

## FAQ Packaging Act (VerpackG)

### What is the purpose of the Packaging Act?

The aim of the Packaging Act is to uphold the principle of product responsibility of the manufacturer. In the past, some manufacturers have not complied with the law. Through the Central Packaging Registry (ZSVR), transparency is created and product responsibility is increased. The aim is to avoid unnecessary packaging waste.

### What significant changes are there compared to the Packaging Ordinance?

- the definition of packaging has come closer to that of the EU Packaging Directive
- however, only the content of the outer packaging has changed, because this term now includes further materials
- manufacturers and retailers, as initial distributors, are obliged to register with the Central Packaging Registry
- the dual systems are obliged to report the expected and completed participations comprehensively to the central office
- the mandatory deposit for disposable beverage packaging is extended by at least 50% for fruit and vegetable nectars, in particular whey
- final distributors of beverage packaging must affix clearly visible instruction signs in the immediate vicinity of the packaging in order to draw attention to the one-use or returnable nature of the packaging in question

### What are the exact obligations under the Packaging Act?

#### 1. THE OBLIGATION TO REGISTER

A basic addition is that anyone who places packaging that accumulates at the private end consumer on the market for the first time must register in advance with the Central Packaging Registry. This means that every **first distributor of B2C packaging is obliged to register**.

**IMPORTANT!** The registration should occur when the product packaging is first placed on the German market. This means that, where appropriate, the domestic importer can be regarded as the first distributor if the manufacturer is established abroad.

The importer must in any case ensure that the packaging is registered.

**First-time distributor** = anyone who for the first time in Germany sells a B2C packaging filled with goods to a third party on a commercial basis (if necessary also free of charge) with the aim of distribution, consumption or use= anyone in Germany who sells B2C packaging filled with goods for the first time to a third party with the aim of distribution, consumption or use

## What is B2C packaging?

### Sales Packaging

It represents a unit of goods and packaging that is typically sent to the end consumer.

This includes packaging that

- a) supports the delivery of the goods to the end user (service packaging)
- b) enables the dispatch of goods to the final consumer (shipping packaging)

In particular through the introduction of shipping packaging, the packaging used in online trade is now directly recorded as packaging as defined within the Packaging Act.

Examples of this are: Cardboard boxes, bubble wrap, packing aids, bags, adhesive tape, polystyrene, other cardboard, shipping envelopes

### Outer Packaging

It constitutes a plurality of goods and packaging which, together with the products contained therein, are typically offered to the consumer. This may involve so-called bundle packaging.

### Shipping Packaging

This kind of packaging allows or supports the shipment of the goods to the end consumer. This also includes the packaging material, including the filling material, which is produced as a result of the consignment to the consumer.

### Service Packaging

This is packaging which is only filled with goods at the final distributor in order to enable the transfer of said goods to the private end consumer. (e.g. the coffee-to-go cup or the roll bag)

### Transport Packaging

Transport packaging is packaging intended to facilitate the handling and transport of goods by avoiding direct contact and damage in transit, but without being passed on to the final consumer.

## 2. THE OBLIGATION TO PARTICIPATE IN THE SYSTEM

In addition to the registration obligation, which applies to the manufacturer before the B2C packaging is placed on the market, there is also the obligation to register with a dual system (= system participation obligation).

### When is packaging subject to system participation?

If it

- is filled with goods
- then typically disposed of
- by the end consumer
- as rubbish.

This is the case for sales packaging and outer packaging.

**IMPORTANT!** Users of packaging must carry out a general assessment to determine whether the packaging could be disposed of as waste before use. (i.e. make a limitation to B2B packaging)

However, as in the past, it is crucial that the packaging is disposed of as waste by the end consumer, which means that packaging in the industrial or commercial sector is discarded. The exact point when packaging becomes waste is not clearly evident. As before, however, comparable locations such as restaurants, hotels or cinemas are also recorded as possible locations for packaging waste. All other comparable points are listed under Section 3 (11) of the Packaging Act.

### Exception:

a) The following packaging is exempted from the system participation obligation:

- Returnable Packaging
- One-way drinks packaging subject to the mandatory deposit in accordance with § 31 VerpackG
- Packaging subject to system participation which can be shown not to be sold in Germany to the end consumer.
- Sales packaging of pollutant-containing products
- Transport packaging not passed on to the final consumer [in individual cases] Packaging for which it is to be expected that proper and harmless recovery within the framework of environmentally sound waste management is not possible or that the public good (in particular health) is endangered

## b) Industry Solution

A further exception exists if the manufacturer chooses the so-called branch of industry and takes the packaging themselves free of charge and is concerned with recycling said packaging. This must be reported to the central office and certified by an expert before the start of the industry solution.

