

... about packaging law obligations when importing packaging that is filled with goods and subject to system participation

Across Europe, the producer of a product is responsible for the prevention, reusability and recovery of that product's packaging. That is called 'producer responsibility'. In Germany, producer responsibility is given legal effect through the Verpackungsgesetz (Packaging Act). The Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) makes public the parties who bear producer responsibility and who are registered in the LUCID Packaging Register. The ZSVR is also responsible for fostering transparency and legal certainty – for example by receiving and reviewing data reports about the packaging volumes placed on the German market.

This document explains how to fulfil your packaging law obligations if you import packaged goods into Germany and the packaging is subject to system participation. It also explains how international parties under obligation who do not have a registered office in Germany can appoint an authorised representative.

Checklist:

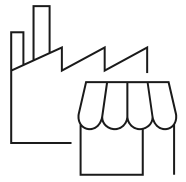
- Is packaging that was filled outside of Germany being imported into Germany?
- Is it being done commercially?
- Does the packaging distributed typically accumulate as waste with private final consumers or comparable sources of waste generation in Germany?

'Import' under German packaging law ...

... means the cross-border trade or purchase of goods from abroad (including other EU Member States) and their introduction to or sale in Germany. This document covers the specific requirements that apply. Registering with the LUCID Packaging Register and submitting data reports to the ZSVR is free of charge for importers.



What is a 'producer'? Who is the party under obligation for imports?



The Verpackungsgesetz uses the collective term 'producer(s)' to refer to parties under obligation: manufacturers, retailers, importers, online retailers and mail order companies, distributors, other initial distributors, etc. What 'producer' actually means, however, is any party who is the first to fill packaging with goods or to place filled packaging on the German market (importer). For producers of packaging subject to system participation, this involves packaging placed on the German market that accumulates as waste with private final consumers or comparable sources of waste generation. Please refer to the ZSVR website [↗](#) for a full list of comparable sources of waste generation [↗](#).

Importers are the first to commercially place retail, grouped and shipment packaging on the German market. That makes them producers for the purposes of the Verpackungsgesetz. As such, they must fulfil the requirements involved (registration, system participation and data reporting).

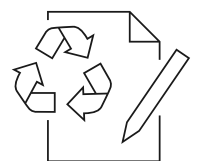
Who is an importer?

The importer is the party who is legally responsible for the goods when they cross the border into Germany. The importer bears the transportation risk – which includes the risk of loss or damage to the goods – and is responsible for import operations for deliveries from non-EU countries. If applicable, they are also responsible for customs clearance. The question of who the importer is depends on each individual case and/or the specific contractual provisions agreed between the seller and the buyer.

Please note:

- The specific point in time when ownership is transferred is not determinative.
- Even before the Verpackungsgesetz entered into force, the company that first placed packaging on the German market was responsible for system participation.
- An appointed external freight forwarder or carrier is not considered to be the company placing the packaging on the German market for the first time. That responsibility lies with the ordering party.

What packaging is subject to system participation, and who is a private final consumer



In general, all retail, grouped and shipment packaging – including any filler material – is subject to system participation if it typically accumulates as waste in private households. Service packaging is always subject to system participation – without exception. A private final consumer is primarily a private household. But 'comparable sources of waste generation' also use the (dual system) to dispose of packaging. Examples of these include all restaurants, hotels, hospitals, educational institutions, amusement parks and freelancer offices. The definition also includes craft enterprises and agricultural holdings, provided that their plastics, metal and composite packaging and/or paper/paperboard/cardboard packaging can be collected at the rate that is normally associated with private households and in waste bins that do not exceed 1,100 litres per collection group.

It does not matter if the packaging filled with goods is first sent to, for example, a wholesaler. What matters is where the packaging typically accumulates as waste. Because producers generally cannot assess whether or not the packaging they fill typically accumulates as waste with private final consumers (including comparable sources of waste generation), the ZSVR has compiled a system participation requirement catalogue. This catalogue allows companies under obligation to check how many of the products distributed in Germany are classified – i. e. whether or not they are subject to system participation.

