

How-to guide to the Verpackungsgesetz for producers

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1. Who is this how-to guide for?

This how-to guide is intended for producers – initial distributors – of retail packaging and grouped packaging in Germany to which the system participation requirement applies. It provides a summary of obligations regarding producer responsibility, and contains information about how to deal with the LUCID register database held by the ZSVR.

2. What is the purpose of the Verpackungsgesetz and what does the ZSVR do?

On 1 January 2019, the Verpackungsgesetz (Packaging Act) superseded the Verpackungsverordnung (Packaging Ordinance). Both regulations further clarify producer responsibility for packaging. Anyone who places packaging on the German market – whether it be to protect a product, better market it, or send it by post (shipment packaging) – must ensure, before the packaging is placed on the German market, that it will be duly recovered. This reflects the principle laid down in Germany and the European Union of the producer assuming producer responsibility.

In the past, many **producers** have not fulfilled their producer responsibility. A producer is the party that places packaging filled with goods on the German market (e.g. a manufacturer, an importer, a mail order company or an online retailer). Those who complied with the law paid for recycling for those who didn't – this could not be allowed to continue. For this reason, the German government created the Stiftung Zentrale Stelle Verpackungsregister (Foundation Central Agency Packaging Register – ZSVR) to foster transparency and a greater degree of control in the fulfilment of producer responsibility. Entrusted with statutory



duties, the ZSVR operates as a German federal authority. Its duties are laid down in detail under section 26 VerpackG (Packaging Act).

The ZSVR is responsible for registering producers as well as receiving and reviewing data reports from the producers and systems, making it responsible overall for monitoring producer system participation. At the same time, the ZSVR provides all those under legal obligation with information about what they are required to do and ensures that they can fulfil their obligations with the least amount of administrative effort possible. With this purpose in mind, the ZSVR



set up a packaging register called 'LUCID'. The name LUCID stands for transparency.

The public section of LUCID is one such example – it shows the producers that have registered and the **brands** they have registered with. By registering, producers confirm that they have duly fulfilled their producer responsibility. If a producer has not duly registered, no packaging with these brands may be distributed at any trade level in Germany. They are banned from distribution.



3. I am a producer. How do I fulfil my producer responsibility?

Producers must register packaging that typically accumulates as waste with private final consumers with a dual system. The Verpackungsgesetz defines 'private final consumers' as private households or so-called 'comparable sources of waste generation' (restaurants, administrative offices, etc.), and refers to dual systems as 'systems'. Registration with a system is referred to as 'participation'. The registration requirement applies to **retail packaging**, including **service packaging** and **shipment packaging**, as well as to **grouped packaging**. The system must ensure that the packaging subject to system participation is collected separately all over Germany and that the recycling regulations of the Verpackungsgesetz are met.



For packaging that accumulates as waste with the above-mentioned comparable sources of waste generation, producers also have the option of collecting and recovering the packaging themselves, independently of a system – under certain conditions. However, the authority responsible, i.e. the ZSVR, must be notified beforehand of this kind of '**sector-specific solution**'. The later return and recovery of the packaging itself is to be documented, confirmed by a **registered expert** and passed on to the ZSVR for review.

By **registering with LUCID**, producers also make it clear to the public that they are fulfilling their producer responsibility for the packaging subject to system participation that they distribute. They must also provide **data reports to the ZSVR** on a regular basis.



4. What are the specific requirements under the Verpackungsgesetz for producers?

§ The Verpackungsgesetz stipulates that preference should be given to preventing packaging waste. Where **retail packaging**, **service packaging**, **shipment packaging** or **grouped packaging** cannot be prevented, the focus is on duly collecting and recycling them. There are some basic requirements for producers of **packaging subject to system participation**:

