

Amendment to the Austrian Packaging Ordinance – Circular Economy Package 2021

AUTHORIZED REPRESENTATIVE



LEGAL CHANGES FOR NON-AUSTRIAN COMPANIES

To ensure the ability to enforce all obligations towards non-Austrian manufacturers and producers as defined by the Waste Management Act and the Austrian Packaging Ordinance, Austrian law will require all foreign companies to assign an authorized representative (AR) located in Austria as of 01.01.2023 (see § 16a to § 16e VerpackVO 2014).

WHO WILL NEED AN AUTHORIZED REPRESENTATIVE?



ENTITIES FROM OTHER EU-STATES – optional

- that have neither their registered main location nor a local subsidiary in Austria and are not mail-order companies selling goods and products for private use
- that license their packaging instead of their Austrian importers



FOREIGN MAIL ORDER COMPANIES (from other EU-states and non-EU-states) – mandatory

- selling directly to private consumers

PLEASE NOTE!

Companies from non-EU states may no longer pre-license their goods and packaging, starting on 01.01.2023.

Packaged goods and single use plastic products will have to be licensed by the Austrian importers (exception: own imports and mail-order businesses selling directly to consumers).

WHAT REQUIREMENTS DOES AN AUTHORIZED REPRESENTATIVE HAVE TO MEET?

- Must be a natural or legal person with their registered main location, as well as an postal address in Austria.
- Must be able to assume all responsibility for compliance with Austrian administrative regulations (§ 9 VStG).
- Must possess a notarized power of attorney:
 - o in German or English
 - o conclusive nomination of all applicable packaging collection categories
 - o consent to fulfill all necessary obligations
 - o contractual authorization for the conclusion of contracts and the provision of all required documentation
- Registration in the EDM-platform of the Austrian Ministry of Environment (BMK)

ANY QUESTIONS?

Service hotline: +43.1.599 97-555

E-mail-service: bv@ara.at

Online platform: online.ara.at



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