded.

The following has been new since 2015:

- The import of service packaging material and/or packaged goods is already deemed as having been put into circulation
- Mandatory usage of a collection system for household packaging
- Competition among several collection and recycling systems with respect to household packaging
- Strict separation with respect to both household packaging and commercial packaging and thus increased expenditure on account of the Packaging Classification Ordinance (VerpackungsabgrenzungsV, Federal Gazette II no. 10/2015)
- Additional expenditure in terms of packaging put into circulation through distance selling (both in Austria and abroad)
- Shorter registration periods.

The VVO concerns every entrepreneur who puts packaging material into circulation in Austria. According to Section 3 line 13, it therefore applies to the producers, importers, packagers and distributors of packaging material. Mail order selling from outside Austria is also covered by the scope of application of the VVO.

The goal of the VVO is to promote reuse and waste prevention and to prepare for the reuse and recycling of packaging material. The restrictions on hazardous substances in packaging material for the protection of human beings and the environment also apply.

Packaging definition

Packaging encompasses all means of packaging made of various materials, packaging aids, pallets for loading, protecting, handling, delivery and presentation of goods. Exceptions for "non-packaging", are specified in the definition (Section 3 line 1), or in Appendix 2. In individual cases, the classification as packaging or non-packaging can lead to problems. In addition to Appendix 2, the Federal Ministry of Agriculture, Forestry, Environment and Water Management (BMLFUW) maintains classifications lists at: www.bmlfuw.gv.at/umwelt > Abfall und Ressourcenmanagement > Verpackungen > Einstufung von Verpackungen.

The packaging is broken down into transportation packaging, sales packaging and service packaging. Relevant is also the classification into household packaging (2nd paragraph) and commercial packaging (3rd paragraph).

Anyone putting into circulation packaging material must comply with the provisions of the VVO according to his function (e.g. producer; importer; major accumulation point; supplier to major accumulation point; entity putting minor quantities into circulation; entity that does not belong to a collection and recycling system, ensuring compliance with the VVO on its own ["self-fulfiller"]; final distributor, end consumer).

Obligation to participate in the system for household packaging

At least for household packaging, the "primarily obligated party" must make use of a collection and recycling system.

The following are primarily obligated parties:

- producers and importers of service packaging (applies to distance selling in Austria as well)
- packagers in Austria (no service packaging)
- Importers
- Mail order companies from abroad that hand over packaging to end consumers.

If an upstream distribution level already takes part in a collection and recycling system, the obligation to participate is dispensed with for the primarily obligated party to the applicable extent. Proof of this is provided in the form of a legally binding declaration, or corresponding specifications on the invoice or delivery slip.

Participation in various collection and recycling systems is possible if the criteria by which the material is divided up are disclosed. Switching from one collection and recycling system to another is possible on a quarterly basis. Collection and recycling systems can offer all-inclusive solutions for a total of no more than 1,500 kg of household packaging.

A uniform registration obligation is given:

- annually for up to €1,500.00
- quarterly for €1,500.00 to €20,000.00 and
- monthly for €20,000.00 and above

of the expected annual payment sum. These sums also apply to commercial packaging.

Packaging with a surface of 1.5 m² or hollow articles with a rated volume of up to and including 5 litres or expanded polystyrene (EPS – e.g. Styrofoam) of up to and including 0.15 kg insofar as it accumulates in private households or at accumulation points comparable to households is deemed household packaging. A list of "comparable accumulation points" can be found under

Section 13h Waste Management Act (AWG). Furthermore, service packaging (Section 3 line 7), carrier bags and knot bags, independent of their size, are deemed household packaging; likewise are sales packaging made of paper, board, cardboard and corrugated board.

Details on the allocation of household packaging/commercial packaging not accumulating in private households or comparable accumulation points are published in the "Packaging Classification Ordinance (Ordinance according to Section 13 h [2] AWG). The specifications are binding for everybody! Proceeding according to an individual distribution channel analysis is not permitted.

Producers and importers of disposable tableware and disposable silverware must comply with the regulations on household packaging.

Regulations for commercial packaging

Deemed commercial packaging is packaging that is not household packaging; packaging that meets the definition of transport packaging (Section 3 line 4); pallets as well as strapping tape and adhesive tape; packaging that is basically household packaging but is listed in the Packaging Classification Ordinance (look for product group!).

Existing obligation for commercial packaging:

- Obligation to take back packaging free of charge (except major accumulation points).
- Obligation to return the packaging to the upstream entity obligated to take back packaging at the latest by the end of the following calendar year; or reuse; or state-of-the-art recycling.
 - Using packaging made of untreated wood in an approved furnace is permissible.
- Suppliers to major accumulation points are obligated to report the delivered packaging quantities (Appendix 3 line 4) by 31 March for the previous calendar year ([Web form at the EDM portal www.edm.gv.at](http://www.edm.gv.at))
- Obligation to report commercial packaging put into circulation, classified by materials, by 31 March for the previous calendar year via the EDM portal

Transferring obligation to a collection and recycling system

The obligations to take back, reuse, recycle and report for commercial packaging can be transferred to a collection and recycling system for commercial packaging. In this context, the obligation to inform downstream distribution levels at least once a year, specifying the collection and recycling system and the rate class, is in place; or with major changes, specification must be made on the ordering or delivery documents.

