

Placing containers on the market for the first time as a foreign company in the Austrian single-use deposit system



From 1 January 2025, a deposit will be charged on single-use plastic and metal drinks containers with a capacity of 0.1 to 3 litres. These drinks containers are labelled with the Austrian deposit logo. A charge of 25 cents per container is applied at the point of sale.

A Foreign companies **selling to resellers** have several options for placing their containers on the Austrian market:

1. Own company in Austria => the own company is the first distributor
2. Working with an importer/distributor => the importer/distributor is the first distributor
3. Appointing an authorised representative => the foreign company remains the first distributor (only possible for companies in the EU/EEA)



B If a **foreign company** (anywhere in the world, i.e. not limited to the EU/EEA area) directly supplies private Austrian **end consumers**, it is the first distributor and **must** appoint a domestic authorised representative to participate in the Austrian deposit system.

If the foreign company works with an authorised representative, the following conditions apply:

The authorised representative fulfils the obligations of the foreign companies on their behalf. The first distributor is liable for appointing an authorised representative at the right time. For reasons of efficiency, there may **only be one authorised representative** per foreign company, and the authorised representative must comply with both the requirements for recovering the containers and the requirements of the Austrian Deposit Ordinance for the single-use deposit. Any changes to the authorised representative must be reported immediately.

There are **no requirements** for first distributors **domiciled in Austria** to have an authorised representative for the single-use deposit system.

Process:

As the first step, the authorised representatives must register on the Electronic Data Management Master Data Register (EDM-ZAReg) of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (the Federal Ministry). The relevant authorisation must then be uploaded in the „Authorised representative“ application, where the Federal Ministry conducts a plausibility check of the authorisation. The registration process on the EDM-ZAReg system is not complete until the authorised representative has been approved/confirmed by the Federal Ministry. EWP checks that the authorisation is in place. Existing authorisations for the Austrian Packaging Ordinance, Waste Electrical Equipment Ordinance and Batteries Ordinance can be used. They are also valid for the single-use deposit system. A new application must be used for new authorisations.

If a valid authorisation exists on the EDM system, the authorised representative's registration for the single-use deposit system can be completed on the EWP portal. Unfortunately, this is not possible without a valid authorisation.

The following requirements and conditions apply to authorised representatives:

- ✓ The authorised representative must be a natural or legal person domiciled in Austria.
- ✓ There must be an Austrian address for service (which must also be entered on the EWP portal).
- ✓ Responsibility must be taken for compliance with Austrian administrative regulations (Section 9 of the Austrian Administrative Penal Act (VStG)).
- ✓ The appointment must be made via a certified certificate of authorisation (in German or English). This must include the following points:
 - the scope of the authorisation;
 - the express consent of the authorised representative to assume these obligations;
 - the contractual guarantee that the authorised representative is granted the right to conclude contracts on behalf of the appointer; and
 - the provision of all necessary documents and resources for the task to be fulfilled.



Obligations of the authorised representative:

Specifically, this means that the authorised representative acts in the name and on behalf of the first distributor vis-à-vis EWP and has the following obligations in particular:



- ✓ Entering the authorisation on the EDM system
- ✓ Registering products on the EWP portal
- ✓ Signing contracts on behalf of the first distributor
- ✓ Monthly notification of the first placing of the container on the market, and payment of the deposit and the producer's contribution (the authorised representative is the invoice recipient)
- ✓ Keeping the data and information/documents that are provided accurate, complete and up-to-date
- ✓ All communication with EWP on behalf of the first distributor (e.g. reminders, penalties and right of first refusal)

Summary:

What does the authorised representative have to do and what is the authorised representative liable for?

The key tasks are registering the products, notification of first placing of the container on the market, paying the deposit and the producer's contribution, and maintaining the master data.

In the event of a claim, EWP will (also) contact the authorised representative. The authorised representative is the addressee for any administrative penalties as well.

Who registers with EWP?

If an authorised representative is appointed, only the authorised representative must be registered on the system. The process for adding the authorised representative to the system is complete when all the necessary documents (see requirements) have been uploaded to the system, the Federal Ministry has confirmed that a valid authorisation exists on the EDM system, and the registration has been confirmed by EWP (see also the details of the general registration process).

The authorised representative's key user (registration starts with a key user) can then add, on the EWP portal, any additional users who can take on tasks for the process. As the responsible party, the authorised representative must decide which, and how many, users are invited.

Who has to make sure that the containers comply with the Austria Deposit Ordinance?

The authorised representative must register the containers on behalf of the first distributor, and samples must be sent to the registration body as part of this registration process. The samples are checked. If any changes need to be made, they are communicated to the authorised representative by the registration body.

Other tasks and obligations of the authorised representative

The authorised representative acts on behalf of the first distributor and can therefore also exercise the right of first refusal on behalf of the first distributor.

However, the authorised representative must provide evidence that the material has been recycled (see reporting requirements under the Single-Use Deposit Ordinance to the Federal Ministry).

