

## CHECKLISTE

Obligations under the  
Verpackungsgesetz (1 of 3)

- Do the obligations even apply to me?**
- What are the specific obligations?
- What happens next? (Registration)

## The obligations under the Verpackungsgesetz apply to:

**producers** or **initial distributors** of packaging subject to system participation. This means anyone who

- + is the first to
- + place packaging that is filled with goods and
- + typically accumulates as waste with private final consumers\*
- + on the German market
- + on a commercial basis.



\* In addition to private households, private final consumers as a group include so-called comparable sources of waste generation, such as restaurants, accommodation establishment, canteens, bakeries or commercial kitchens.



The **Verpackungsgesetz (Packaging Act)** does not apply to the producer of empty packaging, **but rather to the party who is the first to fill packaging with goods**. This is usually the party producing the product.

Depending on the **specific circumstances**, however, the term 'producer' may also apply to:

- **Retail companies** that distribute own brands if the packaging is filled by a third party on the retail company's behalf and bears only the name and/or brand of the retail company.
- **Companies** commissioned by another company to fill packaging with goods on their behalf if the packaging bears only the name and/or brand of the commissioned company (**contract manufacturer / contract packager**). If the name of the contract packager appears with the phrase, 'manufactured for [name / brand of retail company]', it is the contract packager who is the initial distributor and thus under obligation as per the Verpackungsgesetz.
- **Importers** of packaged goods if they bear legal responsibility for the goods at the time they cross the border.
- **Online retailer or mail order company** that is the first to fill, for example, shipment packaging with goods.

## There are two ways to check if the obligations of the Verpackungsgesetz apply to you:

### 1. Who is under obligation? Use the digital 'quick check' tool

[www.verpackungsregister.org/en/information-orientation/knowledge-base/check-do-the-requirements-apply-to-me/quick-check](http://www.verpackungsregister.org/en/information-orientation/knowledge-base/check-do-the-requirements-apply-to-me/quick-check)

The screenshot shows a web browser window with two questions:

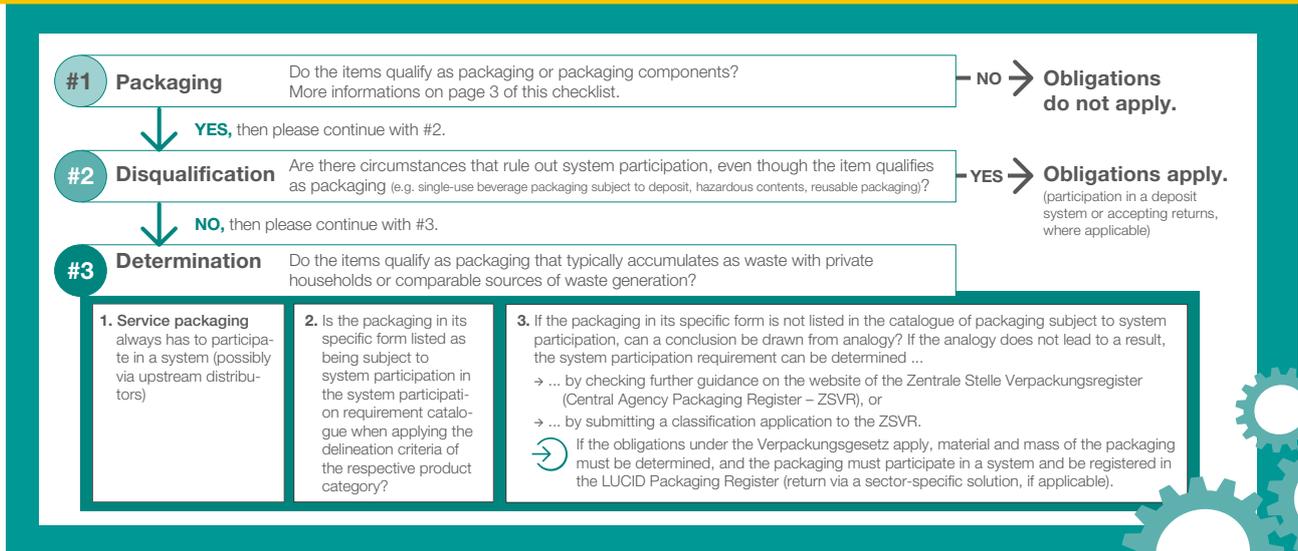
- Question: "Are you acting commercially? [What does this mean?](#)" with "Yes" and "No" buttons and a user icon.
- Question: "Are you the first to fill this packaging with goods? [What does this mean?](#)" with "Yes" and "No" buttons and a user icon.

