

Public Law
Germany

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New German Packaging Act Imposes Registration Obligation for Certain Packaging

What has changed?

On January 1, 2019, the new German Packaging Act (*Verpackungsgesetz*, "**VerpackG**") entered into force, thereby replacing the former Packaging Ordinance (*Verpackungsverordnung*, "**VerpackV**"). The VerpackG introduces several new obligations, in particular for manufacturers of so-called b2c packaging. Note that violations of the VerpackG do not only trigger administrative fines, but also a ban on placing on the market of non-compliant b2c packaging.

What it means for you

Under the new VerpackG, certain types of packaging must be registered with a new authority before being placed on the German market. The registration obligation applies to so-called "packaging required to participate in systems" (*systembeteiligungspflichtige Verpackungen*). Such packaging, which misleadingly is often called "b2c packaging", refers to sales packaging or secondary packaging which typically end up as waste at a private household.

The obligation extends, however, to any packaging waste which can be (i) disposed of by using waste collection containers of household size and (ii) collected at an interval that is usual for private households. The definition does not only comprise waste generated by private households but includes, for example, non-hazardous wastes generated at hospitals or other public or commercial activities.

Any person or entity who commercially places such packaging on the German market for the first time qualifies as "manufacturer" of such packaging, which triggers the following obligations:

- Registration with the Central Agency Packaging Register (*Zentrale Stelle Verpackungsregister*) under Sec. 9 VerpackG
- Participation in a Take-Back System under Sec. 7 VerpackG
- Data Reporting under Sec. 10 VerpackG
- Declaration of Completeness under Sec. 11 VerpackG

Only registered b2c packaging may be placed on the German market. Non-compliance with the VerpackG is an administrative offense, punishable with administrative fines of up to EUR 200,000.

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Actions to take

Manufacturers, importers and distributors of packaging should immediately review whether their packaging qualifies as b2c packaging and, if so, participate in a Take-Back System and register with the Central Agency Packaging Register.

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