

STATUTES OF THE INITIATIVE

Statutes of the INSPIRE- OPEN INITIATIVE FOR A SYSTEM PLATFORM FOR INDUSTRIAL REUSE-SYSTEMS IN EUROPE

Art. 1 Name, registered office and organisation

(1) The name of the initiative is INSPIRE - OPEN INITIATIVE FOR A SYSTEM PLATFORM FOR INDUSTRIAL REUSE-SYSTEMS IN EUROPE], (hereinafter "Initiative").

(2) The initiative is an unincorporated association that represents the interests of existing reuse systems for packaging.

(3) Its registered office is in Bad Homburg.

Art. 2 Duration

The duration of the initiative is not limited.

Art. 3 Purpose, tasks and objectives

(1) The initiative is an association of operators of reuse systems as well as users and service providers for certain industrial and commercial packaging in Europe.

(2) The purpose of the initiative is to maintain existing reuse systems for transport packaging and sales packaging for the transport of products in the form of pallets, pallet wrapping and strapping for the stabilisation and protection of products transported on pallets, drums, canisters, rigid and flexible bulk containers (IBCs and FIBCs), tubs [pails], trays, plastic crates, boxes, other than those made of cardboard, and collapsible plastic crates: "pails"], trays, plastic crates, boxes, except those made of cardboard, and collapsible plastic crates.

(3) The initiative serves as proof for its members with regard to the grandfathering of existing reuse systems within the framework of the reuse requirements from 2030 of the EU Regulation on packaging and packaging waste. The initiative helps its members to establish and maintain grandfathering in the long term. To this end, the members name the existing reuse systems in which they participate or which they offer. The existing reuse systems are recorded by the initiative according to standardised criteria; the assessment and proof that an existing reuse system fulfils the requirements for an existing reuse system in accordance with Annex 1 to these statutes is the responsibility of the respective member and is made by notification to the initiative. The initiative can provide non-binding information, either independently or on request, as to whether the respective reuse system or the packaging used in it is reusable. However, whether the existing reuse system meets the requirements for grandfathering is subject to the member's self-assessment and, if necessary, to review by the competent authorities or courts.

(4) Notification shall be made in accordance with the criteria set out in Annex 2 to these Articles of Association. After notification, the member receives confirmation of membership in the initiative, provided that the requirements for an existing reuse system are met.

(5) The initiative advocates the protection of existing reuse systems vis-à-vis national and European legislators, politicians and the public. It follows legislative procedures and political demands and actions of the EU and the Member States that could have an impact on the protection of existing systems and informs its members about them.

(6) The members shall coordinate marketing measures and PR campaigns as necessary.

(7) The notifications pursuant to Section 3 (3) shall be forwarded to a professional (“data trustee”) who is bound to professional secrecy and who is commissioned by the initiative to receive the notifications and to check whether the formal requirements for grandfathering are met. The data trustee is entitled to use the content to check the requirements for the grandfathering of the reuse system and, if necessary, to share it in anonymized form with third parties involved in the check. Further details are governed by rules of procedure.

(8) All other activities serving this task are not excluded.

(9) Cooperation in the initiative does not constitute co-entrepreneurship.

Art. 4 Membership, supporting membership

(1) Members may be operators and their service providers, manufacturers and users and of existing reuse systems for packaging formats referred to in Article 3 (2).

(2) Membership is voluntary; activity in the initiative is on an honorary basis.

(3) Companies and associations that support the tasks of the initiative in accordance with Art. 3 can become supporting members.

(4) The management shall inform the Chairman of applications for admission from companies. Objective reservations against the admission of companies must be justified in writing to the Executive Board. The Executive Board shall make the final decision on the admission of a company to the initiative.

Art. 5 Bodies

(1) The bodies of the initiative are

- a. The General Meeting
- b. The Executive Board
- c. The Chair
- d. The management

Art. 6 General Meeting

(1) As a rule, an ordinary General Meeting of Members takes place once a year; more often if necessary. The General Meeting shall be convened by the management in consultation with the Executive Board with a notice period of 3 weeks in writing or by e-mail, whereby the day on which the invitation is sent and the day of the General Meeting itself shall not be counted. The agenda must be attached.

(2) The Ordinary General Meeting decides in particular on

- a. The election of the Executive Board
- b. Coordination of the annual PR and marketing budget
- c. Amendment of the Articles of Association
- d. The dissolution of the initiative.

