




Italian Trade Agency (ITA)

The German Packaging Act (Verpackungsgesetz) – Legal obligations and the LUCID Packaging Register

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1. Taking producer responsibility for your packaged goods – Why and what is important?

Extended producer responsibility for packaging in Europe and Germany

Why and what is important?

- ◆ In Europe, packaging is subject to so-called extended producer responsibility. That means that, by placing packaged goods on the market, the parties that do so also assume responsibility for ensuring that the packaging damages the environment as little as possible.
- ◆ In Germany, the producer must ensure the recovery of any of its packaging that is subject to system participation. In order to do so, they enter into a contract with a system.
- ◆ Many producers disobeyed their obligations. This is still a problem today and it is not fair and just. The German Packaging Act was created to solve this problem.
- ◆ The Zentrale Stelle Verpackungsregister (ZSVR) and the Packaging Register were established to create fairness and transparency. Only if everyone pays for the recycling of the packaging of its goods the market of waste management could work. The market needs a solid financial basis.
- ◆ Moreover: High-quality recycling can only happen in a functional market.





2. Who does the German Packaging Act affect?

Who does the German Packaging Act affect?

The German Packaging Act (Verpackungsgesetz) affects **all companies and entrepreneurs** who

- ◆ are the **first to commercially**
- ◆ place **packaging filled with goods**
- ◆ on the **German market**.

! Notice: The German Packaging Act refers to the obligated parties as **producers!**

Producers can be ...

*

*Notice: Companies located outside of Germany often identify themselves as „exporters“, whereas companies in Germany identify themselves as „importers“. So both terms can be used. In the end, the obliged party is the company who is the initial distributor on the German market.



What applies for exports to Germany? (1/2)



Exports to Germany

- ◆ A general note on imports/ exports: the party **commercially introducing packaging filled with goods into the jurisdiction of the German Packaging Act is considered the 'producer' or 'initial distributor'**. As such, the obligations of the German Packaging Act also applies to importers/ exporters.
- ◆ The **importer/ exporter is the party who bears legal responsibility for the goods at the time they cross the border into Germany**. In other words, the importer/ exporter bears the transportation risk, which includes the risk of loss or damage to the goods, and is responsible for the import operation (and, if applicable, customs clearance) of deliveries from non-EU countries. This depends on the individual case and/or the specific contractual agreements stipulated between seller and buyer.
- ◆ Where they have been agreed on, Incoterms can serve as a point of reference: in the event of a sale outside of Germany 'ex works' (EXW), the buyer bears legal responsibility; where it has been agreed that the seller delivers the goods to a certain place in Germany ('delivered at place' – DAP), the seller bears legal responsibility.

What applies for exports to Germany? (2/2)



Exports to Germany

- ◆ The specific point in time of the transfer of ownership, however, is not a decisive factor. Even before the German Packaging Act entered into force, the importer/ exporter bore responsibility for system participation. If an external freight forwarder/ carrier has been commissioned, they are not considered importers/ exporters – the ordering party is.
- ◆ **The important thing is that a decision on this issue that is legally binding for both contracting parties is agreed upon before any packaging is placed on the German market and has participated in a system.** The party under obligation must **also register with the ZSVR**. For compliance purposes, the final distributor in Germany must ensure that the obligations of the German Packaging Act are met, otherwise the goods will be banned from distribution in Germany.
- ◆ For more details, check our Website at <https://www.verpackungsregister.org/en/information-orientation/knowledge-base/guidance-for-importers>



3. What are the obligations under the German Packaging Act?

The obligations to be fulfilled...

... depend on the packaging categorisation. There is:

Packaging not subject to system participation

◆ Transport packaging



◆ Reusable packaging



◆ Single-use beverage packaging subject to deposit



◆ Packaging that does NOT typically accumulate as waste with private final consumers



◆ Retail packaging for hazardous contents



Packaging subject to system participation

Packaging that is filled with goods and typically accumulates as waste with private final consumers after use.

◆ Retail packaging



◆ Grouped packaging



◆ Service packaging



◆ Shipment packaging



The obligations to be fulfilled...

... depend on the packaging categorisation. There is:

Packaging **not subject** to system participation



For the take-back and recovery obligations of the companies for packaging not subject to system participation please refer to Section 15 of the German Packaging Act!

Packaging **subject** to system participation



Who is a so called „private final consumer“?

