

Osnabrück, 23 July 2026

A ruling that affects many sectors: German Federal Administrative Court affirms system participation requirement for reusable shopping bags

As the court of last resort, the German Federal Administrative Court (Bundesverwaltungsgericht – BVerwG) affirmed the ZSVR's legal interpretation in a 'leapfrog appeal', ruling that reusable shopping bags constituted a form of packaging that is subject to system participation. This judgment provides clarity and ensures a level playing field across all sectors.

The ruling is an important milestone for environmental protection. Across Europe, there are clear rules governing the avoidance, re-use and recycling of packaging. According to the German Environment Agency, 99 million plastic carrier bags with a wall thickness of 50 µm or more were put into circulation in 2023. This makes it clear that the environmental requirements for packaging apply – i.e. packaging is to be avoided or, if this is not possible, recycled via the dual system. This also takes the strain off local authorities, as the packaging can no longer be disposed of as residual waste.

An individual case leading to a landmark ruling

The clarification had been initiated by a major retailer, which had filed both the application for classification and the lawsuit itself. After losing its case at first instance before the Cologne Administrative Court, a direct appeal – or 'leapfrog appeal' – to the Federal Administrative Court was granted in view of the case's fundamental importance. The company deliberately used this appeal to secure a ruling that would go beyond the individual case at hand.

The Federal Administrative Court has now definitively upheld ZSVR's argument: the defining factor is the function of reusable shopping bags at the point of sale. A subjective classification as a 'product' or 'all-purpose bag' does not invalidate the system participation requirement. All that is necessary is for the bags to be made available to customers in the checkout area for transporting the goods they have purchased. Whether the bag is provided free of charge or for a fee is irrelevant.

Companies across many sectors are affected

The ruling applies not only to food retailers but also to a wide range of other companies including furniture shops, garden centres and drug stores. If retailers make reusable shopping bags available to their customers in connection with the sale of goods, they must participate these bags with a system.

Accordingly, this legal clarification has a far-reaching impact, with many companies now possibly facing significant requirements for subsequent participation, including for past periods. Auditors of declarations of completeness must now ensure that producers whose declarations they certify are fulfilling their obligations.

Clear guidance for practical application

Gunda Rachut, Chair of the ZSVR, commented: "The court judgment sends an important message to those companies that have been fulfilling their obligations for many years now. A level playing field can only be achieved where the same rules apply to everyone across all sectors."

This ruling underlines how important transparent and reliable classifications are for the practical implementation of extended producer responsibility within companies. Clear standards provide guidance and legal certainty, especially against the background of new regulatory requirements such as the PPWR.

The Federal Administrative Court's press release is available at <https://www.bverwg.de/de/pm/2026/57> (in German only).

The ZSVR

Since the Verpackungsgesetz (Packaging Act) entered into force in 2019, the ZSVR has served as an entrusted body to foster greater transparency and control in packaging recycling. To this end, the ZSVR maintains a register of all industrial and commercial companies under legal obligation, reconciles volumes between producers and systems, and enhances packaging design for recyclability by setting standards. Lawyers Gunda Rachut (Chair) and Dr Alexander Dröge form the Foundation's Management Board.

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