- ◆ **Registration:** Producers have to register with the ZSVR before commercial initial distribution of the packaging. Further details can be found here: [5. Registration requirement](#), [6. Consequences of non-participation in a system](#) and [7. Registration process](#).
- ◆ **System participation:** Producers must participate their packaging subject to system participation with a system before commercial initial distribution, determining the mass (total weight) of the packaging they placed on the German market by material type. Further details can be found here: [3. Producer responsibility](#).
- ◆ **Data reports:** Data reports on packaging volumes subject to system participation must be made to the LUCID Packaging Register without delay when entering into a contractual agreement or prolonging a contract, and otherwise in line with the reporting schedule agreed upon with the selected system. Reports filed with the LUCID Packaging Register must be identical to the reports filed with the systems. Entering into a contractual agreement with a system is already considered data reporting. Further details can be found here: [3. Producer responsibility](#), [6. Consequences of non-participation in a system](#) and [8. Reporting packaging volumes](#).
- ◆ **Declaration of completeness:** When certain statutory thresholds of packaging placed on the German market are reached (per material type), the producer must file a declaration of completeness to the ZSVR. A declaration of completeness increases transparency regarding the packaging placed on the German market. Further details can be found here: [9. Declaration of completeness](#).

5. Who is required under the Verpackungsgesetz to register, and what packaging results in a registration requirement?

The requirement to register with the ZSVR is a requirement introduced by the Verpackungsgesetz. It affects those who already had an obligation under the Verpackungsverordnung (Packaging Ordinance) to have their packaging participate in an authorised waste management system, i.e. producers (**initial distributor**) of **packaging subject to system participation**.



Who is considered to be a producer (initial distributor)?

Initial distributors are those who are the first to hand over packaging filled with goods on a commercial basis (possibly even free of charge) to a third party in Germany, with the intent that it be distributed, consumed or used.



Usually, the producer of a product is the initial distributor in Germany and as such, the producer must register. If this producer, however, is located outside of Germany, it may be the domestic importer that is deemed to be the initial distributor in Germany and hence the producer within the meaning of the Verpackungsgesetz. In the case of imports, the party bearing legal responsibility for the packaged goods at the time they cross the border is responsible.

Before importing packaging subject to system participation to Germany, the importer must ensure that the obligations set forth in the Verpackungsgesetz are duly complied with. The parties can contractually agree upon who assumes the responsibilities. Since 3 July 2021, international producers under obligation without a branch within Germany can authorise a representative to fulfil their duties under the Verpackungsgesetz on their behalf (with the exception of the registration requirement). For further information about authorised representatives, please refer to the respective explanatory film and the checklist on the [website of the ZSVR](#).

To better understand who is the producer within the meaning of German packaging law and what that means for importers, please watch our [explanatory film on key terminology of the Verpackungsgesetz](#).

Grouped packaging

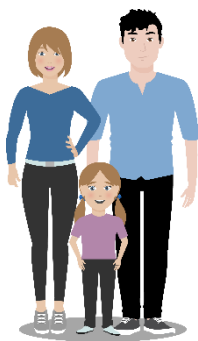
The system participation and registration requirement specifically cover [grouped packaging](#) too, if it typically accumulates as waste with a private final consumer.

Shipment packaging

In the mail order business and online retail, the product is packaged again in order to send it to the final consumer, i.e. the packaging is filled with goods. The shipper is under obligation to register this shipment packaging (e.g. cardboard and filler material).

Service packaging

[Service packaging](#) constitutes another special case. It is not filled with goods until it is handed over to the [private final consumer](#). Typical examples include bakery bags, butcher paper, trays for chips, takeaway coffee cups, or bags for fruit and vegetables. In this case – and only in this case – those who are the first to place the packaging filled with goods on the German market (e.g. bakers, butchers, snack bars, cafes or retailers) can buy the packaging with system participation. If doing so, care must be taken to ensure that evidence of system participation is obtained from the upstream distributor, e.g. on the invoice or the delivery note or via



a contractual agreement. Under the Verpackungsgesetz, the upstream distributor is under obligation to provide such confirmation. Distributors of filled goods who have already bought all the service packaging they use 'with system participation' do not need to register themselves. Instead, it is upstream distributors of service packaging, i.e. manufacturers or wholesalers, that have to register.

What is packaging subject to system participation?

Packaging subject to system participation is retail or grouped packaging that typically accumulates as waste with private households or comparable sources of waste generation (private final consumers). Information about the classification of packaging as 'subject to system participation' can be found under [4. Requirements under the Verpackungsgesetz](#).