The system participation requirement catalogue [↗](#) and the guideline for using the catalogue [↗](#) are available on our website.

The catalogue is designed to give producers and initial distributors a generalised assessment and objective guidance for classifying packaging in cases of doubt. Because the assessment is generalised, it does not matter where your products' packaging accumulates as waste in each individual case – what matters is where it typically accumulates.

Each market is looked at as a whole: if packaging in a given market typically accumulates as waste with private final consumers or comparable sources of waste generation, then the system participation requirement applies.

If you cannot find your products in the catalogue, you can draw analogies. This means searching the catalogue for products that are similar to yours – especially in terms of how and in which packaging they are distributed and whether the packaging typically accumulates as waste with private final consumers or comparable sources of waste generation. The result can be applied to your packaging.

More information about how to check if your packaging is subject to system participation can be found on the catalogue search page [↗](#) on our website.

Registration, system participation and volume reporting: What are the basic obligations under German packaging law?

The basic obligation for producers and importers is to ensure that any packaging subject to system participation participates with one or more system(s). These systems will then collect packaging from private final consumers across Germany and organise its sorting and recycling. They are also responsible for ensuring that the recycling targets defined by law are being met. System participation has been a legal requirement since 1993.

System participation must take place via one or more systems that are officially approved for operation throughout Germany. These systems compete with each other. Their prices are market-based and must be obtained directly from the system operators.

Obligations under the Verpackungsgesetz:

- (1) Registration: registering with the ZSVR's LUCID Packaging Register, providing master data and brand names. Please note that German packaging law requires that the ZSVR publish certain master data (e. g. VAT ID or taxpayer reference number) as well as the brand names and packaging categories provided.

- (2) Volume reporting: exact duplicates of all reports on packaging volumes placed on the German market that are provided to the (dual) systems must also be provided to the ZSVR. Both the content and reporting schedule of these reports must match. The ZSVR has published a list of all the approved systems operators [↗](#) in Germany, including contacts, on its website.

Further information about registration and data reporting can be found at the end of this document.

How to appoint an authorised representative



Companies or importers that

- 1) are subject to obligations under the Verpackungsgesetz but
- 2) do not have a branch in Germany

can appoint an authorised representative to fulfil their obligations under the Verpackungsgesetz for them. Exception: registration in the LUCID Packaging Register cannot be delegated. For the authorisation to be effective, the international party under obligation must first conclude an agreement with the authorised representative. This agreement governs the transfer of obligations. The ZSVR's public register will show the appointed authorised representative for each international producer.

Heads-up: International parties under obligation who do not appoint an authorised representative must fulfil all duties under the Verpackungsgesetz themselves. Once appointed, the authorised representative is treated as the producer for legal purposes and acts in their own name when fulfilling obligations. These include in particular:

- participating in one or more system(s);
- submitting data reports on packaging volumes (data reporting);
- 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.

What you need to know about working with an authorised representative

- Every service provider located in Germany or operating a branch in Germany can be an authorised representative. They must already have an authorised representative ID and login in the LUCID Packaging Register so that international producers can select and appoint them.
- 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.
- For more information about appointing and working with an authorised representative, please visit our [website](#)

Public register of producers

The ZSVR's LUCID Packaging Register is a public register that lists industrial and retail companies, both in Germany and abroad, that are subject to obligations under German packaging law. Its objective is to create a fair market and establish a level playing field by instilling transparency. Because the register is public, anyone can search through the register and check who has registered. That makes it easier to identify breaches of the Verpackungsgesetz.

What does that mean for importers?

When importing goods, a wide range of contractual arrangements is possible. It has to be checked who is legally responsible for the goods at each stage of the import process. The party legally responsible for the goods when they cross the border into Germany is the one subject to the obligations under German packaging law – and has to comply with all obligations. However, they may be able to appoint an authorised representative. Incoterms are international commercial terms that are frequently used to determine the contractual rights and obligations of each contracting party. They can serve as a point of reference when determining who is legally responsible for the goods during the import process. The following sections will explain several common scenarios and their implications.