### 3. TAKE-BACK OBLIGATION

Manufacturers and distributors are obliged to take back used and empty packaging which corresponds to the type, shape and size of the packaging which they have placed on the market.

This must be done free of charge at the place of actual handover or in the immediate vicinity. The take-back obligation applies to the following packaging:

- Transport Packaging,
- Sales and outer packaging which, after use, is typically not generated as waste by private end users (e.g. commercial or industrial enterprises)
- Sales and outer packaging for which system incompatibility system participation is not possible, and system incompatibility and
- sales packaging of pollutant-containing products

**IMPORTANT!** D The final distributor's take-back obligation is limited to the fact that they only have to take back packaging that originates from products that they themselves carry in his assortment.

**IMPORTANT!** Where the sales area is less than 200 square metres, the final distributors are only obliged to take back packaging of the brands which they themselves have in their product range.

### 4. DATA REPORT

The manufacturer must report the total weight of the packaging he has placed on the market and the type of material at least once a year to the system they have chosen and to the Central Packaging Registry.

This information can also be corrected upwards or downwards if necessary.

The reporting of data, which takes place within the framework of system participation, must also take place at the Central Packaging Registry.

Contents:

- Registration number
- Type of material
- Mass of the packaging to be included
- Name of the system
- Period of system participation

## 5. STATEMENT OF COMPLETENESS

A declaration of completeness for the previous year must be submitted annually by 15 May. This obligation applies only if the following quantity thresholds are exceeded:

- Glass: 80,000 kg
- Paper, cardboard, cartons: 50,000 kg
- Ferrous metals, aluminium, plastics, beverage cartons, other composites: 30,000kg

Content of the declaration:

- § 11 para. 2 Packaging Act
- Mass actually placed on the market during the previous calendar year, sales and outer packaging (actual quantities)
- must be certified by a registered inspector
- Obligation exists

## 6. INFORMATION OBLIGATIONS FOR ONE-WAY AND REUSABLE DRINKS PACKAGING

Online retailers now have a duty to display clearly visible and legible information in their online shops „ONE-WAY“ or „RETURNABLES“ in the immediate vicinity of the corresponding products.

## FREQUENTLY ASKED QUESTIONS

### How does registration work?

The registration process with the Central Packaging Registry will be very simple. It is purely electronic on the page <https://www.vpackagingregister.org> There you will find the button to register for LUCID registration, which is transparent and therefore public.

**Is the retailer subject to system participation if the goods sold are sent directly by the manufacturer and he/she therefore does not come „into contact“ with the packaging at all? (Drop-shipping)**

If the packaging and its contents have not been touched by the manufacturer without further packaging

no system participation by the retailer is necessary. Manufacturers of packaging sent from abroad are also subject to full licensing after the wording has been extended.

**IMPORTANT! Used packaging may be used without re-licensing if it has already been licensed and is still subject to recovery through a dual system.**

**In cases involving drop-shipping, are retailers still required to register?**

No, nothing else can apply but the obligation to participate in the system. If the online retailer does not come into contact with the packaging, the obligation to register does not apply to him, but to the manufacturer as the first distributor.

**In which cases does a manufacturer or retailer not have to participate in a dual system?**

If packaging is used that has already been registered and is therefore not placed on the market for the first time, the obligation to participate in the system is waived.

**However, does the duty to register only apply for certain quantities?**

No. The duty to register is independent of the quantity placed on the market. This means that anyone who places packaging on the market for the first time and on a commercial basis must register.

**What about used shipping materials? Are they subject to registration?**

If they are not yet registered, yes. Used shipping materials can also be placed on the market for the first time and thus be disposed of as waste by the end consumer.

**Is the registration subject to a fee?**

According to the Central Packaging Registry, registration is free of charge. Registration costs are covered by systems and industry solutions.

**What are the consequences of violations against the Packaging Act?**

In the case of non-registration or distribution of goods whose manufacturer has not registered the trademarks distributed, a fine of up to €100,000 may be imposed. In the event of non-participation in a system, a fine of up to €200,000 is due.

**Does a notice that the shop has registered with the Central Packaging Registry have to be visible in the online shop?**

No, there is no obligation for retailers to provide information in this regard. The registration is noted online on the LUCID platform and is transparent and can be viewed by anyone.

**What should be done if it is not clear whether the packaging is „typically“ generated as waste?**

The Central Packaging Registry has the competence to decide on request whether packaging is to be classified as subject to system participation. This can be placed online at:  
<https://www.vpackagingregister.org/>.

**Can someone else be asked to register?**

No. Registration and data reporting to the Central Packaging Registry must be done in person. However, third parties may be commissioned to perform further duties.