This might be **retail packaging** (packaging that is typically offered to the final consumer as a sales unit consisting of goods and packaging), including packaging that is not filled until it reaches the final distributor and that typically accumulates as waste with final consumers. This includes **shipment packaging** or **service packaging** (cf. [5. Registration requirement](#)), as well as **grouped packaging** (packaging that contains a specific number of sales units and is typically offered to the final consumer together with these units, or that is used for stocking retail shelves).

Packaging also includes all packaging components, e.g. the seal, the label or the air cushions found in shipment packaging.

Private final consumers are private households and – due to the type and volume of packaging waste accumulating there – also so-called comparable sources of waste generation, such as restaurants, hotels, canteens, hospitals, leisure parks, educational institutions and offices, including freelancer and administrative offices.

Furthermore, the term includes craft enterprises and agricultural holdings whose packaging waste is collected at the rate that is normally associated with private households and in a waste bin that does not exceed 1,100 litres per collection group. Please watch our explanatory film on [key terminology of the Verpackungsgesetz](#) to better understand the concept of private final consumers. Further examples of comparable sources of waste generation are defined in section 3 (11) VerpackG.

What should I do if I am unsure?

If the packaging 'typically' accumulates as waste with a private final consumer, it must be registered with a system or returned through a proven sector-specific solution. A sector-specific solution requires legal approval that will be granted as an exception only if the packaging accumulates at one of the above-mentioned comparable sources of waste generation. The producer is required to assess in advance, i.e. before distribution, where the packaging typically accumulates as waste. If it does in the majority of cases, often, usually, commonly, or normally accumulate with private final consumers, this is considered to be 'typical'.

Since assessing this in advance can sometimes be difficult for the producer, the ZSVR has the authority to issue decisions on applications concerning whether packaging is subject to

system participation. In order to prepare for the many expected decisions, the ZSVR has published a system participation requirement catalogue. This catalogue includes decisions on applications and provides the producer with information about packaging that typically accumulates as waste with a private final consumer.

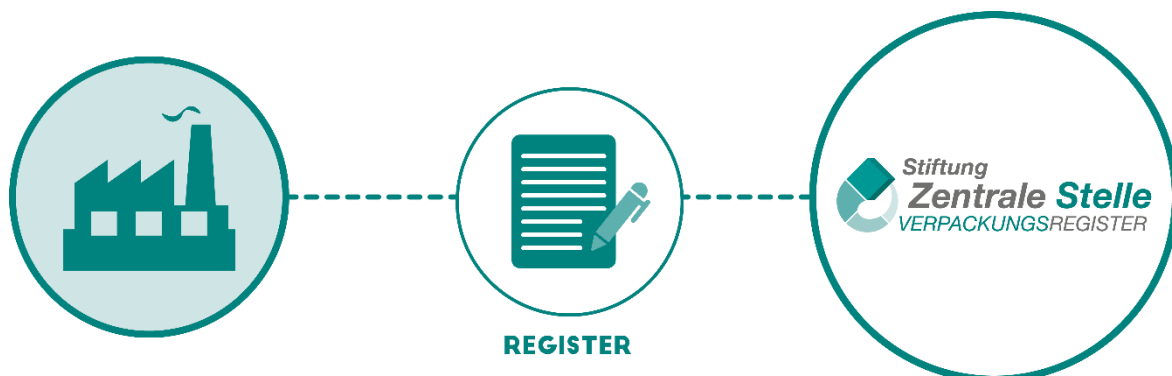
Exceptions to this system participation requirement are [reusable packaging](#), single-use beverage packaging with a legal deposit requirement, [transport packaging](#) and packaging of hazardous goods (the latter are listed in Annex 2 of the Verpackungsgesetz).

Do I need to register all packaging placed on the German market with a system and report it to the ZSVR?

Producers must register all packaging subject to system participation that they distribute with a system ('participate' as per the Verpackungsgesetz), and report it to the ZSVR (cf. [8. Reporting packaging volumes](#).); exceptions may be granted under strict conditions in the form of sector-specific solutions. Deductions are only permissible if the producer has taken the packaging back (solely) for damage or unsaleability reasons, recovers them as stipulated under the Verpackungsgesetz and documents return in each specific case in a verifiable form. Flat-rate deductions – without concrete evidence in the individual case or an expert opinion – are not permitted.