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Baseline scenario 1:

A mail order company or online retailer located outside of Germany ships goods directly to private final consumers or comparable sources of waste generation in Germany

- **System participation requirement:** The mail order company or online retailer introduces both the filled shipment packaging and the product packaging (retail packaging) into the jurisdiction of the Verpackungsgesetz for the first time and on a commercial basis. In this case, the mail order company or online retailer is considered to be the importer. They are therefore under obligation to undertake system participation with one or more system(s) for the product's shipment packaging (including filler material and labels) and retail packaging. They are the producer of this shipment and retail packaging under the Verpackungsgesetz.
- **Registration requirement:** The mail order company or online retailer is required to register with the LUCID Packaging Register because they are subject to system participation for both packaging types (shipment and retail packaging). They are also required to submit data reports on the volume of the packaging that they place on the German market annually (volume reporting).
- **Entering brand names:** The mail order company or online retailer is required to enter the brand names shown on the retail and grouped packaging when registering. For shipment packaging, the brand name shown on the packaging has to be entered. If the shipment packaging does not show a brand name, the name of the mail order company or online retailer has to be entered instead.
- **Appointing an authorised representative:** If they do not have a branch within Germany, mail order companies or online retailers can appoint an authorised representative under the Verpackungsgesetz. For further details, please refer to page 4.

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Baseline scenario 2:

A distributor located in Germany (e. g. online retailer or mail order company, trading company, etc.) buys goods directly from a distributor located abroad

In this case, the contractual terms agreed between the parties are key. What matters is which party is legally responsible for the goods when they cross the border – that party is considered to be the importer under the Verpackungsgesetz. Where agreed, Incoterms can serve as a point of reference. Two scenarios are described below for illustration.

‘Ex works’ (EXW)

If the production plant is abroad, the buyer is legally responsible for the goods when they cross the border. In this case, the buyer is the distributor in Germany. This has the following consequences:

- **System participation requirement:** The buyer is the importer and also the producer under the Verpackungsgesetz. They must undertake system participation for the retail and grouped packaging filled with goods if this packaging typically accumulates as waste with private final consumers or comparable sources of waste generation. Note: Packaging used to deliver goods to the downstream seller in Germany is considered transport packaging and is not subject to system participation. It will become subject to system participation if it is re-used to ship goods to private final consumers or comparable sources of waste generation.
- **Registration requirement:** The buyer (importer) is required to register with the LUCID Packaging Register. They are also required to submit data reports on the volume of the packaging that they place on the German market annually (volume reporting).
- **Entering brand names:** The importer is required to register the brand names shown on the retail and grouped packaging. If the imported products do not show any brand names, the name of the producer under the Verpackungsgesetz must be entered.
- **Appointing an authorised representative:** Because the buyer located in Germany is deemed to be the importer, they are not able to appoint an authorised representative under the Verpackungsgesetz.

‘Delivered at place’ (DAP)

If the agreed place of delivery is in Germany and the seller (distributor located abroad) is responsible for the delivery, the seller is usually also legally responsible for the packaged goods crossing the border.

- **System participation:** The seller is the importer and also the producer under the Verpackungsgesetz. They must undertake system participation for the retail and grouped packaging filled with goods (including shipment packaging) if this packaging typically accumulates as waste with private final consumers or comparable sources of waste generation.
- **Registration requirement:** The seller (importer) is required to register with the LUCID Packaging Register. They are also required to submit data reports about the volume of the packaging that they place on the German market annually (volume reporting).

- **Entering brand names:** In this case, the importer is required to register the brand names shown on the retail and grouped packaging. If the imported products do not show any brand names, the name of the producer under the Verpackungsgesetz must be entered.

Appointing an authorised representative: If they do not have a branch within Germany, importers can appoint an authorised representative under the Verpackungsgesetz. For further details, please refer to page 4.

