

Amendment to the Packaging Act (VerpackG)

From 1 July 2022, extended registration obligation for packaging of all types



Any company that places packaged goods on a commercial basis on the German market for the first time, no matter what type of packaging, should be aware that expanded statutory registration obligations have come into force on 1 July 2022 pursuant to the Packaging Act (VerpackG). It means that many more companies will have to register than before, and registered companies will be required to provide additional information. Failure to comply with the new obligations can lead to hefty fines of up to EUR 100,000.

We recommend that all companies check on short notice whether they are subject to the new registration requirements and - if they have not yet fully registered - that they promptly do so. If you wish, our packaging regulation experts will be pleased to support and assist you.

WHAT IS THE LEGAL BASIS?

The Packaging Act governs how packaging may be placed on the market on a commercial basis and how packaging waste must be taken back and recycled. Following an amendment to the Act in 2021 a variety of legal changes have come into force at different points in time. By way of the amendment the enforcement by the authorities has been facilitated and two EU packaging regulation directives (Single-Use Plastics Directive and Waste Framework Directive) have been implemented into German law. It is worth noting that other extended verification and documentation requirements for so-called „packaging not subject to mandatory participation in collection systems“, e.g. transport packaging, have been in effect since 1 January 2022.

WHICH COMPANIES ARE REQUIRED TO REGISTER?

In this context, it is important to note that it is no longer that only manufacturers and distributors have to register that bring packaging into circulation which has been categorised as subject to the system participation obligation. Now, companies that use and/or handle packaging which is not subject to the mandatory participation in collection systems must also register, e.g.:



Transport packaging,



Reusable packaging,



Deposit-required disposable beverage packaging,



Industrial packaging,



Sales packaging for hazardous filling materials.

Manufacturers and distributors must register **before** their packaging is placed on the market for the first time.

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IN WHICH MANNER SHOULD THE REGISTRATION BE CARRIED OUT?

After the online login to the Central Packaging Register (ZSVR), the following information must be provided:



Manufacturer data, contact data



VAT identification number or tax number



National identification number



Indication of industry sectors, distribution channels (optional)



Types of packaging, to be subdivided into with and without system participation obligation



Brand names

You will not be required to provide information about the packaging materials used or quantities.

In many cases, companies that are already registered must also check and extend their registration (so-called change registration).

WHAT CAN BE EXPECTED IN CASE OF MISSED REGISTRATIONS?

Failure to comply with their obligations under the Packaging Act (VerpackG) is a regulatory offence. Companies risk a fine of up to EUR 100,000 for failure to or incomplete registration. There is also an automatic ban on the sale of the packaged goods. The amount of the fine levelled will depend on the severity of the violation. Violations can also be punished cumulatively. The ZSVR examines and forwards suspected cases to the competent enforcement authorities in the relevant federal states.

DO YOU REQUIRE SUPPORT?

Upon request, our specialists are available to assist you with registration and all aspects of packaging regulation.

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