Producers making such a deduction when reporting to a system and/or to the ZSVR (cf. [8. Reporting packaging volumes](#)) are failing to comply with their obligation to duly participate. This may carry a fine, the ZSVR can revoke registration and the corresponding packaging is banned from distribution (cf. [6. Consequences of non-participation in a system](#)).

The system participation requirement also applies to the packaging of products [handed out free of charge](#) if they are distributed as part of a commercial activity.



6. What happens if I fail to register and/or to carry out system participation for my packaging?

The purpose of the registration requirement is to make the market conduct of producers more transparent, prevent failure to participate in a system ('free riding') and ensure a level playing field. Participation in a system with the relevant financial contributions enables the systems to separately collect and subsequently recover packaging as stipulated under the Verpackungsgesetz. If the systems have to collect more packaging than is registered with them, producers complying with the law must effectively bear the cost of those 'free riders', who do not comply.



If packaging subject to system participation is not registered with a system (or is not part of a sector-specific solution, where permissible), it must not be sold (distribution ban). For this reason, registration with the ZSVR and participation in a system is legally required. The distribution ban affects both the producer and each subsequent retailer. Since the register can be consulted by everyone, both consumers and retailers can quickly see whether the respective product may be sold in Germany.

Furthermore, non-registration or distribution of goods – which starts as early as offering – of producers who have failed to duly register their brands carries a fine of up to €100,000 per case. Non-participation in a system can carry a fine of up to €200,000. In addition, it is conceivable that competitors will enforce the distribution ban by civil law.

Conversely: anyone who sells or dispatches packaged products in Germany has nothing to fear if the relevant producer is registered and all packaging duly participates in a system.

7. How does registration work?

What information do I have to provide in the registration process?

Registration is very simple. The government has limited the obligations of the producer to the necessary minimum. Registration is a purely electronic process and can be performed with a computer/tablet or web-enabled mobile phone. A brief description of the process can be found below. The FAQ found on the website

www.verpackungsregister.org

provide answers to specific questions that may arise in the context of registration.



For registration, two steps must be completed:

1. Apply for login credentials for LUCID
2. Enter registration data

To apply for login credentials, go to:

www.verpackungsregister.org

There you will find the button for registering with the LUCID Packaging Register. Enter the name of the company to be registered, a natural person authorised to act as a representative, an e-mail address and a password. If the company has several legal representatives (e.g. a multi-member management board), only one of these legal representatives needs to be provided as a contact person. If the legal representative is not a natural person, one of their legal representatives must be specified in turn. For the login to be issued, the name of the specific contact person must be provided together with an e-mail address. With small producers, the legal representative and contact person are often the same individual.

Once you have submitted this data, you will receive an activation e-mail containing a link. You now have 24 hours to complete registration via this activation link. If you do not use the link within 24 hours, the data will be deleted for data protection purposes and you will have to re-enter them to register.

Clicking the link will grant you access to the input form. Please enter your producer data: you will need the national identification number of the producer (e.g. the commercial register number), and the producer's VAT number. If you do not have a VAT number – and only in this case – please enter your national taxpayer reference number. Now enter the brand names under which you are placing the products/packaging on the German market. For these purposes it may be helpful to have at hand a complete list of the products you are placing on the German market.

If your product does not have a brand name, please enter the company name; if you are a sole trader not registered with the commercial register, enter your own name in the 'brand name' field so that the products can be assigned to you as a producer.

As part of registration, you must also confirm that you are participating in one or more systems, or one or more sector-specific solutions, for the packaging you are distributing as a producer.

In the final step, you will be able to review your entries in a summary. To conclude, please confirm that the information provided is complete and accurate and finish the process by clicking on the 'Complete application' field.



Registration cannot be delegated to a third party

Please note: the producer must complete the registration personally (the same applies to volume reporting, cf. [8. Reporting packaging volumes](#)). Commissioning a third party, e.g. a system, broker or a chamber of foreign trade, to comply with these requirements is not permitted. Each e-mail address may only be used once to apply for login credentials.

When will my registration become effective?

If your registration was complete, it is effective. This will be confirmed to you via an administrative act specifying your registration number. You can pass this registration number on to your current or future system for packaging participation.

Will my registration be published?