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Baseline scenario 3: Using fulfilment service providers for imports

Where imports are concerned, it is important to distinguish between product packaging (retail or grouped) and shipment packaging:

- The importer is always responsible for ensuring that a product's retail or grouped packaging participates with a system. The importer is also required to register with the LUCID Packaging Register and submit reports on annual packaging volumes. As described in the baseline scenarios, the importer may be the distributor (mail order company or online retailer) or manufacturer/wholesaler abroad; this generally depends on which party is legally responsible for the goods when they cross the border.
- Section 7 (7) and section 3 (14c) VerpackG contain clear rules for shipment packaging: fulfilment service providers who fill shipment packaging subject to system participation with goods are not considered producers under the Act. Instead, the producer is the distributor of the goods who has commissioned the fulfilment service provider. This distributor must register the shipment packaging and ensure its system participation.
- The distributor under legal obligation will then have to request the information required for system participation – such as the shipment packaging volumes and material types – from their fulfilment service provider. Under section 3 (14c) VerpackG, a fulfilment service provider is anyone offering at least two of the following services for distributors in the course of their business activities: warehousing, packing, addressing and dispatching goods over which they have no ownership. Post, parcel delivery or other forwarding agents are not classified as fulfilment service providers.
- Fulfilment service providers may only provide their fulfilment services if the commissioning distributor has registered in the Packaging Register and the relevant packaging (shipment and retail packaging, as applicable) has participated with a system.

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Baseline scenario 4

The Verpackungsgesetz only applies within Germany. Where it can be proven that packaging filled with goods is sent abroad, the packaging laws of the destination country must be observed. System participation in Germany is not required for this packaging because it will not accumulate as waste with private final consumers in Germany. This also applies to goods that are only in transit through Germany.


Heads-up: Compliance requirements

- It is important that both contracting parties reach a legally binding agreement before packaging is placed on the German market and participated in a system (system participation requirement).
- The party under obligation must also register with the ZSVR (registration requirement), enter the brand names of their products (entering brand names) and report the packaging volumes they place on the German market on an annual basis (data reporting).
- The final distributor in Germany must ensure compliance with the Verpackungsgesetz. Otherwise, the goods are automatically banned from distribution in Germany.

Using used packaging

Whether you are shipping your goods in new packaging or in used packaging such as collected cartons, old newspapers or cardboard boxes that you have received: you have to be registered with the LUCID Packaging Register.

Used packaging is also subject to system participation – unless the previous user already participated the packaging with a system. If you use packaging that has already participated with a system, you need to provide evidence of that system participation to the competent authorities. If you cannot, you yourself need to conclude a system participation agreement.

 If you add packaging components such as address labels, tape or filler material, you need to participate those components with a system in any event.

Packaging used to deliver goods to a mail order company or other retailer is transport packaging if it is not typically intended to be passed on to the final consumer. Transport packaging serves the purpose of handling and transporting goods between distributors. It typically remains at business premises and initially accumulates there as waste. Unlike retail packaging and grouped packaging, transport packaging has not participated with a system up to that point.

Using compostable packaging or packaging with recycling materials

System participation is required for any retail or grouped packaging that typically accumulates as waste with private end consumers – regardless of material type or properties. There are no special rules or exceptions for biodegradable packaging. If the Verpackungsgesetz criteria apply, the packaging is subject to system participation.

System participation based on a registration number and buying 'licensed' packaging

Entering into a system participation agreement is only possible if the exact registration number of the producer under obligation is provided. By the same token, the system operator must confirm the packaging volumes and material types that participated with a system to the party under obligation. For any grouped, shipment and retail packaging they distribute, the importer has to comply with the registration requirement under section 9 VerpackG and the other obligations contained in the Act.

Simply buying 'licensed' packaging is not enough. It is possible to use a broker or upstream distributor to carry out system participation; they may do things like bundle volumes. But this must be linked to a specific registration number. It cannot be done in advance for abstract quantities. It must also be ensured that the producer receives confirmation from the relevant system operator. Registration and volume reporting (see below) cannot be undertaken by a third party. Importers must do it themselves to prevent a third party from carelessly providing incorrect information on behalf of the mail order company – which could result in a distribution ban or an administrative fine.

