



On 1 January 2019 the Verpackungsgesetz (Packaging Act) entered into force.

This is excellent news for all the companies that have already been complying with the law since the cost of disposing of and recycling packaging via yellow bins, yellow sacks, paper bins, and other kerbside and drop-off waste collection systems will now be distributed equally among all producers and retailers.



At a glance: obligations for initial distributors (producers and/or retailers)

- ◆ **Registration** with the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) on the website at <https://lucid.verpackungsregister.org/>
- ◆ **Participation** of packaging volumes in one or more (dual) system(s). Conclusion of a system participation agreement.
- ◆ Duplicated: **Reporting of the total packaging weight** ('mass'), differentiated by material type and providing the registration number to the selected (dual) system(s) and to the ZSVR.
- ◆ **Declaration of completeness:** If the legally prescribed thresholds for packaging placed on the German market in a given year are reached, companies must also file a declaration of completeness with the ZSVR specifying the volume and type of material of the retail packaging; this declaration has to be confirmed by an auditor. *

* This obligation only applies once the packaging subject to system participation placed on the German market in the previous calendar year reaches one of the following three volume thresholds: Glass: 80,000 kg; paper, paperboard, cardboard: 50,000 kg; plastics, beverage cartons, other composites: 30,000 kg

What is required of retail companies?

1. Obligations since 1 January 2019

Initial distributors of retail packaging and grouped packaging filled with goods that typically accumulates as waste with private final consumers – this may be manufacturers of goods, but in some cases also retail companies, importers or mail order companies – are required under the Verpackungsgesetz to register in the LUCID Packaging Register operated by the ZSVR

- ◆ with their **master data and brand names**, and
- ◆ to file **reports** about their **packaging volumes** placed on the German market.

These two obligations apply alongside the system participation requirement which has been in force for more than two decades.

The **LUCID Packaging Register is public**. It shows the companies under obligation that have registered with their brand names. With their registration, companies make it clear to the public that they are taking financial producer responsibility for collection and recycling of their packaging, creating transparency in producer responsibility.



The catalogue to determine whether the packaging is subject to system participation:

- ◆ **The catalogue** helps to classify packaging with regard to the system participation requirement. It makes an abstract generalised assessment by product group and the corresponding packaging types in relation to the market overall. The product group sheets can be downloaded from the ZSVR's website. Additionally, the catalogue can be searched using a full-text search: [Go to catalogue search \(link\)](#)
- ◆ **The catalogue** is an administrative regulation and is updated and expanded on a regular basis.
- ◆ There is also a **guideline** that helps you find your way through the catalogue.

2. Who is the producer within the meaning of the Act?

The Verpackungsgesetz uses the term 'producer' to refer to so-called initial distributors of packaged goods. Under the Verpackungsgesetz, an initial distributor is anyone

- ◆ who is the first to transfer packaging filled with goods
- ◆ that typically accumulates as waste with private final consumers
- ◆ on a commercial basis.

For a better understanding of the term 'producer' and other key terminology of the Verpackungsgesetz, please watch our [explanatory film](#) on the matter.

3. Who is a private final consumer?

In addition to private households, private final consumers as a group include so-called comparable sources of waste generation, e.g. restaurants, canteens, hotels, hospitals, leisure parks, educational institutions and offices, including freelancer and administrative offices. Furthermore, it includes craft enterprises and agricultural holdings where their 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.

4. What packaging is subject to system participation?

In general, all retail, grouped and shipment packaging that typically accumulates as waste in private households is subject to system participation, including all the filler material. Service packaging is subject to system participation without exception.

Since many distributors do not know where the packaging filled by them typically accumulates as waste, the ZSVR has drawn up an **administrative regulation** for the purpose of classification: the **system participation requirement catalogue**. This catalogue

→ <https://www.verpackungsregister.org/en/foundation-authority/system-participation-requirement-catalogue/general-information>

enables the system participation requirement to be determined for the majority of packaging filled with goods, providing all those involved with legal certainty. The merchandise information system enables the requirements to be implemented pragmatically and makes it much easier for the auditor to check that system participation has been completed.



If products/packaging are not mentioned therein, producers/retailers can submit an application to the ZSVR to determine whether their packaging is subject to system participation. In this case, the ZSVR issues an administrative act on the classification and publishes the classification decision on its website.

5. How are imports treated? Does the Verpackungsgesetz apply to foreign importers / retailers importing into Germany?



What is required in the case of exports from Germany?