Registration is public. Anyone can consult the register of producers, as it is known, by entering the name and address of the producer, the brands provided and/or distributed, and the VAT number or taxpayer reference number. Furthermore, an e-mail address must be provided in order to register. Since 3 July 2021, this e-mail address is no longer displayed in the public register.

This means that your customers will know in good time that you have already fulfilled the registration requirement and that the packaging is not subject to a distribution ban.

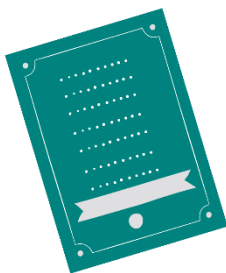
8. To whom, how, and when do I, as a producer, have to report my packaging volumes?

How do I determine the content of the data report?

For **packaging subject to system participation**, the material it consists of and its weight have to be determined. If the producer multiplies the mass of packaging of one type of material by the number of packaging units, this gives the mass for each material type that must participate in a system. This calculation method is the same for

- ◆ packaging that the producer is planning to place on the German market (planned volume) in a certain time period (e.g. calendar year), and
- ◆ packaging that the producer actually placed on the German market in the previous calendar year (actual volume).

For the packaging mass that the producer is planning to place on the German market, the producer must conclude a contractual agreement with a system ('participate') and, in accordance with that agreement, report the planned volumes to the system (generally based on the calendar year). At the same time, the exact same volumes that the producer has reported to the system must also be provided to the ZSVR via LUCID. The producer is under a legal obligation to do so. With the year-end report – to be submitted by 15 May of the following calendar year at the latest – the producer informs the respective system about the actual mass of packaging sold (actual volume) in order to enable the system to generate a final account. Via LUCID, the producer also reports these volumes to the ZSVR. Again, the producer is under a legal obligation to do so.



In view of this, it makes sense to keep the article list of the packaging subject to system participation that is required during registration constantly updated, so that you are always aware of changes in materials or mass.

Every time data is reported to a system, the exact same data must also be reported to the ZSVR database, LUCID. The frequency of volume reporting is determined by the contractual agreements entered into with the systems. As a general rule, the packaging volume reports filed with the systems must also be filed with the LUCID Packaging Register, without delay and identical in content. Even entering into a contractual agreement with a system is considered data reporting (cf. no. 4 in this paper). If the producer only makes two data

reports to a system per year, then only two data reports to LUCID are required. If the producer, in addition to reporting planned and actual volumes, also reports to the system on a quarterly basis, six data reports to LUCID are required. In other words: the data reports must always be made twice – once to the system and once to LUCID. The content of the relevant report to the system must be identical to the report to LUCID.

Are there consequences if I do not submit any data reports?

Yes, this is punishable with a fine of up to €10,000 per infringement.

9. When and how do I, as a producer, have to file a declaration of completeness and have it certified?

As was the case under the Verpackungsverordnung (Packaging Ordinance), producers placing packaging subject to system participation on the German market are required to file, by 15 May of each year, a declaration of completeness for the previous year, i.e. a report of the mass of the actual retail and grouped packaging placed on the German market during the previous calendar year (actual volumes). The information to be covered in the declaration of completeness is detailed in section 11 (2) VerpackG. The information must be certified by a registered auditor and filed electronically with the ZSVR in LUCID. You can also use LUCID to find registered auditors in the ZSVR's register of auditors.



This obligation only applies once the actual volume of packaging subject to system participation placed on the German market in the previous calendar year reaches one of the following three thresholds:

- Glass: 80,000 kg
- Paper, paperboard, cardboard: 50,000 kg
- Ferrous metals, aluminium, plastics, beverage cartons, other composites: 30,000 kg.

The ZSVR will also send out e-mail reminders for filing a declaration of completeness to those producers who reached one of the thresholds in the previous calendar year. Failure to file the declaration of completeness, to file it correctly and fully, or to file it on time constitutes an administrative offence, and can incur a fine of up to €100,000.

We hope that this how-to guide answers some of your main questions. You can find more FAQ on the ZSVR website. The list is being expanded gradually, and answers to many more specific questions will be provided.

