

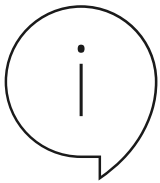
## Obligations under the Verpackungsgesetz

### Determining relevance

#### Does the Verpackungsgesetz apply to you?

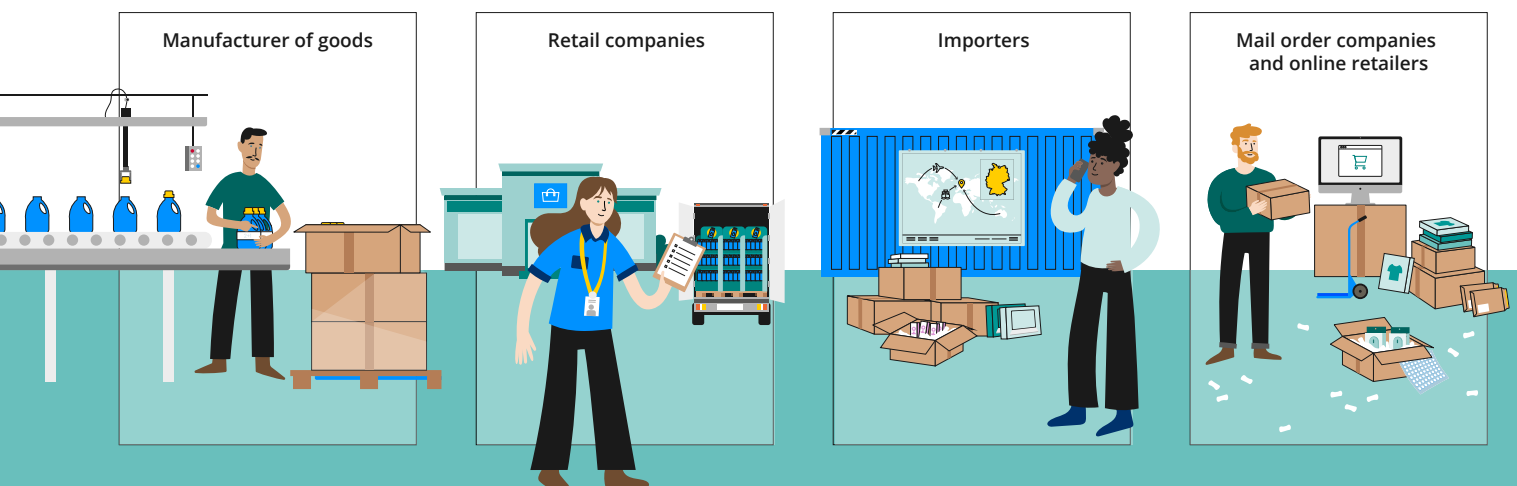
Under German packaging law, the party under obligation (producer/ initial distributor) is anyone who is

- the first to
- commercially
- place packaging filled with goods
- on the German market.



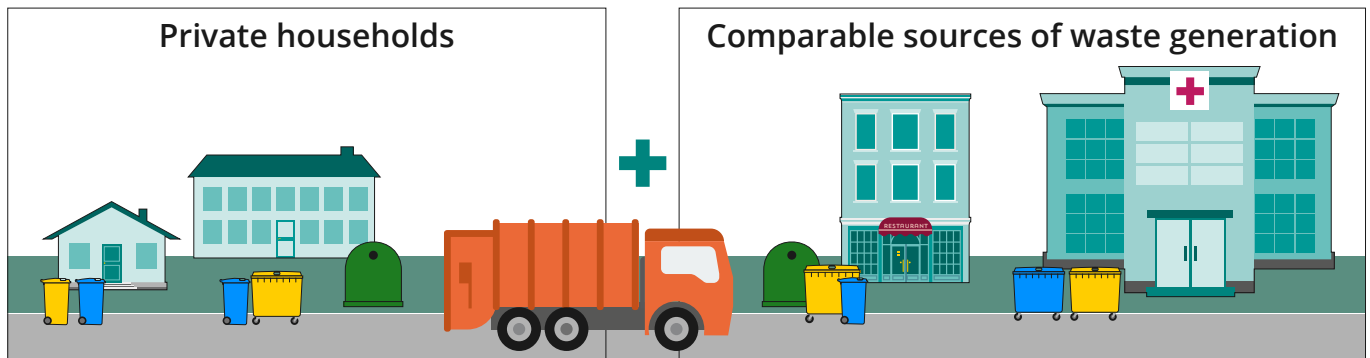
The Verpackungsgesetz (Packaging Act) does not apply to the producer of unfilled packaging; it applies to the party who is the first to fill packaging with goods. This is usually the party that produces and packages the product (manufacturer of the goods). Producers may include:

