

GENERAL AGREEMENT ON TARIFFS AND TRADE

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THE PACKAGING ORDINANCE AND INTERNATIONAL TRADE

(The Handling of Foreign Companies' Exports to the Federal Republic of Germany
in Accordance with the Packaging Ordinance)

Submission by Germany

- I. Concept of the Packaging Ordinance
- II. The application of individual provisions of the Packaging Ordinance to exports of foreign companies into the Federal Republic of Germany
- III. Activities in the economic sector
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I. Concept of the Packaging Ordinance

1. The objective of the German Packaging Ordinance of 12 June 1991 (Annex 1) is to solve the serious and increasingly pressing problems of waste disposal in the Federal Republic of Germany in an environmentally sound way. This can only be achieved if it is possible to reduce packaging to the level actually required, to use packaging several times and to reduce packaging waste by recycling of packagings which were used once or more often. These objectives are enshrined in Article 1 of the Packaging Ordinance; however, the provision does not contain any binding legal obligations but merely demonstrates which ecological objectives are being pursued with the Packaging Ordinance.

2. The objectives of the Ordinance are defined in terms of an obligation to accept the return of used packaging, not in terms of binding requirements for packaging materials or design. This obligation reflects the product responsibility of manufacturers and distributors which covers the whole life-cycle of a product. Manufacturers and distributors have a number of options available to meet their product responsibility; the Packaging Ordinance is not designed to impede but rather to encourage competition to find the best solution to meet the objectives of the Packaging Ordinance. It is largely designed as an economic instrument.

3. The Packaging Ordinance is part of a comprehensive environment policy concept of the Federal Government, the objective of which is an economic system which retains residues arising from production and use of products to the maximum extent in the economic cycle. Only if reuse/recycling is not possible are these residues to be taken out of the economic cycle and disposed of in an environmentally sound way (closed economic cycle). This policy is not only aimed at minimising the adverse environmental effects caused by waste disposal, but also at a rational use of resources and saving energy.

4. Legal provisions which influence domestic economic activities in the public interest will also have an effect on foreign competitors due to international competition on national markets. This applies, for example, to issues of fiscal policy (taxes, etc.), health policy (hygiene standards, etc.), transport policy (safety of hazardous transport loads, etc.) as well as to environmental policy requirements. To the extent that environmental problems are caused by the manufacturing, marketing, use or disposal of products, it will be necessary to gear appropriate environmental policy measures towards both domestic products and imported products if the measure is to be effective. Free trade does not mean that foreign products are exempted from the legal provisions that apply for domestic products. Besides, international trade agreements and regional trading arrangements contain exemptions which explicitly allow for measures to protect public interest.

5. These principles naturally also apply to the Packaging Ordinance. The Packaging Ordinance covers any commercial placing on the market in the Federal Republic of Germany of empty packaging, raw materials from which packaging is produced and packaged goods. If a foreign company exports a packaging into the Federal Republic and brings it into circulation there, he is subject to the same provisions of the Packaging Ordinance as any German company. In many cases, however, an importing company which has its headquarters in Germany and not the foreign manufacturer of the packaging will be held directly responsible for meeting the obligations contained in the Packaging Ordinance, if this was the importing company which introduced the packaging into Federal territory.

II. The application of individual provisions of the Packaging Ordinance to exports of foreign companies into the Federal Republic of Germany

6. In the same way as the German distributor, the foreign exporter or importer has to accept the return of the packaging wherever he provides it to third parties in Germany. As is the case with German manufacturers and distributors, the foreign company also has to fulfil the obligation to reuse returned packaging or to arrange that it be recycled.

7. In this context too the Packaging Ordinance provides for flexible solutions. Manufacturers or importers need not necessarily accept the return of used packaging, reuse or recycle packaging themselves but may also call upon third parties in line with Article 11 of the Packaging Ordinance. The Packaging Ordinance certainly does not prescribe that foreign manufacturers or distributors have to ensure the return of used packaging to the country of origin. In many cases this would not make much sense from an ecological point of view. The foreign company may rather commission a service company in the Federal Republic of Germany or in another country to collect and reuse or recycle used packaging.