Preparing for your registration as a producer

Please make sure that you have the following information at hand:

- Company address including telephone number
- Value added tax identification number (VAT ID): In Germany, your VAT ID consists of the country code 'DE' followed by nine digits (example: DE123456789). If you do not have a VAT ID, please enter your company's taxpayer reference number. Please note that the VAT ID must be entered without any special characters.
- National identification number: Acceptable numbers include commercial register numbers, business notifications/registrations or trade membership numbers. If you cannot provide any of the identification numbers available for selection in the register, please select 'Other' and enter the type of national identification number in the space provided. In some cases, you will also need to provide the issuing authority and date of issue (e. g. for business registration and other national identification numbers). It therefore makes sense to have this information at hand when registering.
- Packaging types the company uses to place its goods on the German market.
- List of all brand names under which you place packaging on the German market on a commercial basis for the first time. If a product has an umbrella brand and sub-brands, only the umbrella brand needs to be entered. However, you may also include the sub-brands. Further information on this topic is available on the 'Brand names' page [↗](#).

Learn more about registering under [How to register with the LUCID Packaging Register ↗](#) on our website.

Preparing for data reporting

To report your data both to your system operator and to the LUCID Packaging Register, you will first need to determine the following about your packaging:

1. Categorising material types

In a first step, your packaging must be placed in a material category (e. g. glass, paper, plastic). A general rule applies: where a component makes up less than 5 % of the mass (e. g., tape on shipment packaging, < 5 % = paper/paperboard) it is classed as being part of the main material. Only when a packaging component accounts for more than 5 % of the total weight, and cannot be separated by hand, is it classed as a composite. Although they are composites, beverage cartons, i. e. packaging containing beverages pursuant to the Verpackungsgesetz, form a separate category. All other composites not containing beverages are 'Other composite packaging'.

2. Determining the weight of a piece of packaging

The second step concerns the packaging mass: The packaging volumes or packaging mass can be determined by

- weighing packaging, or
- referring to a specification that shows the weight of the individual articles of packaging;
- the weight can also be calculated using the total weight information listed on the delivery note, where available. This could be, for example, a delivery note or an invoice issued by the company delivering the packaging or by the producer of the packaging that provides a specification for its packaging including weight.

 It is important that the way the figures have been calculated is verifiable and makes sense.

3. Determining the total weight

In the third step, the number of items is multiplied by the calculated weight for each type of material. For simplicity, the number of items in the previous business year is often used. If it becomes clear that this figure is no longer accurate because business is growing or a product is being pulled, then the total weight will need to be corrected.

By following these steps, the planned volumes for the year ahead can be calculated. These planned volumes can be used when concluding a system participation agreement and when providing the first volume report to the LUCID Packaging Register. If the actual values need to be calculated at the end of the year, the number of items used for the forecast is simply replaced by the actual number. The rest of the process remains the same.

Do you have questions?



While the ZSVR is happy to answer specific legal questions about the interpretation of the Verpackungsgesetz, we thank you for your understanding that it is beyond our remit to provide (legal) consulting services on an individual basis.

We ask that you consult an appropriately qualified expert, auditor, consultant or system operator instead.

[List of system operators ↗](#)

[List of registered experts and other auditors ↗](#)

You can use the public register to search for experts and other auditors in your area by entering your ZIP code. Alternatively, you can select 'Germany' to find all the registered experts and other auditors across country. Companies located outside Germany can find registered auditors by clicking on the applicable country in the search form. If auditors have registered for that country in the ZSVR's register of auditors, their details will be displayed.

Where can I find further information?

[System participation requirement catalogue ↗](#)

[LUCID Packaging Register ↗](#)

More questions? Whether you need IT support or have general questions about German packaging law obligations, our support team is here to help.

You can easily reach them using the contact options [↗](#) listed on our website.