**Do the obligations apply to me?** The digital quick check helps you to quickly check whether you are subject to system participation and registration under the Verpackungsgesetz. The tool uses predefined questions and answers to guide you. As such, not all conceivable situations can be covered.

The quick check assumes that you are placing packaging filled with goods on the German market. This also includes any cases in which you commission another party to place packaging filled with goods on the German market for you. To learn more about the different types of packaging subject to system participation, please see page 3 of this checklist. The quick check does not cover hazardous contents.



## 2. Do I place packaging subject to system participation on the German market?

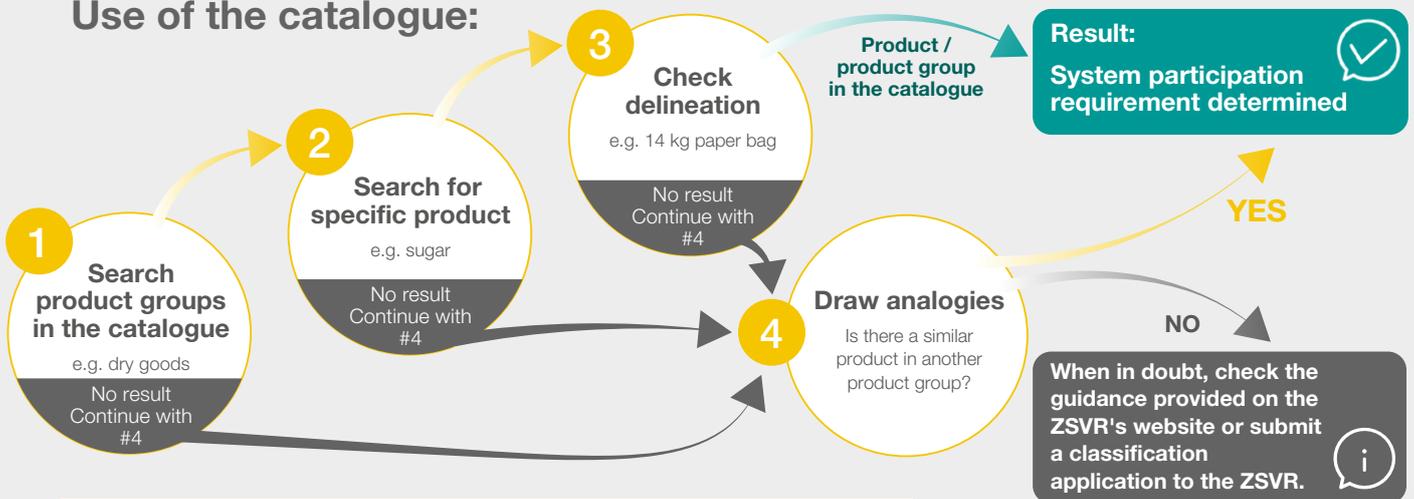


## Use the system participation requirement catalogue to check your packaging

The system participation requirement catalogue helps you to clarify quickly and conveniently if your packaging is subject to system participation. As a database, the catalogue can be found on the ZSVR's website under **'Foundation & Authority'**. Alternatively, the catalogue's contents can be downloaded, sorted by product group, as PDF files. Please note that the database and PDF files are available in German only.

[www.verpackungsregister.org/en/foundation-administration/system-participation-requirement-catalogue/catalogue-search](http://www.verpackungsregister.org/en/foundation-administration/system-participation-requirement-catalogue/catalogue-search)

### Use of the catalogue:



## I can't find my packaging in the system participation requirement catalogue. What should I do?

In that case, you can draw a conclusion from an analogy. What does that mean? Check if there is a product in the catalogue with similar characteristics to your product. Let's take an example: the product 'soaps, shower soaps, bubble baths' in the catalogue does not explicitly mention shower foam. But shower foam, just like shower gel, accumulates as waste with private households and comparable sources of waste generation, such as hotels and hospitals.