For transport and secondary packaging collection, sorting and reuse quota are not prescribed (ad sales packaging of no. 10); the packaging has to be recycled whenever this is technically possible and economically justifiable and where a market for the substances thus recovered already exists or can at least be built up. What is not allowed in any case, however, is disposal via the general, publicly financed waste disposal system, so that the manufacturer or distributor has indeed to pay for the actual disposal costs in all cases where reuse/recycling is not possible or is not justifiable from an economic point of view. For the individual packaging materials a number of privately operated collection and recycling service companies have been set up for the convenience of the companies concerned. However, there is no obligation for a company to turn exclusively to these service companies. It can also commission other suitable service companies.

The costs of reuse/recycling have to be paid by foreign manufacturers or importers in the same way as by any German manufacturer or distributor. These costs reflect the actual costs incurred by recycling/reuse and therefore comply with the polluter-pays principle and aim at achieving the goal of internalising external costs. However, since the costs often depend on the quantity and characteristics of the packaging, a foreign manufacturer or importer may incur higher costs since it may be the case that a more expensive form of packaging has to be used due to longer transport distances involved. This, however, is true to the same extent for costs which have to be paid for the manufacture of the packaging itself or for transport in general.

8. The Packaging Ordinance applies in the same way to all marketed and packed products and all packaging material. The Ordinance does not contain any provisions which exclude certain types of packaging materials. Nor does it contain rules on any particular percentage of recycled material which packaging has to contain. The Ordinance aims at solving a specific environmental problem in Germany.

9. In general it can be stated that the Packaging Ordinance does not contain any technical specifications along the lines of the GATT Agreement on Technical Barriers to Trade. The Ordinance does not define the characteristics of the packaging itself or of the packed product. Nor does the Ordinance contain any provisions on labelling of packaging or packaging materials.

10. With regard to sales packaging, in other words packaging which reaches the final consumer and does not only serve the purpose of facilitating transport or sale, the obligations of the Packaging Ordinance, which already give a considerable scope for action to all bodies concerned, has been supplemented by the possibility of granting exemption from these obligations in certain cases. Pursuant to Article 6 para 3 of the Ordinance the obligation to accept the return of the packaging does not apply to manufacturers and distributors who are party to a so-called dual collection system which takes over the blanket collection of used sales packaging from the final consumer. This of course also applies to foreign manufacturers and to importers who participate in the system. Regulations concerning this system merely contain certain collection and sorting quotas as well as certain target quotas for the maintenance of the existing levels achieved in the reuse of drinks packaging.

III. Activities of the economic sector

11. In order to discharge the obligations of the Packaging Ordinance and in order to put the framework provided by the Ordinance into more concrete terms, private enterprise sector has set up collection and recycling/reuse systems both for sales packaging and transport and secondary packaging which helps German and foreign manufacturers and distributors fulfil their obligations laid down in the Packaging Ordinance.

12. With regard to sales packaging it is in particular the "Duales System Deutschland" (Dual System for Germany) which was set up by business circles and which is of special importance for foreign manufacturers and importers. The Dual System operates a blanket collection system provided under Article 6 para 3 of the Ordinance and thus collects used packaging from the final consumer. For this purpose business circles established a firm - "Der grüne Punkt - Duales System Deutschland - Gesellschaft für Abfallvermeidung und Sekundärrohstoffgewinnung mbH" - (Green Dot - Dual System for Germany - Company for Waste Avoidance and Recovery of Secondary Raw Material). Many companies hold shares in this service company. The large number of shareholders - 400 by now - from all sectors concerned, and among them quite a large number of foreign and multinational enterprises, ensures a high degree of participation and a consensus-building. Shareholders are by no means put into a better economic position than other firms. Recycling/reuse of the collected packaging is not carried out by the Dual System itself but

by public and private disposal firms or recycling/reusing firms which compete with each other and which are commissioned by the dual system.