Private final consumer

=

Private households

+

Comparable sources of waste generation, like...

restaurants, canteens, hotels, hospitals, educational institutions, freelancer and administrative offices and more....



If your packaging typically accumulates as waste with private final consumers, it is packaging subject to system participation and you must pay for its disposal and recycling.



3.1 Packaging subject to system participation

Packaging subject to system participation...

... Retail and grouped packaging

Retail and grouped packaging

- ◆ ... are already pre-packed before being handed over to the final consumer and are offered for sale as a unit consisting of goods and packaging.
- ◆ ... is packaging that is filled with goods and typically accumulates as waste with private final consumers after use.



Obligations



Registration with the LUCID Packaging Register



Entering into a **system participation agreement**



Volume reporting with the chosen System and the LUCID Packaging Register



The data reports on annual packaging volumes submitted in the LUCID Packaging Register must correspond exactly to the volumes reported to the systems.

Packaging subject to system participation...

... Shipment packaging

Shipment packaging

- ◆ ... facilitates or supports the shipment of goods to final consumers.
- ◆ ... typically accumulates as waste with private final consumers after use.
- ◆ ... including all filler material, is almost always subject to system participation.



Obligations



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Volume reporting with the chosen System and the LUCID Packaging Register



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Shipment packaging

= Packaging **subject** to system participation



- ◆ ... facilitates or supports the shipment of goods to final consumers.
- ◆ ... typically accumulates as waste with private final consumers after use.
- ◆ ... including all filler material, is almost always subject to system participation.

Transport packaging

= Packaging **not subject** to system participation



- ◆ ... are used for transport protection.
- ◆ ... are used for the delivery of goods by forwarding agents or own goods transport.
- ◆ ... do not remain with the private final consumer, but with retailers.



Notice: With a few exceptions, all shipment packaging is subject to system participation!



Notice: Transport packaging, which can be used multiple times counts as reusable packaging (e.g. Euro pallets)!

At a glance: The obligations for packaging subject to system participation are...

... registration, system participation and volume reporting!

Packaging subject to system participation

In Germany, producers must finance recycling for the packaging of their goods that typically accumulates as waste with private final consumers:

◆ Retail packaging



◆ Grouped packaging



◆ Service packaging



◆ Shipment packaging



Obligations



Registration with the LUCID Packaging Register



Entering into a **system participation agreement***



Volume reporting with the chosen System and the LUCID Packaging Register




The data reports on annual packaging volumes submitted in the LUCID Packaging Register must correspond exactly to the volumes reported to the systems.

For companies abroad: What does an authorised representative?

- ◆ **Companies without a branch in Germany** have the option of appointing an authorised representative located in Germany to fulfil their obligations under the German Packaging Act for them – with the exception of registration.


At a glance: appointing an authorised representative



What does it mean to appoint an authorised representative and how does it work? Learn more in this graphic.

» [Go to graphic](#)


Step by step: authorisation checklist



This checklist explains how an authorised representative can be appointed and added to the LUCID Packaging Register.

» [Go to the checklist](#)

Press play: how to authorise a representative in LUCID



» [short explanatory film for parties who have registered already](#)

» [short explanatory film for parties who have not yet registered](#)

Authorisation agreement



International online retailer / importer
= producer / initial distributor under the Verpackungsgesetz

Authorised representative located in Germany

- ◆ For more information go to: <https://www.verpackungsregister.org/en/information-orientation/knowledge-base/authorising-a-representative>



3.2 Packaging not subject to system participation

At a glance: The obligation for packaging not subject to system participation is...
... registration!

Packaging not subject to system participation

◆ Transport packaging



◆ Reusable packaging



◆ retail and grouped packaging that does not typically accumulate as waste with private final consumers



◆ single-use beverage packaging and retail packaging for hazardous contents



Obligation



**Registration with the LUCID
Packaging Register**



Companies that place goods in packaging not subject to system participation on the German market are required to be registered with details about their packaging types and brand names in the LUCID Packaging Register!* Material type and volume do not need to be reported for this type of packaging! For the take-back and recovery obligations of the companies for packaging not subject to system participation please refer to Section 15 of the German Packaging Act!



3.3. Obligations for electronic marketplaces and fulfilment service providers

◆ **Electronic marketplaces**

...may enable the offer for sale of packaging subject to system participation only if the producers have participated this packaging with a system. In general, packaging may only be offered for sale on an electronic marketplaces if the producers have orderly registered in the LUCID Packaging Register.