→ **Conclusion drawn from this analogy:**  
Shower foam belongs to 'shower gels'.





# Definitions: what you should know

## What does 'initial distribution' mean?

Any time a transfer to a third party in the course of business actually occurs, this is considered to be 'placing on the German market' or 'distribution' within the meaning of the Verpackungsgesetz (Packaging Act). It is immaterial whether the transfer is in exchange for money or not.

## When is distribution considered to be 'commercial'?

Anyone who has to register their self-employment as a business, or anyone who generates income from commercial activities, independent work or agriculture and forestry within the meaning of German income tax law, is operating commercially within the meaning of the Verpackungsgesetz.

Initial distribution is deemed to be commercial within the meaning of the Verpackungsgesetz if each of the following elements is satisfied:

- Independent work (among other things, not an employee),
- Economic activity on the market (generally with a view to making a profit; distinction from a hobby) and
- Planned practice and long-term focus (professionalism, a minimum degree of continuity and sustainability)

In borderline cases, particularly regarding economic activity on the market or planned practice and long-term focus, the objective standards of German income tax law may be applied in assessment. Activities considered pastimes or hobbies from a tax perspective – that therefore are not recognised in tax returns – are non-commercial within the meaning of the Verpackungsgesetz. However, anyone claiming or wanting to claim losses against taxes owing to their activity is always acting commercially within the meaning of the Verpackungsgesetz.

Read more about this in our subject-specific paper on commercial distribution:

[www.verpackungsregister.org/fileadmin/files/Themenpapiere/Subject-specific-paper\\_overview-for-small-and-micro-distributors.pdf](http://www.verpackungsregister.org/fileadmin/files/Themenpapiere/Subject-specific-paper_overview-for-small-and-micro-distributors.pdf)



For IT-related questions about the LUCID Packaging Register, please do not hesitate to call our support hotline:

+49 541 34310555

Monday to Friday from 9:00 to 17:00 CET  
(public holidays in Lower Saxony excepted)

## What types of packaging subject to system participation are there?

### Retail packaging

Retail packaging is packaging that typically is filled with goods and offered to final consumers in this form. Service packaging and shipment packaging are also retail packaging.

### Grouped packaging

Grouped packaging serves to bundle one or more articles of retail packaging and is typically offered along with the retail units to final consumers or is used to stock retail shelves. The system participation and registration requirement specifically cover grouped packaging too, if it typically accumulates as waste with a private final consumer.

### Shipment packaging

Shipment packaging facilitates or supports the shipment of goods to final consumers. Mail order companies and online retailers are the first to fill shipment packaging with goods. Shipment packaging, including all the filler material (bubble wrap, tape, etc.), are always subject to system participation; very few exceptions apply.

### Service packaging

Service packaging is packaging that is not filled with goods until it reaches the final distributor, shortly before it is handed over to the final consumer, for example sandwich bags at a bakery, to-go containers at a fast food restaurant, carrier bags and takeaway coffee cups. Further examples include: Wraps and boxes at the butchers, to-go containers for French fries, pizza boxes, bags for fruits and vegetables, vending machine cups, cups for ice cream, milk shakes, containers for foodstuffs, e.g. for soups, smoothies, cereals, popcorn, and take-away.

Transport packaging is not subject to system participation as it usually remains with the retailer.

## When is an item considered packaging? When is it non-packaging?

Under the Verpackungsgesetz, packaging or packaging components are subject to system participation under certain conditions. Eyeglass cases, jewellery boxes, bags, drinking cups and coathangers can be both: packaging or non-packaging. The delineation depends in particular on the design and the value of the item, how it is handed over and used.

Read more about this in our subject-specific paper on the delineation between packaging and non-packaging:

[www.verpackungsregister.org/fileadmin/files/Themenpapiere/Delineation\\_between\\_packaging\\_and\\_non\\_packaging.pdf](http://www.verpackungsregister.org/fileadmin/files/Themenpapiere/Delineation_between_packaging_and_non_packaging.pdf)