Companies participate in this system on a contractual basis. By paying a certain financial contribution the company participating in the system acquires the right to label its packaging with the "green dot". Generally, participation in the Dual System requires not only a financial contribution to be paid but also that recycling capacities are available which correspond to the collecting and sorting quota prescribed by the Ordinance for certain packaging materials. However, as the sectors concerned have already given comprehensive guarantees for all quotas mentioned in the Ordinance, special proof that such recycling capacities are available is no longer necessary - neither for the packaging manufactured by these companies nor for imported packaging.

The creation of a Dual System was based on the reflection that some, and in particular the weaker participants in the market, that is smaller firms and often foreign companies, could be exempt from the obligation to take back the packaging themselves, an obligation which might be very difficult to discharge for these parties, by participating in a common infrastructure. With regard to the costs the same applies as was mentioned under item 7, that is, the costs reflect the actual costs incurred by reuse/recycling.

13. In addition, the Dual System also endeavours to remove the specific difficulties which participation may bring about for foreign manufacturers: when the system was established in Germany, agencies were set up or commissioned abroad which, taking into account local conditions, provide information on the collection system in the respective foreign language and offer support for the participation in the collection system (enclosure).

14. The German authorities also take meticulous care that imported packaging is not discriminated against packaging produced in Germany, when a dual collection system is set up. This point has led to irritations in the past, although these were removed to a large degree by discussions between the Federal Government and the exporting country concerned or between the dual system and the exporters.

15. In the field of transport packaging, return and arranging of reuse/recycling can be organized more easily since transport packaging does not reach the private final consumer. Business circles have established return and reuse/recycling systems for the various types of packaging material in which any manufacturer and distributor can participate against payment of the individual return and reuse/recycling costs.

IV. Further information

16. Information on questions concerning the Packaging Ordinance can be obtained from the Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Postfach 12 06 29, D-53048 Bonn 1, Germany.

If you have any questions concerning the Dual System for Germany and the green dot please contact the Duales System Deutschland, Rochusstr. 2-6, D-53123 Bonn, Germany. This office will also provide information on return and recycling/reuse systems in the field of transport packaging. Information, however, can also be obtained from the cooperation partners mentioned in enclosure 2.

ANNEX I

Ordinance on the Avoidance of Packaging Waste
(Packaging Ordinance - Verpackungsverordnung - VerpackVO)
of 12 June 1991

The Federal Government, having heard the parties concerned and pursuant to Art. 14 para. 1 sentence 1 nos. 1 and 4 and para. 2 sentence 3 nos. 1, 2 and 3 of the Waste Avoidance and Waste Management Act (Abfallgesetz) of 27 August 1986 (Federal Law Gazette BGB1. I page 1410), hereby decrees as follows:

SECTION I

Waste management objectives Scope and definition of terms

Article 1

Waste management objectives

- (1) Packaging shall be manufactured from materials which are environmentally compatible and do not hamper the environmentally compatible reuse or recycling of the materials used.
- (2) Waste from packaging shall be avoided by ensuring that packaging
 1. is restricted in volume and weight to the dimensions actually required to protect the contents and to market the product,
 2. is designed in such a way that it may be refilled provided this is technically feasible and reasonable as well as compatible with the regulations applying to the contents,
 3. is reused or recycled if the conditions for refilling do not obtain.

Article 2

Scope of Application

- (1) The provisions of this Ordinance shall apply to anyone who, commercially or within the framework of any business undertaking or public body within the area of validity of the Waste Avoidance and Waste Management Act
 1. manufactures packaging or products from which packaging is directly manufactured (manufacturer) or
 2. brings into circulation packaging, products from which packaging is directly manufactured or packaged products at any commercial level (distributors).
- (2) Distributors within the meaning of this Ordinance shall also include mail order firms.
- (3) The provisions of this Ordinance shall not apply to packaging
 1. with residual substances or preparations or soiled or contaminated by substances or preparations

- that constitute a health risk pursuant to Art. 1 nos. 6 to 15 of the Ordinance on the Hazard Criteria of Substances and Preparations under the Chemicals Act (Verordnung über die Gefährlichkeitsmerkmale von Stoffen unter Zubereitungen nach dem Chemikaliengesetz),
- constitute an environmental risk pursuant to Art. 3a para. 2 of the Chemicals Act,

such as plant protection agents, disinfectants, pesticides, solvents, acids, alkalis, mineral oil or mineral oil products; or

2. which must be disposed of in a particular way in compliance with other legal provisions.