◆ **Fulfilment service providers**

...have to check and ensure that ordering parties are meeting their packaging law obligations, i.e. have registered in the LUCID Packaging Register and concluded a system participation agreement with one or more system(s). Otherwise, fulfilment service providers are no longer allowed to offer their services to their ordering parties. There is a distribution ban on those goods.





4. What are the consequences of non-compliance with the German Packaging Act?

What happens if someone does not fulfil their legal obligations?



- ◆ A breach of obligations under the German Packaging Act is an **administrative offence**. In case of...
 - failure to participate packaging in a system, the producer can face a fine of up to €200,000.
 - failure to register, the producer can face a fine of up to €100,000. The packaged goods will also be banned from distribution.
 - submission of incorrect or incomplete data reports, the producer can face a fine of up to €10,000.
- ◆ The size of the fine depends on the severity of the breach. Breaches can also be **fined cumulatively**, and profits can be confiscated.
- ◆ Without a registration an **automatic ban** on the distribution of the packaged goods will apply.
- ◆ The ZSVR **reviews suspected offences and passes** them on to the **competent enforcement authorities** of the Federal States **automatically**.



5. The registration process



6. Where can I find more information about the obligations?

Everything you need to know...

...System participation and data reporting – this is how it works



All at a glance - link for an overview of what to do:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/system-participation-and-data-reporting>

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Stiftung Zentrale Stelle VERPACKUNGSREGISTER

Information & Orientation LUCID Packaging Register Foundation & Authority

1 Information & Orientation

You are here: [Home](#) > [Information & Orientation](#) > [Instructions & further information](#) > [System participation and data reporting](#)

System participation and data reporting - this is how it works

1 Registration in the LUCID Packaging Register → 2 Entering into a system participation agreement → 3 Reporting packaging volumes

You have registered with the LUCID Packaging Register because you are placing packaging filled with goods that is subject to system participation on the German market (retail, grouped and/or shipment packaging).

Registering is just the first step:

- Companies that place packaged goods on the German market for the first time have to bear financial producer responsibility for their packaging's recycling by participating that packaging in a system.
- That is why a **system participation agreement** for your packaging is **mandatory**.
- Once you have concluded this agreement with a system or system operator, the next step is to report your packaging volumes to the LUCID Packaging Register. For this, you have to submit a **data report**.

! Only then will you have fulfilled all obligations under German packaging law, and avoid distribution bans or fines!

1 Registration in the LUCID Packaging Register

2 Entering into a system participation agreement

- Calculate packaging volumes for your retail, grouped and/or shipment packaging by material type (e. g. glass, plastics, paper/paperboard/cardboard, etc.)
- Conclude an agreement with one or more system operator(s)
- Report your packaging volumes to the system when concluding the agreement

Overview of system operators
www.verpackungsregister.org/en/systems-overview

Explanatory film on system participation
www.verpackungsregister.org/en/system-participation

3 Reporting packaging volumes

- When and how often you have to report your packaging volumes to the LUCID Packaging Register depends on your system participation agreement
- As a matter of principle, every packaging volume report you make to your system operator must be matched with a report to the LUCID Packaging Register without delay. The two reports must be identical in terms of volumes, material type and reporting period
- To submit a data report in the LUCID Packaging Register log in to your registration using your access credentials at <https://lucid.verpackungsregister.org>. Go to the 'Data reporting' tile and click 'Submit data report'. Choose the relevant type of report and click 'Start'

For more information about data reporting see
www.verpackungsregister.org/checklist-data-reporting