System participation by upstream or downstream levels

If an upstream or a downstream producer, importer, packager or distributor takes part in a collection and recycling system for commercial packaging, the participant must prove this to the primarily obligated party in the form of a legally binding declaration. Details about the collection and recycling system, the time period, rate class(es) as well as the extent of the participation must be specified at least once a year, or in the event of major changes. Corresponding information can also be entered on the invoice or delivery slip.

The primarily obligated party must retain this proof transmitted to him at least for 7 years and present it to the authority on request.

Obligations for "self-fulfillers"

"Self-fulfiller" means that no collection and recycling system for commercial waste is used.

Note: The self-fulfiller rule can only be applied to that portion of a product group that is identified for commercial packaging in the Packaging Classification Ordinance.

Self-fulfiller must:

- take action for taking back packaging o This obligation is fulfilled if a downstream obligated party initiates recycling according to Section 14 and notifies the primarily obligated party about it in writing.
- ensure through adequate measures (e.g. information on packaging, customer information) that the end consumer is sufficiently informed about the return and return possibilities.
- All (!) packaging put into circulation in the calendar year must be verifiably reused, or taken back and recycled, according to Section 14.
 - If the take-back obligation is not 100% met, the primarily obligated party must dispose of the missing difference quantity(ies) of all packaging material concerned at a collection and recycling system for commercial packaging retroactively at the latest by 31 March after the expired calendar year

Final distributor of commercial packaging

Everybody handing over commercial packaging to end consumers (= final distributor) must verifiably participate in a collection and recycling system; or take measures for taking back the packages put into circulation by him unless an upstream obligated party verifiably participates in a collection and recycling system and has confirmed this in writing by means of a legally binding declaration (annually or in the case of major changes [e.g. switching the collection and recycling system]). The declaration can also be made on the invoice or delivery slip. In so doing, information must be provided about commercial packaging according to packaging material and quantity if no collection and recycling system is used.

A retention period of 7 years applies to the legally binding declarations. They must be presented to the authority on request.

Entities putting only minor quantities into circulation

Entities putting only minor quantities into circulation are such entities putting commercial packaging into circulation who only put into circulation "small" packaging quantities. The following threshold values must not be exceeded in this context:

paper, board, cardboard, corrugated cardboard	300 kg
glass	800 kg
metals	100 kg
plastics	100 kg
wood	100 kg
all other packaging materials	50 kg

In addition, total annual turnover (excluding VAT) must not exceed €730,000.00. Entities putting minor quantities into circulation are merely obligated to take back the packaging material put into circulation by them at the request of their customers and convey it to a recycling system that conforms to the VVO. Entities putting only minor quantities into circulation have the option to avail themselves of a simplified disposal at a collection and recycling system for commercial packaging. For a packaging quantity of a total of no more than 1,500 kg, the systems can offer alternative all-inclusive solutions. As an alternative, packaging that has already been released can be procured from suppliers. Procurement sources can be found, for example, on the [List of Procurement Sources of ARA](#).

Suppliers to major accumulation points

Major accumulation points are listed in a [Register of Major Accumulation Points](#). Suppliers can hand over to a major accumulation point on an unreleased basis only commercial packaging (the Packaging Classification Ordinance must be paid heed to!). The primarily obligated party is obligated to report household packaging to a collection and recycling system. A report in accordance with Appendix 3 on the quantities delivered to a major accumulation point must be submitted via a web form at: www.edm.gv.at by 31 March of the following year.

Original importer (own consumption)

Commercial end users who procure packaged goods or commodities (household packaging or commercial packaging) as original importers must reuse the packaging or commission a collector or processor for the recycling of the packaging that conforms to the Ordinance.

Proof of this must be reported in condensed form to the BMLFUW using the online form at: www.edm.gv.at by 31 March of the following year. An alternative is the disposal at a collection and recycling system.

Durable packaging and reusable containers

The previous special regulations for durable packaging are now covered by Section 3 line 1 (packaging definition) and Appendix 2.

Special regulations also apply to **reusable containers** and the fasteners and labels put into circulation with them. The amount of fasteners and labels may not exceed 5 per cent by mass of the reusable container. If a deposit is charged on the reusable containers as well, if they are used on a multiple basis and if the return is performed step by step, the reusable containers are also exempt from most obligations arising from the VVO. Annual reporting is not required – the data has been collected in studies since 2015.

Collection of packaging – regulations for end consumers

The following is not permitted for end consumers:

- putting packaging waste into a collection of packaging not intended for it
- putting packaging in the collection that makes reuse or recycling difficult; or packaging that is soiled or shows deposits of substances
- putting other waste (non-packaging) into the collection.

Exception: If an express approval to do so is given.

Taking back transport packaging (Section 3 line 4)

With respect to deliveries to end consumers, the transport packaging must be taken back at the receiver's request free of charge immediately or with the following delivery (step by step).

Collection and recycling system

The BMLFUW publishes and updates the [list of collection and recycling systems, including their approval scope](#).

Entered on the list as at December 2015:

- [Altstoff Recycling Austria AG](#)
- [AGR Austria Glas Recycling GmbH \(in the ARA-System\)](#)
- [Bonus Holsystem für Verpackungen GmbH & Co KG](#)
- [Interseroh Austria GmbH](#)
- [GUT - Galle Umwelttechnik GmbH](#)
- [ÖKO-BOX Sammel GmbH](#)
- [Reclay UFH GmbH](#)
- [Landbell Austria GmbH](#)

More important links on the topic of packaging:

- [BMLFUW](#)
- [WKÖ](#)

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