(3) The ordinary General Meeting shall constitute a quorum if at least 50% of the members entitled to vote are present or represented. Each member has one vote at the General Meeting. Resolutions are passed by a simple majority of the votes cast.

(4) The member must be authorised to represent the participating company.

(5) The right to vote may be transferred to another member or to the Chairman.

(6) If no member with voting rights objects, the General Meeting or the vote on a resolution may be held by telephone or electronically.

(7) The general meetings must be conducted in such a way that no information relevant to competition can be exchanged or obtained (Art. 8 para. 4).

Art. 7 Executive Board

(1) The Executive Board consists of representatives of the members represented in the initiative. The Executive Board consists of three members, the Chairperson and two Deputy Chairpersons. The Executive Board shall be elected by the members at an ordinary General Meeting. The General Assembly elects the Executive Board in separate ballots. The term of office of the members of the Executive Board is three years. Re-election is possible.

(2) The duties of the Executive Board include, in particular, the determination of the tasks and projects of the initiative. This also includes the establishment of one or more project groups. The Executive Board may delegate individual tasks and projects to the management. The Executive Board is also responsible for monitoring the management.

(3) Members of the Executive Board may only be dismissed before the end of their term of office for good cause, including the resignation or exclusion of a member of the Executive Board from the initiative.

Art. 8 Rights and duties of members

(1) All members have the same rights and obligations. Supporting members have no seat or vote.

(2) Every member is entitled to participate in the services and benefits of the initiative. They are entitled to advice and support in all matters that fall within the scope of the initiative.

(3) The members are bound by majority decisions of the initiative that are made within the scope of the initiative's tasks.

(4) The exchange of information that is prohibited by antitrust law may not take place between members and/or third parties. Competition-relevant information that is necessary for the fulfilment of the tasks of this initiative or for the function of the initiative may only be transmitted to persons bound to professional secrecy, such as lawyers or notaries.

(5) Each member is obliged to provide the initiative with the funds necessary to fulfil its tasks. The Initiative shall decide on the amount of these funds at the ordinary General Meeting by majority vote.

Art. 9 Termination of membership in the initiative

(1) Membership ends with:

- a. Voluntary resignation of a member
- b. Opening of insolvency proceedings or application for opening of insolvency proceedings of a member
- c. Dissolution of the company
- d. by discontinuing the manufacture and/or distribution of corresponding packaging for the European market
- e. Expulsion of a member.

(2) Voluntary resignation must be declared with a notice period of 6 months to the end of a calendar year. The declaration must be sent in writing to the management by registered letter.

(3) The Executive Board of the initiative may exclude a member with immediate effect if

- a. existing law is violated or
- b. in the event of gross violation of the interests of the initiative or
- c. if the Executive Board determines that the requirements for membership are no longer met.

(4) The member concerned must be given the opportunity to comment to the Executive Board before the expulsion is carried out.

(5) Members who leave or are excluded from the initiative lose all claims against the initiative on the day of their resignation or exclusion. There shall be no reimbursement of costs.

Art. 10 Contributions

(1) To cover the costs of the Initiative, the Initiative may levy membership fees that are required to finance the Initiative. Possible income shall only be used to finance the tasks of the initiative.

(2) The contributions shall be determined by the voting members of the initiative at the ordinary general meeting.

Art. 11 Management

(1) If necessary, a management team can be appointed and dismissed by the Executive Board.

(2) The aim of appointing the management is to relieve the work of the Executive Board, to prepare general meetings and to plan and implement projects.

Art. 12 Liability

The chairmanship of the initiative is an honorary position; the Executive Board is therefore only liable for intent or gross negligence in accordance with Section 31a BGB.

Art. 13 Amendment of the rules of procedure and dissolution

(1) The General Assembly decides on amendments to the Articles of Association. The dissolution of the initiative can be decided by the general meeting with a three-quarters majority.

(2) Liquidation shall be carried out by the management.

(3) The members shall decide on the liquidation result.

Art. 14 Trade mark

(1) The Initiative may register one or more trade marks. The trade mark (logos, etc.) are the property of the initiative.

(2) The brand serves to indicate a standardised external presentation of the initiative.

Bad Homburg, 26th of November 2024; last modified on 16th of December 2024