Article 3

Definition of Terms

- (1) Packaging within the meaning of this Ordinance shall include

1. Transport packaging

Drums, containers, crates, sacks including pallets, cardboard boxes, foamed packaging materials, shrink wrapping and similar coverings which are component parts of transport packaging and which serve to protect the goods from damage during transport from the manufacturer to the distributor or are used for reasons of transport safety.

2. Sales packaging

Closed or open receptacles and coverings of goods, such as cups, bags, blister packaging, cans, tins, drums, bottles, metal containers, cardboard and cartons, sacks, trays, carrier bags or similar coverings which are used by the consumer to transport the goods or until such time as the goods are consumed. Sales packaging within the meaning of this Ordinance shall also include throw-away dishes and throw-away cutlery.

3. Secondary packaging

Blister packaging, plastic sheets, cardboard boxes or similar packaging which is intended as additional packaging around the sales packaging

- (a) to allow goods to be sold on a self-service basis or
- (b) to make more difficult or prevent the possibility of theft or
- (c) to serve, in the main, advertising purposes.

- (2) Drinks packaging within the meaning of this Ordinance shall include closed or mainly closed receptacles such as bags, cans, bottles, cartons, oblong plastic bags, made from any kind of material designed for liquid foodstuffs within the meaning of Art. 1 para. 1 of the

Foodstuffs and Commodities Act (Lebensmittel- und Bedarfsgegenständegesetz), intended for consumption as drinks, with the exception of yoghurt and kefir.

- (3) Return packaging within the meaning of this Ordinance shall be receptacles which are returned for repeated reuse for the same purpose.
- (4) The catchment area of the manufacturer or distributor shall be deemed to be the area of the country in which the goods are brought into circulation.
- (5) The final consumer within the meaning of this Act shall be the purchaser who does not further resell the goods in the form delivered to him.

SECTION II

Obligation to accept return and to recycle and reuse packaging material

Article 4

Obligation to accept returned transport packaging

Manufacturer and distributor shall be obliged to accept the return of used transport packaging and to reuse or recycle it independently of the public waste disposal system unless the consumer demands the delivery of the goods in the transport packaging; in this case the provisions on the return of sales packaging shall apply accordingly. Packaging which is used as both transport and sales packaging shall be treated as sales packaging.

Article 5

Obligation to accept returned secondary packaging

- (1) Distributors providing goods in secondary packaging shall be obliged to remove such packaging on delivery of the goods to the final consumer or to give the final consumer the opportunity to remove and return the secondary packaging free of charge at the point of sale or in the near vicinity of the point of sale unless the consumer desires the good to be delivered in their secondary packaging; in this case the provisions relating to the return of sales packaging shall apply accordingly.
- (2) If the distributor does not remove the secondary packaging himself, he shall be obliged, by means of clearly recognisable and legible signs at the cash desk, to indicate that the consumer has the opportunity, either at the point of sale or in the near vicinity of the point of sale, to remove the secondary packaging from the acquired goods and to leave it there.
- (3) The distributor shall be obliged to provide suitable collecting containers at the point of sale or in the vicinity of the point of sale to accommodate the secondary packaging and ensure that these are clearly visible and easily accessible to the final consumer. Different material groups shall be collected separately to the extent this is possible without labelling. The distributor shall be obliged to reuse secondary packaging or recycle it independently of the public waste disposal system.

Article 6

Obligation to accept returned sales packaging

- (1) The distributor shall be obliged to accept sales packaging used by the final consumer free of charge and in or in the near vicinity of the point of sale. This obligation shall be limited to packaging of the type, form and size of goods supplied by the distributor in his own product range and packaging of goods supplied by the distributor in his own product

range. In the case of distributors with sales areas of less than 200 m², the obligation to accept return shall be limited to the packaging of brands brought into circulation by the distributor.