- Retail companies that distribute own brands if the packaging is filled by a third party on the retail company's behalf before being handed over to the retail company and if the packaging bears only the name and/or brand of the retail company.
- Importers of packaged goods if they bear legal responsibility for the goods at the time they cross the border.
- Mail order companies and online retailers if they are the first to fill shipment packaging with goods.



**!** Regardless of the type of packaging companies use to distribute their goods commercially in Germany, they have to be registered with the LUCID Packaging Register. If producers do not meet this registration requirement, they are no longer allowed to distribute their packaged products in Germany: failing to register triggers an automatic distribution ban on the packaging and fines may be charged.

Other obligations besides the registration requirement depend on your packaging type. If you are distributing your goods in retail, grouped or shipment packaging, that packaging typically accumulates as waste with private final consumers. You are required to pay for the recycling of that packaging. This is called 'system participation'.



Private final consumers include private households and comparable sources of waste generation such as restaurants, hotels, hospitals, canteens, amusement parks, garden centres, laundries, libraries and schools. Comparable sources of waste generation also include craft enterprises and agricultural holdings where packaging waste is collected at the rate that is normally associated with private households, i. e. at 14-day intervals and in a waste bin that does not exceed 1,100 litres per collection group. A list of comparable sources of waste generation [➔](#) can be found here.

## Let us help you answer the following questions:

### 1. What are the packaging types that you fill with goods on a commercial basis?



## 2. Are you a party under obligation under German packaging law? Use the digital 'quick check' tool to find out

[Click here for the quick check ↗](#)

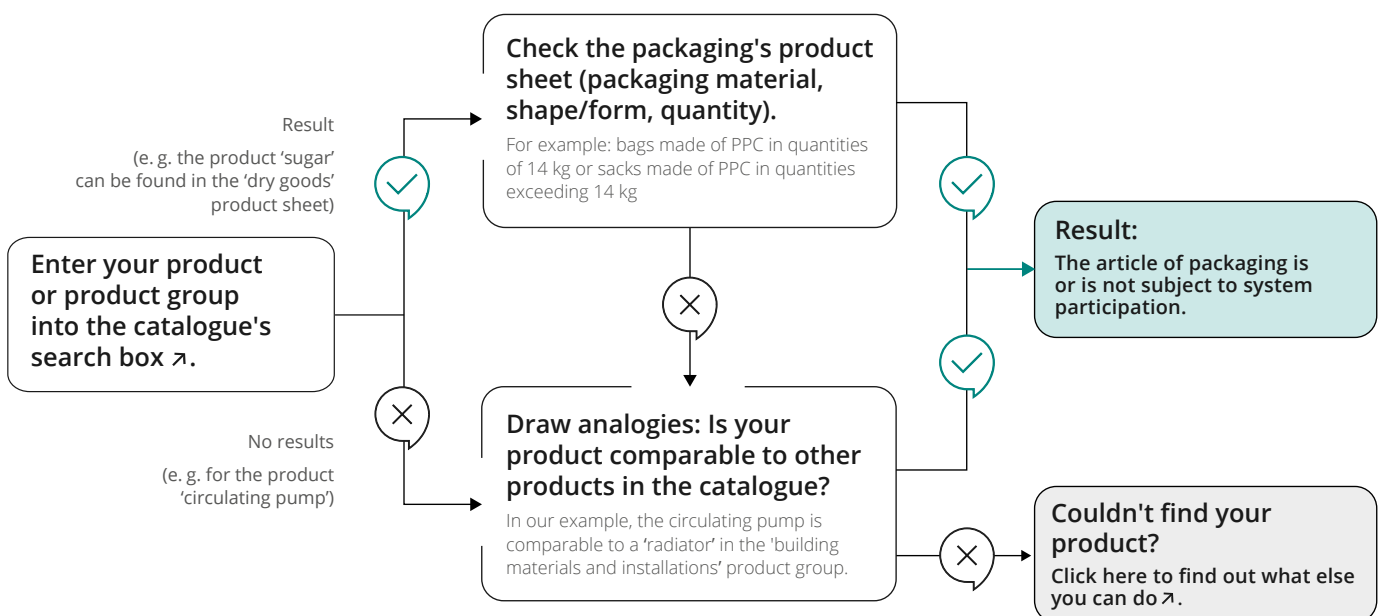
The digital quick check allows you to swiftly determine whether your packaging is subject to system participation under the Verpackungsgesetz (Packaging Act). Your answers to various key questions will help you find out which obligations apply to you. The quick check assumes that you are filling packaging with goods and placing them on the market in Germany, or commissioning someone to do so.

