

CHECKLIST

Authorising a representative



Why? Who?
How? What?

Are you an international online retailer or importer or do you run another type of company that delivers packaged goods to Germany? Then the German Verpackungsgesetz (Packaging Act) applies to you. To fulfil the obligations that come with it, you can appoint an authorised representative?

In this document, you will learn

- + which international companies can
- + appoint an authorised representative in Germany
- + to fulfil their obligations under the Verpackungsgesetz for them,
- + which obligations can be transferred to this authorised representative,
- + why it matters,
- + how the authorisation is done step-by-step, and
- + how to reflect the authorisation in the LUCID Packaging Register.



Why do I need to do anything in the first place?

If you place packaged goods on the German market, you have obligations to meet under the Verpackungsgesetz. If you do not do so, the sale of your goods will be prohibited in Germany. You have to pay for the recovery and recycling of your packaging, which is done via a system. For a list of systems that includes addresses, contacts and telephone numbers, go to www.verpackungsregister.org/en/systems-overview. You must report how much packaging material you place on the German market every year to the system and to the LUCID Packaging Register. You also have to register in the LUCID Packaging Register.



Who can appoint an authorised representative?

Only international companies without a branch in Germany can appoint an 'authorised representative' to fulfil packaging law regulations for them. Generally that applies to online retailers or importers located outside of Germany. It may also involve international producers of goods, for example when they import packaged products into Germany where they then sell them under their own name.

Which obligations does an authorised representative become responsible for exactly?

With the **exception of registering in the LUCID Packaging Register**, the authorised representative assumes responsibility for all of your obligations under the Verpackungsgesetz and **fulfils them in their own name**. The one-time registration requirement in the LUCID Packaging Register is a personal obligation that rests with you, the original party under obligation. Once you have registered and then appointed an authorised representative, they will be responsible for fulfilling your obligations under the Verpackungsgesetz for the entire duration of their appointment. That includes:

- + participating in one or more system(s);
- + submitting data reports on packaging volumes;
- + filing audited declarations of completeness where statutory thresholds have been exceeded;
- + fulfilling return obligations for transport packaging and large commercial or industrial retail and grouped packaging;
- + and participating in a nationwide deposit scheme for single-use beverage packaging subject to deposit.





If an international company has obligations under the Verpackungsgesetz but does not appoint an authorised representative, it remains responsible for fulfilling all the legal obligations itself.

How do you appoint an authorised representative?

1. Entering into an authorisation agreement

First you as an international party under obligation need to enter into an agreement with your authorised representative. This agreement governs the transfer of obligations. **You must do that before you appoint them in the LUCID Packaging Register.**



The following information is important for the authorisation agreement:

- + you can only appoint one authorised representative.
- + Every service provider located in Germany, or operating a branch in Germany, can be an authorised representative.
- + International parties under obligation must conclude a written agreement with their authorised representative – in German. If there are versions of the agreement in other languages, the German version will be binding.
- + The agreement must bear the handwritten signature or qualified electronic signature of both parties.



The **Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR)** has published guidance on these agreements on its website:

www.verpackungsregister.org/en/authorising-a-representative

2. We have concluded the authorisation agreement, what comes next?

As soon as you have concluded the agreement, there are two scenarios. Both require the authorised representative to already have a **login and an ID as an authorised representative for the LUCID Packaging Register**. That is important so that you as an international producer can select and appoint your authorised representative.

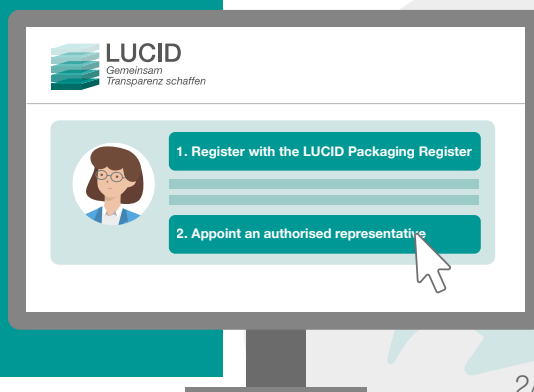
Scenario 1:

Are you a producer registering with the Packaging Register for the first time and want to appoint an authorised representative during the registration process?

- + When entering their master data in the registration process, international producers can confirm with a tick that they have appointed an authorised representative.
- + The 'Authorised representative' field will be displayed. Enter the first name, the last name or the ID of your authorised representative. As soon as you have entered the fourth character, a list of matching authorised representatives in the register will appear and you can select your representative by clicking on their name.
- + Subsequently, please confirm that an authorised representative has been formally appointed (in writing).



Registration is a personal duty. You cannot authorise any other person, including your authorised representative in Germany, to register for you. You must complete the registration, and enter any subsequent changes, yourself.







Scenario 2:

Have you already registered with the LUCID Packaging Register and want to appoint an authorised representative?

- + When you access the LUCID Packaging Register with your login data, your personal dashboard appears, where an 'Authorised representative' tile is displayed automatically for international parties under obligation. By clicking on 'Edit' in this tile, you can start editing your registration entry and adding your authorised representative.
- + Then continue as described in scenario 1 for first-time registrations.

LUCID Dashboard

Welcome to your LUCID Dashboard

 Master data Edit master data, change login, close registration Edit >	 Details about the packaging Edit details about your company's packaging Edit >	 Brand names Edit brand names Edit >	 Authorised representative Appoint and edit an authorised representative Edit >
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Please note: In both scenarios, the authorised representative has to actively confirm their authorisation in the LUCID Packaging Register.



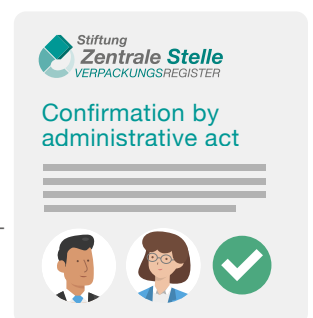
New obligations starting 1 July 2022

To date, the requirement to register with the LUCID Packaging Register has only applied to packaging subject to system participation, such as shipment, retail or grouped packaging. Starting 1 July 2022, this will be expanded to include packaging not subject to system participation. By then, distributors of transport packaging, industrial packaging, single-use beverage packaging subject to deposit, reusable packaging, etc., will need to be registered in the LUCID Packaging Register. The new registration requirement therefore applies regardless of packaging type. Any breach automatically results in a distribution ban and may attract fines.

The new registration process started on 5 May 2022. It requires you to indicate your types of packaging during registration, by clicking on the relevant check boxes. If you are already registered and also place packaging not subject to system participation on the German market, you will need to update your existing registration with the additional information (registration amendment).

Any other important information?

- + After you have appointed an authorised representative in the LUCID Packaging Register, the ZSVR will confirm that the authorised representative has been entered into the Packaging Register by sending you an administrative act via email.
- + The ZSVR then publishes the authorised representative's information in your company entry in the register of producers.
- + As an international producer, you can also terminate an authorisation in the LUCID Packaging Register in line with the term of your agreement with the authorised representative.



For further information about the authorised representative appointment process, please watch our explanatory film on authorising a representative.

→ www.verpackungsregister.org/en/explanatory-film-authorising-a-representative



Click here to register with the LUCID Packaging Register:

→ <https://lucid.verpackungsregister.org>



For IT-related questions about the LUCID Packaging Register, please do not hesitate to call our support hotline at +49 541 34310555 Monday to Friday from 9:00 to 17:00 CET (public holidays in Lower Saxony excepted).