- (1a) Mail order firms shall be obliged to accept used packaging free of charge from the final consumer, for example, by providing suitable return options within reasonable distance of the final consumer. Reference shall be made to the return option both along with the dispatched goods and in the catalogues.
- (2) Manufacturers and distributors shall be obliged to accept the packaging returned to distributors pursuant to para. 1 and to reuse or recycle it independently of the public waste disposal system. This obligation shall be limited to packaging of the type, form and size of packaging supplied by the manufacturer or distributor in question or of goods supplied by the said manufacturer and distributor.
- (3) The obligations pursuant to paras. 1, 1a and 2 shall not apply to manufacturers and distributors who are party to a system which guarantees regular collection of used packaging from the final consumer or, to an adequate extent, in the vicinity of the final consumer throughout the catchment area of distributors subject to the provisions of para. 1 and which meets the requirements specified in the Annex to this Ordinance. This system shall be harmonized with existing collection, recycling and reuse systems run by the authorities responsible for waste disposal in whose area it is set up. This harmonization shall be a prerequisite for the confirmation pursuant to sentence 6. Attention shall be given in particular to the concerns of the authorities responsible for waste disposal. The authorities responsible for waste disposal may, for a suitable fee, demand the takeover or joint use of facilities required for collecting and sorting materials of the type referred to in the Annex to this Ordinance. The competent upper Land authority or the authority designated by it, shall, on application, confirm, by means of a general disposition to be announced publicly, that such a system has been set up on a comprehensive scale. The exception as defined in sentence 1 shall be effective from the time of the public announcement. If the application is filed before 1 January 1993, the proof that a system has been set up guaranteeing the regular collection of used sales packaging from the final consumer or in the vicinity of the final consumer shall suffice for an exemption up to 1 March 1993.
- (4) The competent authorities may revoke their decision pursuant to para. 3 sentence 6 as soon as and insofar as they ascertain that the standards set in the Annex to this Ordinance are not being met. They shall likewise announce the revocation publicly. They may limit the revocation to certain types of substances provided that, in respect of these substances only, the collection, sorting and recycling quotas specified in the Annex to this Ordinance have not been attained. Art. 6 paras. 1, 1a and 2 shall apply on the first day of the sixth calendar month following the public announcement of the revocation.
- (5) Mail order firms shall be exempt from their obligation pursuant to para. 1a if they participate in the system provided under para. 3 sentence 1.

SECTION III

Obligation to accept return of and charge deposits on drinks packaging,
packaging of washing and cleansing agents and emulsion paints

Article 7

Obligation to charge deposits on drinks packaging

Distributors who supply liquid foodstuffs in throw-away drinks packaging with a net volume of 0.2 l shall be obliged to charge the purchaser a deposit per drinks packaging of 0.50 DM including turnover tax. The minimum deposit for non-reusable packaging shall be 0.50 DM including turnover tax; a deposit of at least 1.00 DM including turnover tax shall be charged if the net volume equals or exceeds 1.5 l. The deposit shall be charged by each further distributor at all commercial levels until delivery to the final consumer. The deposit shall be repaid on return of the packaging (Art. 6 paras. 1 and 2).

Article 8

Obligation to charge deposits on packaging of washing and
cleansing agents and emulsion paints

Art. 7 shall apply mutatis mutandis to packaging of

1. washing and cleansing agents within the meaning of Art. 2 para. 1 of the Washing and Cleansing Agents Act (Wasch- und Reinigungsmittelgesetz) with a net volume of 0.2 l or more, except soft packaging and cardboard-reinforced soft packaging in which washing and cleansing agents are brought into circulation for refill purposes,
2. emulsion paints with a net weight of 2 kg. In this case, the deposit shall be 2.00 DM.

