

NNDKP assisted the Beverage Producers Alliance in creating the deposit return system for single-use primary packaging, including in setting up and obtaining the accreditation of RetuRO as sole administrator of the Romanian system



Nestor Nestor Diculescu Kingston Petersen (NNDKP) has assisted, since June 2020, the Beverage Producers Alliance comprised of the Brewers of Romania Association and the Romanian Soft Drinks Association in setting up a deposit return system (DRS) for single-use primary packaging. The assistance also included establishing and obtaining the accreditation of RetuRO SGR as sole administrator of the Romanian system.

Over the past few years, **NNDKP** has advised the Beverage Producers Alliance during all the preliminary activities regarding the implementation of DRS, including in relation to the development of the necessary legislative framework, the involvement in the public debates organized during the legislative process, the set up of RetuRO SGR and the participation in the selection process launched by the Ministry of the Environment, Water and Forests for designating the DRS administrator. The assistance also entailed assessing all the risks and obligations arising from the relevant legal provisions and the potential competition and fiscal implications, taking into account the particularities of single-use primary packaging flows. Furthermore, NNDKP ensured the representation of the two organizations, as shareholders of RetuRO SGR, in all the interactions with the Ministry of the Environment, Water and Forests, Ministry of Public Finance and Competition Council in respect of the steps taken so far for structuring and making the DRS system operational.

“The environmental policy targets set by the European Union for Member States are extremely ambitious. As far as Romania is concerned, the reality is that achieving these targets will require close and transparent cooperation among all stakeholders – public sector, private sector and consumers – with a level of involvement from each party that is difficult to quantify at this point. For DRS to be efficient, responsibility should not rest exclusively with the producers and retailers, and every one of us should play our part. This will ensure that Romania falls into line with the global trend and makes the shift to a truly circular economy, in a reasonable period. DRS is one of the many initiatives that need to be implemented in this respect. We are honored to have had the opportunity to contribute to this pioneering project in the environmental field and we thank the Beverage Producers Alliance for their trust”, declared **Roxana Ionescu**, *Partner and Head of NNDKP’s Environment Practice*.

DRS is a key mechanism of the circular economy intended to lay the foundations of a unitary and coherent system for collecting and recycling single-use primary packaging meeting certain requirements. With the implementation of DRS, the producers and retailers who place on the market or sell such containers will benefit from a system enabling them to comply with the EU and Romanian law as regards their obligation to contribute to collecting, recycling and reusing single-use packaging so that it may be reintroduced in the circular economy.

A turning point in making DRS operational was the appointment of its future administrator, whose role is to develop and manage the complex infrastructure needed to ensure the efficient operation of the system. In this

context, the representative associations of beverage producers and retailers have set up a dedicated company, RetuRo Sistem Garanție Returnare S.A. (RetuRO), which operates on a not-for-profit basis. RetuRO was accredited as DRS administrator. The shareholders of RetuRO include the Brewers of Romania Association for the Environment and the Association of Soft Drinks Producers for Sustainability, two associations created by the members of the Beverage Producers Alliance and of the Retailers Association for the Environment.

“The Romanian Deposit Return System is an environmental project of key importance in the professional activity of every participant in this initiative. Setting up and making the system operational required, however, intense effort on the part of all the parties involved and effective coordination so as to make sure that both the process and the related documentation are in line with the legal provisions in force and with the available information provided by the entities that contributed to this, directly or indirectly”, declared **Julia Leferman**, *General Manager of the Brewers of Romania Association for the Environment*.

"For us, **NNDKP**'s contribution to this project was extremely important in order to identify, negotiate and agree on the common approaches to be followed by all the participants with respect to the countless legal, fiscal or operational details that characterize a project of this magnitude. **NNDKP** has been a tenacious and dedicated partner that supported us with utmost professionalism in successfully handling the immense flow of information, needs and expectations, during all the phases we have completed up to this point", declared **Alice Nichita**, *President of the Association of Soft Drinks Producers for Sustainability*.

The **NNDKP** team advising on this complex project was led by **Roxana Ionescu**, Partner and Head of the Environment practice, and **Gabriela Cacerea**, Partner and Co-head of the Corporate/M&A practice. The team also included **Georgeta Dinu** and **Anca Diaconu**, Partners in the Competition practice, **Silviu Badescu**, Partner, NNDKP Tax Advisory Services, **Miruna Vlad**, Senior Associate, and **Oxana Gorgan**, Associate, within the Environment practice, **Mirela Preda**, Counsel, and **Mihai Fifoiu**, Senior Associate, within the Corporate/M&A practice, as well as **Florina Firaru**, Managing Associate and Head of the Intellectual Property practice. The project illustrates once again the collaborative approach of NNDKP's consultancy practices, through the involvement of a multidisciplinary team able to offer our clients a 360-degree perspective on the full spectrum of relevant legal aspects, including highly specialized ones.

Nestor Nestor Diculescu Kingston Petersen is a promoter of business law in Romania with more than 30 years of experience, independently acknowledged as a pioneer of the Romanian legal market. NNDKP offers full-service and integrated legal and tax advice to companies from diverse industry sectors. For the past three decades, NNDKP lawyers have provided expertise in landmark deals and projects in Romania, contributing to the evolution of the Romanian business environment, including in innovative and niche economic sectors that involved both international corporations and local entrepreneurs.

NNDKP represents Romania in some of the most prestigious international professional alliances - Lex Mundi, World Services Group, International Attorneys Club - and is a founding member of SEE Legal. The firm is constantly top ranked in all practice areas by the renowned international guides Chambers & Partners, Legal500 and IFLR 1000.

NNDKP is a 6-time winner of the much-coveted “Romania Law Firm of the Year” award at the Chambers Europe Awards gala, in 2022, 2021, 2017, 2013, 2012 and 2009.