10. Glossary

Comparable sources of waste generation	Comparable sources of waste generation are equivalent in legal terms to private households owing to the comparable nature of packaging waste that accumulates there. They include restaurants, hotels, canteens, administrative offices, hospitals, etc.
Grouped packaging	Grouped packaging bundles a certain number of sales units and is offered in this form to the final consumer. It may also be used for stocking retail shelves. One example is the packaging of multiple bottles together in a so-called bottle carrier.
Initial distributor	Initial distributors within the meaning of the Verpackungsgesetz are those parties who are the first in Germany to hand over packaging filled with goods to a third party on a commercial basis (possibly even free of charge) with the intent that it be distributed, consumed or used. To better understand this term, please watch our explanatory film on key terminology in the Verpackungsgesetz (link).
LUCID Packaging Register	The LUCID Packaging Register is the platform on which producers register and on which the ZSVR receives, stores and checks the producers' master data. As required by law, the registered producers are published with their brand names in the public register of producers. The LUCID Packaging Register receives and processes the data reports from the different parties involved (companies, systems, appointed third parties).
Packaging subject to system participation	Packaging subject to system participation is retail and/or grouped packaging that has been given out commercially by a producer and typically accumulates as waste with private final consumers (private households or comparable sources of waste generation).
Private final consumer	A private final consumer is someone who does not go on to commercially place the goods on the German market in the form delivered to them. Alongside private households, private final consumers include so-called comparable sources of waste generation (cf. above). To better understand this term, please watch our explanatory film on key terminology in the Verpackungsgesetz (link).
Producer	The producer of a product is the initial distributor in Germany. If producers are operating commercially, they must register. If this producer is located outside of Germany, it may also be the domestic importer that is deemed to be the initial distributor in Germany and hence the producer.

	To better understand this term, please watch our explanatory film on key terminology in the Verpackungsgesetz (link).
Registered auditors	Auditors are only deemed registered if they are listed in the register of auditors of the ZSVR. Division 1 auditors check the volume flow records of systems and sector-specific solutions as well as declarations of completeness; they also check evidence if a producer requests that system participation fees be returned on the grounds of packaging damage or un-saleability. Auditors, tax advisers and sworn accountants are listed in a second division of the register of auditors; they may only check declarations of completeness.
Retail packaging	Retail packaging is made from any desired materials and used for housing, protecting, handling, delivering or presenting goods. Retail packaging is typically offered to the final consumer as a sales unit consisting of goods and packaging. It also includes service packaging and shipment packaging, all components of the packaging as well as packaging aids, e.g. labels, aids for hanging, seals.
Reusable packaging	Reusable packaging is intended to be reused multiple times for the same purpose. Their actual return and reuse is enabled by adequate logistics and encouraged by suitable incentive schemes. Reusable packaging is frequently subject to a deposit system. This would be an incentive scheme for the purposes of the Act.
Sector-specific solution	A sector-specific solution is a producer's free return and recovery system for packaging subject to system participation that said producer has placed on the German market. A sector-specific solution is restricted to packaging which is supplied to so-called comparable sources of waste generation. The ZSVR must be notified of these sector-specific solutions in advance, and evidence must be produced annually of how the obligations set forth in the Verpackungsgesetz have been fulfilled.
Service packaging	Service packaging is packaging that is not filled with goods until it reaches the final distributor; it is used in order to facilitate or support handover to the private final consumer. Typical examples include bakery bags, butcher paper, trays for chips, takeaway coffee cups, or bags for fruit and vegetables. In this case – and only in this case – those who are the first to place the packaging filled with goods on the German market (e.g. bakers, butchers, snack bars, cafes or retailers) can buy the packaging with system participation.

Shipment packaging	Shipment packaging facilitates or supports the shipment of goods to final consumers. All of the packaging material, including filler material, that is placed on the German market in the process of sending or handing over goods to the final customer where it accumulates as waste is considered shipment packaging and is subject to system participation.
System	System, or also 'dual system', means a company that has received authorisation from the competent regional authority for operating a system for the return of packaging subject to system participation. For this purpose, different conditions must be fulfilled, including providing evidence of nationwide collection structures, coordination with waste management organisations regulated by public law, and the availability of the required sorting and recycling capacities.
Transport packaging	Transport packaging means packaging that facilitates the handling and transport of goods in such a way that direct contact with them and damage in transit are prevented, and which typically is not intended to be passed on to the final consumer, instead remaining at commercial premises.