Article 9

Exemption from the obligation to accept returned packaging and to charge deposits - protection of return systems

- (1) Arts. 7 and 8 shall not apply if, in the catchment area of the final distributor a system in accordance with Art. 6 para. 3 has been set up and if the highest Land authority responsible for waste disposal or the authority designated by it has confirmed this by means of a general disposition. Art. 6 para. 4 shall apply mutatis mutandis.
- (2) Any exemption pursuant to paragraph 1 shall only apply to the packaging of beer, mineral water, spring water, table water, drinking water and remedial waters, carbonated refreshment drinks, fruit juices, juice concentrates, vegetable juices and non-carbonated refreshment drinks, wine (except slightly sparkling wines, sparkling wines, vermouth and dessert wines), if the proportion of return packaging in the catchment area concerned does not fall below the level registered in the particular catchment area in 1991 and as a whole

does not fall below 72 per cent in the area of validity of the Waste Avoidance and Waste Management Act; for pasteurized milk the corresponding proportion for return bottles shall be 17 per cent.

The Federal Government shall decide, three years after this Ordinance comes into force, on any necessary increases and differentiations of the relevant proportions of return packaging.

- (3) The Federal Government shall publish the proportions of return packaging pursuant to para. 2 by 30 June each year in the Federal Bulletin (Bundesanzeiger). If the proportion of return packaging falls below the percentages under para. 2, another survey shall be carried out on the relevant proportions of return packaging as of the first day of the sixth calendar month following announcement. This survey shall also be published in the Federal Bulletin. If the results of this second survey show that the proportion of the return packaging is still lower than the percentages under para. 2, Art. 7 shall apply from the first day of the sixth calendar month following the last public announcement.

Article 10

Restriction on the obligation to accept returned packaging and to reimburse deposits

Distributors in a catchment area in which Arts. 7 and 8 apply, may refuse to accept returned packaging and reimburse deposits for packaging originating from catchment areas in which an exemption has been granted pursuant to Art. 6 para. 3. They may, for the purposes of differentiation, issue their packaging with deposit stamps or mark it in another way.

SECTION IV

Administrative Offences, Transitional and Concluding Provisions

Article 11

Appointment of Third Parties

Manufacturers and distributors may call upon third parties to fulfil obligations specified in this Ordinance. The return of packaging and the reimbursement of deposits may also be carried out using automatic machines.

Article 12

Administrative Offences

An administrative offence within the meaning of Art. 18 para. 1 no. 11 of the Waste Management and Waste Avoidance Act shall be deemed to have been committed by any person who, deliberately or negligently

1. in contravention of Art. 4 does not accept returned transport packaging or does not reuse or recycle transport packaging independently of the public waste disposal system,
2. in contravention of Art. 5 para. 1 does not remove secondary packaging and also does not give the final consumer the opportunity of removing such packaging,
3. in contravention of Art. 5 para. 2 does not provide the information specified therein,
4. in contravention of Art. 5 para. 3 sentence 1 does not provide clearly visible and easily accessible collection containers,
5. in contravention of Art. 5 para. 3 sentence 2 does not reuse or recycle secondary packaging independently of the public waste disposal system,
6. in contravention of Art. 6 para. 1 sentence 1 or para. 2 sentence 1 does not accept returned sales packaging,
- 6a in contravention of Art. 6 para. 1a does not accept return of sales packaging,
7. in contravention of Art. 6 para. 2 sentence 1 does not reuse or recycle returned sales packaging independently of the public waste disposal system, or
8. in contravention of Art. 7, also in conjunction with Art. 8, does not levy or reimburse a deposit.

Article 13

Entry into Force

With the exception of Arts. 5 to 10 and Art. 12 nos. 2 to 8, this Ordinance shall enter into force on 1 December 1991.

Art. 5 and Art. 12 nos. 2, 3, 4 and 5 shall enter into force on 1 April 1992; Art. 6 paras. 1, 1a, 2, 4 and 5, Arts. 7 to 9 and Art. 12 nos. 6, 7 and 8 shall enter into force on 1 January 1993. Art. 6 para. 3 and the Annex to Art. 6 para. 3 and Art. 10 shall enter into force on the day following the promulgation of this Ordinance.

Article 14

Expiration

The Ordinance on the Return of Packaging Material and the Levying of Deposits on Plastic Drinks Packaging (Verordnung über die Rücknahme und Pfanderhebung von Getränkeverpackungen aus Kunststoffen) shall cease to be effective on 1 January 1993.

The Bundesrat has given its consent.