The provisions of the Verpackungsgesetz are applicable within the Federal Republic of Germany. When packaging is exported outside of its jurisdiction, this legislation does not apply. The relevant laws will be the laws of the destination country, which must be observed.

The Verpackungsgesetz applies to **foreign importers** importing packaged goods into Germany just as much as to German companies. An importer is essentially considered to be the party bearing legal responsibility for the goods at the time they cross the border. This should be clarified between the contracting parties on a case-by-case basis.

It is important that this is clarified for both parties in a legally binding manner before any packaging is placed on the German market and that the packaging has undergone system participation (as well as registration and volume reporting).

An importer may also be a mail order company located outside of Germany if the goods are delivered directly to private final consumers in Germany. This applies to both the shipment packaging, including the filler material, and the product packaging itself if this would typically accumulate as waste with private final consumers.

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 [ZSVR website](#).

LUCID Packaging Register



- ◆ **The register can be found at:**

<https://lucid.verpackungsregister.org>

There you will find a wide range of guidance to help fulfil your obligations under the Verpackungsgesetz (checklists, content-related and technical FAQs, explanatory films etc.).

- ◆ **Volumes** must be reported separately by packaging type (plastic, glass, cardboard, etc.),
 - with a (dual) system, and
 - to the LUCID packaging register.

The report must be exactly the same in both cases (content and reporting date).



Note for retailers:

- ◆ The final distributor in Germany must ensure that the obligations of the Verpackungsgesetz are met, otherwise the goods will automatically be banned from distribution in Germany (**compliance**).
- ◆ For this reason, the ZSVR offers **automatic data reconciliation** to verify whether the registration requirement has been fulfilled. Cross-checking the taxpayer reference number, e.g. VAT ID, of a supplier, can quickly tell distributors whether their suppliers have registered with the LUCID Packaging Register.

6. Are there exceptions, e.g. to used packaging?

Packaging in which goods are delivered to a mail order company or other retailer is considered transportation packaging if typically it is not intended to be passed on to the final consumer. Transport packaging serves the purpose of handling and transporting goods between the individual distributors. It typically remains at commercial premises and (initially) accumulates there as waste. Unlike retail packaging and grouped packaging, transport packaging has not participated in a system up to that point.

A mail order company is being economical when employing used packaging as it is saving the cost of acquiring new cardboard packaging which leads to waste prevention and saves money.

At the same time, this packaging becomes retail packaging when it is refilled at the mail order company's premises since filling it clearly means that it will now accumulate as waste with final consumers. It is subject to system participation. There is no duplicate payment in this case.

There is only one case in which the system participation requirement does not apply: if a mail order company has definite evidence that the packaging it is using has already participated in a system.

7. What happens if I do not fulfil my obligations?

If the party under obligation does not register or does not fulfil its system participation requirements, it must expect to face severe sanctions. The packaging of the brands may not be distributed at any trade level in Germany. An **automatic 'distribution ban'** then applies. The party can also face 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 to this, profits gained from saving the costs can be confiscated.

8. What is the ZSVR responsible for?

The legislator established the ZSVR to ensure **transparent and fair distribution of recovery costs on the market**. A very high number of companies have ignored the obligations set forth in the Verpackungsverordnung (Packaging Ordinance). The amount of packaging increased constantly, as did the number of free riders. The companies operating in compliance with the law paid for the others – an unacceptable situation. In order to remedy this situation, the ZSVR established a packaging register that complies with antitrust law. The ZSVR is responsible for recording registrations and data reports in addition to checking the volume reports of the companies under obligation and of the systems.



→ It also monitors recycling rates and, in agreement with the German Environment Agency, publishes a minimum standard for determining the recyclability of packaging annually.



Where can I get help?

ZSVR support hotline for IT-related questions:

Phone: +49 541 34310555

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

Contact for specific legal questions about interpreting the Verpackungsgesetz

E-mail: anfrage@verpackungsregister.org

Advice and questions on internal company matters:

Please contact the systems or a qualified expert. You can find the systems at <https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/systems-overview> and the experts in the ZSVR's LUCID Packaging Register.

Information about registration and obligations

FAQ:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/faq>

Explanatory films:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/explanatory-films>

Subject-specific papers:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/subject-specific-papers>

Registration checklist:

<https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/checklists>

IT requirements and guidance:

<https://www.verpackungsregister.org/en/lucid-packaging-register/guidelines/it-requirements>

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