## 3. Is your packaging subject to system participation?

[Click here to search the system participation requirement catalogue ↗](#)

You can use the system participation requirement catalogue to find out whether an article of packaging is or is not subject to system participation. You can also use the catalogue to search for the products that you distribute, and find out if their specific packaging is subject to system participation. The catalogue's contents are also available for download as PDF files, sorted by product group.

### How to use the catalogue:



### Couldn't find your product?

That does not mean that the packaging of that product is not subject to system participation or that you are exempt from packaging law obligations. The catalogue is not exhaustive.

## Here's what else you can do:

1. Look for analogies. In other words: search the catalogue for products that are similar to yours – especially similar as to how and in which packaging they are distributed and whether they accumulate as waste with private final consumers or comparable sources of waste generation. The result is transferable.  
For example: the product 'soaps, shower soaps, bubble baths' in the catalogue does not explicitly mention shower foam. But shower foam, just like shower gel, accumulates as waste with private households and comparable sources of waste generation, such as hotels and hospitals.  
→ Conclusion drawn from this analogy: shower foam belongs to 'shower gels'.
2. To fulfil your producer responsibility, you must classify the packaging yourself, i. e. you must assess whether your packaging is subject to system participation. For case-based specialist advice, please reach out to qualified experts, environmental consultants, system operators or auditors. Check the register of auditors of the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) for help [↗](#).
3. The ZSVR decides upon application whether packaging is to be classified as (i) packaging subject to system participation, (ii) reusable packaging or (iii) single-use beverage packaging subject to deposit. These are general decisions. The results can be transferred to comparable packaging by analogy. Check out the database of all published classification decisions [↗](#).



To be sure that you are complying with the law, please check for yourself whether your packaging is subject to system participation. If it is, you have to enter into a system participation agreement with a system operator.

## Definitions

### What does 'distribution' mean?

Any actual transfer to a third party in the course of business is considered to be 'placing on the German market' or 'distribution' within the meaning of the Verpackungsgesetz (Packaging Act). It does not matter if this transfer is in exchange for money or not.

### When is distribution considered to be 'commercial'?

Under the Verpackungsgesetz (Packaging Act), you are operating commercially if (i) you have to register your self-employment as a business or (ii) you generate income from commercial activities, independent work or agriculture and forestry under German income tax law. Distribution is considered to be commercial if all of the following criteria are met:

- a. Independence (e.g. not an employee)
- b. Economic activity on the market (general intention to make a profit; not a hobby)
- c. Long-term focus and planning (professionalism, a minimum degree of continuity and sustainability)

In borderline cases, especially when it comes to an economic activity on the market or planned practice and long-term focus, the objective standards of German income tax law may be used for assessment. Activities viewed as pastimes or hobbies from a tax perspective – meaning that they are not included in tax returns – are considered non-commercial under the Verpackungsgesetz (Packaging Act). However, anyone who claims or intends to claim losses from their activities for tax purposes is always considered to be acting commercially under German packaging law.

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## When is an item considered packaging? When is it non-packaging?

Under the Verpackungsgesetz (Packaging Act), packaging or packaging components are subject to system participation under certain conditions. Eyeglass cases, jewellery boxes, bags, drinking cups and coathangers can be both: packaging or non-packaging. The delineation depends in particular on the design and the value of the item, how it is handed over, and how it is used.

Read more about this in our subject-specific paper on the delineation between packaging and non-packaging [↗](#).

## Where can I find further information?

Packaging types knowledge base [↗](#)

All information about registration [↗](#)

Overview of system participation and data reporting [↗](#)

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.