Annex to Art. 6 para. 3

The competent authority shall provide the confirmation pursuant to Art. 6 para. 3 if the following requirements are met:

I. General requirements

Using appropriate systems, it shall be ensured that packaging is collected from domestic households (collection systems), or in the vicinity of domestic households by means of containers or other suitable collecting receptacles (so-called "bring systems") or by a combination of both these systems and subsequently sorted, reused and recycled. The relevant systems shall include existing systems operated by municipal corporations. For the systems under sentence 1

- the collection quotas specified under II
- the sorting quotas specified under III and
- the standards for reuse and recycling specified in IV

shall be reached.

II. Quantitative requirements for collecting systems

In the catchment area (Art. 3 para. 4) of the applicant, the following minimum mean annual percentages (in per cent by weight), referred to the total amount of packaging material in the catchment area, shall be achieved for the collected materials:

On 1 January 1993

Material

glass	60%
tinplate	40%
aluminium	30%
cardboard	30%
paper	30%
plastics	30%
compounded materials	20%

From 1 January 1993 to 30 June 1995, the quotas specified for each individual packaging material shall be deemed to be met if at least 50 per cent of the total packaging material accumulated has in fact been collected.

From 1 July 1995 proof must be furnished that the following percentages have been reached:

Material

glass	80%
tinplate	80%
aluminium	80%
cardboard	80%
paper	80%
plastics	80%
compounded materials	80%

The Federal Government shall, every three years, beginning on 31 August 1992, based on appropriate surveys, publish in the Federal Bulletin (Bundesanzeiger) the average amount of packaging per inhabitant used in each individual catchment area, classified according to packaging materials and per capita consumption.

Proof of the actually collected proportion shall be furnished by the applicant by 1 March in 1993 and 1994, based on the population statistics of the catchment area (Art. 3 para. 4) and the per capita consumption of used packaging published by the Federal Government.

III. Quantitative requirements to be met by sorting facilities:

From the packaging collected in the catchment area (Art. 3 para. 4), at least the following types of materials shall be extracted in an appropriate quality for recycling and reuse and in the following quantities (given in per cent by weight):

Material	On 1 January 1993	On 1 July 1995
glass	70 %	90 %
tinplate	65 %	90 %
aluminium	60 %	90 %
cardboard	60 %	80 %
paper	60 %	80 %
plastics	30 %	80 %
compounded materials	30 %	80 %

Proof of the sorting quotas shall be furnished by the applicant in a verifiable form on the dates specified under II.

Residual material from the sorting process which cannot be recycled or reused shall be transferred as industrial waste to those responsible for public waste disposal.

Residual material from the sorting process which cannot be recycled or reused shall be deemed to be only those materials

- which cannot be broken down by manual or machine sorting into fractions that may be recycled or reused

- which are soiled or contaminated by contents other than that the original contents of the packaging or by soiling or contamination of the packaging material
- which are not parts of packaging.

IV. Requirements for the recycling of reusable materials

The quantities of reusable materials specified under III shall be recycled or reused. The applicant shall, in a verifiable form and on the dates specified under II, present proof that recycling and reuse of the reusable materials is guaranteed.

ANNEX 2

Kooperationspartner der Duales System Deutschland GmbH im Ausland

International Cooperation partners of Duales System Deutschland GmbH

EUROPA/EUROPE

Belgien/Luxemburg - Belgium/Luxembourg

Deutsch-Belgisch-Luxemburgische Handelskammer
Bolwerklaan 21
B-1210 Brüssel
Tel: ++32/22 18 50 40
Fax: ++32/22 18 47 58

TUV Rheinland Belgium a.s.b.l.
Weiveldlaan 41, bus 26
B-1930 Zaventem
Tel: ++32/2/7 25 73 10
Fax: ++32/2/7 25 75 51

Dänemark - Denmark

Det Tysk-Danske Handelskammer
Deutsch-Dänische Handelskammer
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Frankreich - France

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CCFA
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Irland - Ireland

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Luxemburg - Luxembourg

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Niederlande - Netherlands

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Norwegen - Norway

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Portugal - Portugal

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