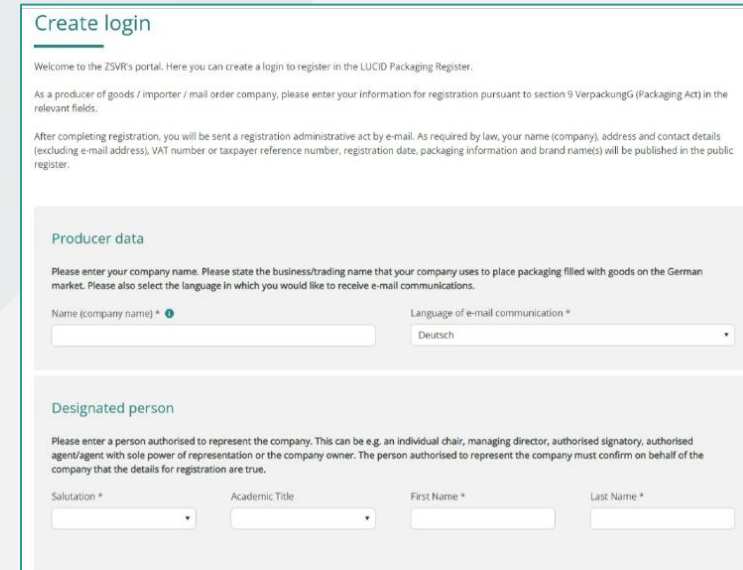
Download as pdf

How to: Registration and data reporting with the LUCID Packaging Register



How does the registration process work?

Details on the registration process can be found in our explanatory films “[First time registration](#)” and “[Registration amendment](#)” at <https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/explanatory-films/explanatory-film-on-registration-amendments-in-the-lucid-packaging-register>



Create login

Welcome to the ZSVR's portal. Here you can create a login to register in the LUCID Packaging Register.

As a producer of goods / importer / mail order company, please enter your information for registration pursuant to section 9 VerpackungG (Packaging Act) in the relevant fields.

After completing registration, you will be sent a registration administrative act by e-mail. As required by law, your name (company), address and contact details (excluding e-mail address), VAT number or taxpayer reference number, registration date, packaging information and brand names) will be published in the public register.

Producer data

Please enter your company name. Please state the business/trading name that your company uses to place packaging filled with goods on the German market. Please also select the language in which you would like to receive e-mail communications.

Name (company name) * Language of e-mail communication *

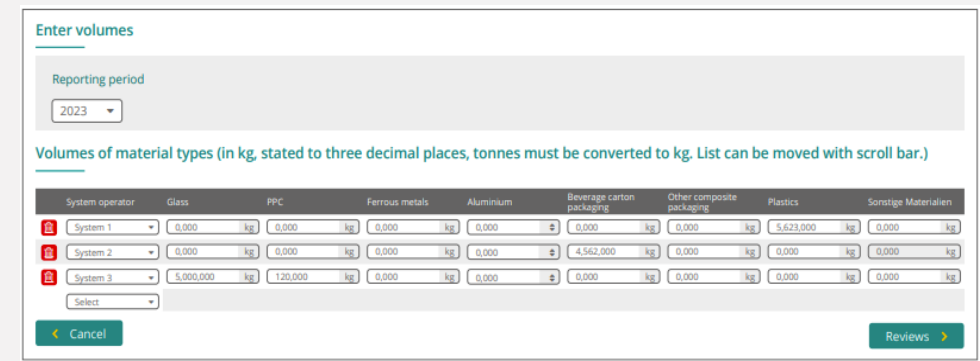
Designated person

Please enter a person authorised to represent the company. This can be e.g. an individual chair, managing director, authorised signatory, authorised agent/agent with sole power of representation or the company owner. The person authorised to represent the company must confirm on behalf of the company that the details for registration are true.

Salutation * Academic Title First Name * Last Name *



How does the data reporting process work? You can find everything you need to know about the data reporting process in this [guideline](#) and on our website at <https://www.verpackungsregister.org/en/lucid-packaging-register/about-the-packaging-register/data-reporting>



Enter volumes

Reporting period

Volumes of material types (in kg, stated to three decimal places, tonnes must be converted to kg. List can be moved with scroll bar.)

System operator	Glass	PPC	Ferrous metals	Aluminium	Beverage carton packaging	Other composite packaging	Plastics	Sonstige Materialien
<input type="text" value="System 1"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="5,623,000 kg"/>	<input type="text" value="0,000 kg"/>
<input type="text" value="System 2"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="4,562,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>
<input type="text" value="System 3"/>	<input type="text" value="5,000,000 kg"/>	<input type="text" value="120,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>	<input type="text" value="0,000 kg"/>
<input type="text" value="Select"/>								

Check – Am I obliged?

The start for everyone



What **types of packaging** are there? And which obligations are to be fulfilled?

Click here for more information:

<https://www.verpackungsregister.org/en/information-orientation/knowledge-base/packaging-types>



System participation requirement – yes or no?

<https://www.verpackungsregister.org/en/information-orientation/knowledge-base/check-do-the-requirements-apply-to-me/quick-check>



Overview of Systems:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/systems-overview>

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