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LOCAL PLASTIC AND
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REGULATIONS
EU MEMBERS STATES

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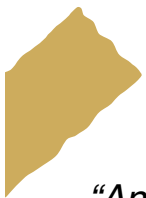
GERMANY

The German Packaging Act (VerpackG) - an overview

The German Packaging Act (VerpackG) is the implementation of the European Packaging Directive 94/62/EC into national law and has been in force since 1 January 2019.

The act aims to increase the recycling rates for waste packaging materials.

Participation in this system is mandatory for any company that sells packaged products to private customers in Germany. To participate companies shall register their packaging in the LUCID system.



“Any company that sends goods placed in sales packaging for the first time (product packaging, mail-order packaging and service packaging) to German private customers has to contribute to the costs of collecting, sorting and recycling the packaging waste that is created by paying a ‘licence fee’”

The German Packaging Act (VerpackG) includes:

- commercially active producers, importers to Germany, and (e-commerce) retailers;
- companies that put sales packaging into circulation;



This applies to every single company - regardless of its size. Also, foreign companies (including e-commerce) are affected by this legislation if they sell products directly to German consumers without an intermediary.

Importer vs. international retailers - which site is included by the VerpackG act?

The VerpackG legislation places an obligation on the importer. The contracting parties may, however, specify the responsible party in the contract.

Definition of "sales packaging" according to the VerpackG act

"Sales packaging" is defined as **product packaging, shipping packaging, and service packaging**. Thus all packaging must be licensed

Transport packaging is packaging intended for the B2B sector. The packaging licensing obligation does not apply to the B2B sector. The VerpackG concerns the B2C business.

All packaging from the first circulation must be licensed regardless of their quantity, which means that the VerpackG act includes packaging made from cardboard, plastic or glass.

Registration system

Companies subject to the VerpackG act shall register to **the Central Agency Packaging Register (Zentrale Stelle Verpackungsregister)** by means of the **LUCID Packaging Register**.

After the registration is completed, the company is listed in the open-access LUCID database.

The “dual system” & licence fee

Companies that market packaging from the first circulation are obligated to the licence fee.

The licence fee is calculated based on the **materials contained and the volume of the packaging.**

The fee is paid to one of the “dual system” - accredited private companies that ensure waste management and recycling. The registration number assigned from LUCID is mandatory to apply to the dual system. The resulting levies are used to finance the recycling systems.

The licence fee valid for the calendar year.

Data reporting

The volume of packaging and the name of the dual system must be submitted to the LUCID database. In addition, companies are obligated to report any changes to the packaging material and size

The licence fee valid for the calendar year.



Penalties

Penalties can range from written warnings to fines of up to €200,000 or even sales bans.

The Central Agency Packaging Register was already actively imposing penalties in summer 2019.

The Single-Use Plastics Fund Act - an overview

Single-Use Plastics Fund Act (EWKFondsG - Einwegkunststofffondsgesetz) will be implemented from **1 January 2024**. However, companies subject to tax will pay the **special levy from 2025**.

Single-Use Plastics Fund Act serves to implement provisions from the amended Waste Framework Directive 2008/98/EC and the Single-Use Plastics Directive (EU) 2019/904.

Registration

By the beginning of 2024, companies must identify the extent to which they are subject to the tax—which will be administered by the German Federal Environment Agency (FEA) and the FEA will establish the conditions for fulfilling the future reporting obligations, if necessary.

Entities subject to the Single-Use Plastics Fund Act

The scope of application of the plastic tax is defined in the term "manufacturer." All market participants (i.e., individuals, legal entities and partnerships with legal capacity) fall within the scope of the levy, as do producers that provide or sell single-use plastic products on the German market for the first time either for payment or free of charge. This includes the filler, seller and importer, regardless of whether they are established market participants in Germany.

Types of the products included

As for the personal care products segment, the Act covers in particular:

- Bags and film packaging made of flexible material;
- Wet wipes;

Data reporting

An annual reporting will be mandatory from 1 January 2024. The covered manufacturers will have to submit a report to the FEA by 15 May with data on the quantity of single-use plastic products placed on the market

After the report is submitted to the FEA, the manufacturer will receive an assessment notice based on the type and amount of single-use plastic products, with a specific rate applying to the declared amount of the product.

References:

<https://verpackungsgesetz-info.de/en/>

<https://www.bdo.de/en-gb/insights/publishments/tax-legal/plastics-tax-in-germany-the-single-use-plastic-fund-act>