Reclay Systems

A guide to the

appointment of a representative in Austria

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Appointment of a representative

Do you sell your products and packaging from abroad to Austria? Would you like to continue to take over the pre-disposal of packaging for your Austrian corporate customers? Are you a distance seller of single-use plastic products? Do you not have a registered office in Austria, but would like to license the packaging of your products?

Even if you can only answer „yes“ to one of these questions, you are required by law to appoint an authorized representative in Austria to license this packaging.

Since January 1, 2023, companies that are not domiciled in Austria must appoint an authorized representative to comply with the requirements of the Packaging Ordinance in a legally compliant manner.

Are you not sure if you need a representative? Simply call us at **+49 221 580098-2888** or send us a message to **ar-at@reclay-group.com**.

We are here for you!

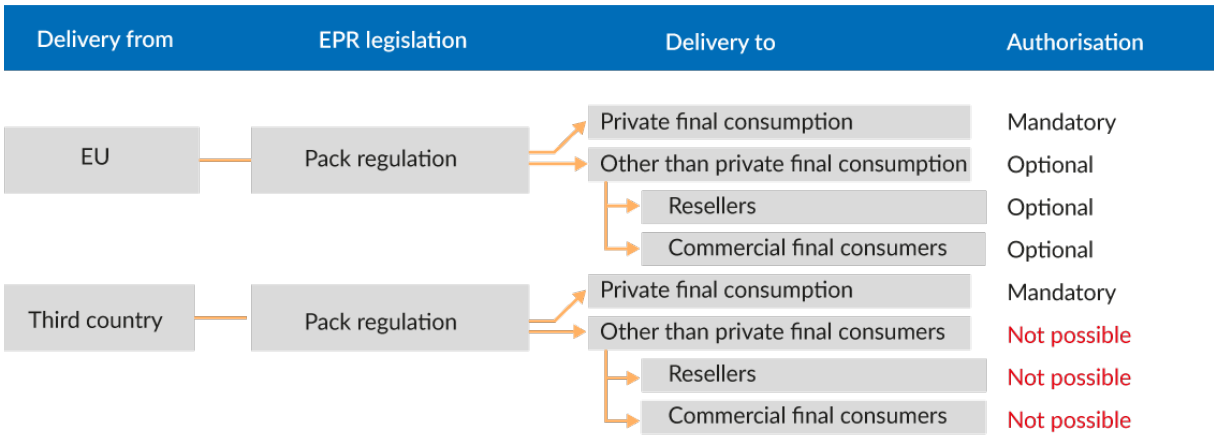

Fig. 1: Which companies must appoint an authorized representative?

Our service for you

Legally

We act as an authorized representative on behalf of the name of the manufacturer:

- Official registration
- Submission of notifications to the collection and recovery system on behalf of the manufacturer
- Representation of the manufacturer in dealings with authorities
- assumption of responsibilities according to the Administrative Penal Act.

Administrative

We act as an authorized representative in the interest of the manufacturer, so that all legal requirements for the manufacturer are fulfilled:

- Obligations as contact person of the manufacturer with the authorities in Austria
- Agreements with collection and recycling systems and data exchange
- Cooperation with the authorities and coordination bodies in the context of inspections
- Assumption of the obligation instead of the domestic importer.

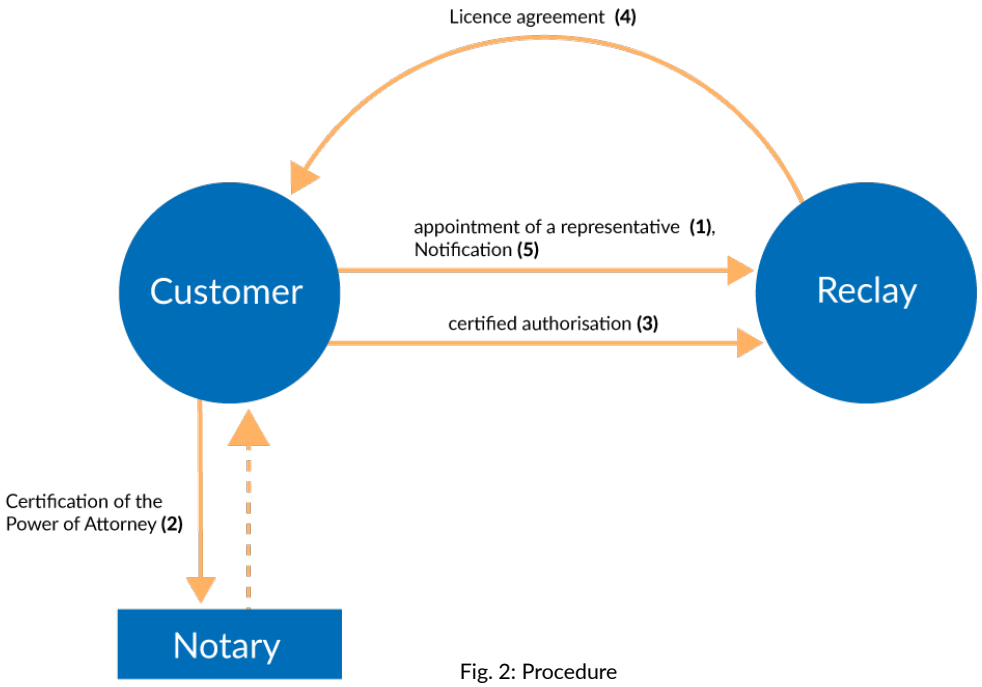

Fig. 2: Procedure

Important definitions for you:

What is an authorized representative?

An authorized representative is a natural person or legal entity that assumes all packaging law obligations of a foreign distributor in Austria.

When do foreign mail order companies need an authorized representative?

Foreign mail order companies that do not have a registered office in Austria and that hand over packaging or packaged/goods to private end consumers in Austria within the scope of distance selling will require an authorized representative in Austria as of January 01, 2023. Companies with their registered office in another EU member state that want to assume the advance obligation for packaging for Austrian corporate customers must also appoint an authorized representative.

From when does the representative come into effect?

From January 1, 2023, an authorized representative domiciled in Austria is required. An authorization agreement and a notarized power of attorney are required for the appointment of the representative to take effect. The authorization shall take effect in the next quarter after the appointment.

From when can the representative act on my behalf?

From January 1, 2023, you will need an authorized representative based in Austria. Once you have a power of attorney agreement on file and your agent has submitted the notarized power of attorney to the appropriate ministry for approval, the power of attorney is valid until the agreement is terminated. The authorization is valid from the next quarter after the order. If you have any questions about the validity, please contact us.

Simple processing and appointment of the authorized representative with Reclay

Reclay Systems offers the service as authorized representative and thus assumes all legal obligations of the customer, such as the conclusion of a system participation contract and the corresponding quantity reports.

Everything is clear for you?

Then click here to go directly to the power of attorney agreement:

Appoint a representative

You can find more information here:

More Information

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