

PRESS RELEASE

Amended version of the Verpackungsgesetz to enter into force on 3 July

LUCID Packaging Register's first phase of expansion starts: closing the gap for marketplaces and international importers

Osnabrück, 2 July 2021

On 3 July, the amended version of the Verpackungsgesetz (Packaging Act) will enter into force. Various European legal acts have had to be incorporated into German legislation, among others. Although the new version of the Verpackungsgesetz was only announced on 14 June 2021, the first expansion phase necessary for the Packaging Register is launching on time on 3 July 2021. Once again, the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) has proven that its position as a digital agency enables it to manage even full database modifications quickly and efficiently in a short space of time. The second expansion phase is set to be launched on 1 July 2022.

What do the amendments involve? More and more packaging from abroad is reaching Germany and more and more goods are being sold via electronic marketplaces. This means a lot of packaging. Yet international producers and retailers are often unfamiliar with the German legal provisions governing them. To date, this has often led to illegal conduct on the part of international firms. Enforcement outside of Germany is difficult.

As from 3 July 2021, the Verpackungsgesetz will allow international producers and online retailers to appoint an authorised representative in Germany to assume all of the obligations for the party actually under obligation. This ensures that there is a party familiar with German legislation that can also be held accountable in Germany. The authorised representative reports the data required to the LUCID Packaging Register. For this to happen, the LUCID software had to be reprogrammed extensively. There is another small change with major impact that will also bring significantly more transparency: instead of an e-mail address, it will be the taxpayer reference number that will now be published. This will make it easier for retailers and marketplaces to identify the parties under legal obligation. The packaging of producers not registered in the LUCID Packaging Register is not permitted for sale in Germany. They are banned from distribution. An interface now allows retailers and marketplaces to use the taxpayer reference number of producers and online retailers to quickly determine whether they are listed in the register. Free riders become more apparent quicker.

"Packaging is a resource. It is only in a financially healthy market that recycling requirements can be implemented at a high level. Free riders have to be identified and they must also pay for recycling of their packaging. The legal amendments create more transparency in two main areas," says Gunda Rachut, Chair of the ZSVR, explaining the purpose of the Packaging Register's first expansion phase.

Two more dates will see additional provisions for even more transparency.

- As from 1 January 2022: An extended deposit obligation for single-use beverage packaging.
- As from 1 July 2022: The Packaging Register's second expansion phase affects all parties placing packaging filled with goods on the German market. From this point onwards, producers will be required to register all types of packaging, even deposit packaging, transport packaging or industrial packaging. So-called service packaging (e.g. takeaway packaging filled in store) will then also be subject to the registration requirement. However, no data reports usually need to be filed.
- Electronic marketplaces and online platforms will also need to be called to account directly from 1 July 2022. These market participants may only offer goods in their shipment packaging and other retail packaging if the packaging participates in a system and has been registered in the LUCID Packaging Register. Together with the new provision regarding taxpayer reference numbers, this creates the basis for implementing this obligation digitally.

Publication of the registered companies makes it easier to track who is placing this packaging on the German market. Gunda Rachut, Chair of the ZSVR, says: *"Clear designation of the target group increases the transparency already achieved even more. The principle of direct producer responsibility has been laid down consistently and specifically for all types of packaging and distribution channels. It will be easier for international companies to comply with the provisions. We are entering a new phase of the Act's effectiveness."* Much has been achieved since the 2019 Verpackungsgesetz entered into force. There are currently around 212,000 companies registered. Compared with 2018, this trend corresponds to quadruple the amount of companies meeting their producer responsibility. More producers are paying for recycling of their packaging. Companies are increasingly endeavouring to use recycling- and environmentally-friendly packaging. ZSVR also optimised enforcement with its digital portal for authorities in April 2021. It allows the authorities responsible to directly access any identified cases of misconduct.

About the ZSVR

The ZSVR is headquartered in Osnabrück. The founders are the Bundesvereinigung der Deutschen Ernährungsindustrie (Federation of German Food and Drink Industries – BVE), the Handelsverband Deutschland (German Retail Association – HDE), the IK Industrievereinigung Kunststoffverpackungen (German Plastics Association – IK), and the Markenverband (German Trade Mark Association). Since the Verpackungsgesetz entered into force on 1 January 2019, it has served as an entrusted body to foster greater transparency and control in packaging recycling. It maintains a register of all industrial and commercial parties responsible for products, reconciles volumes between producers and systems and provides for greater fairness and transparent cost-sharing among those involved. Lawyer Gunda Rachut is the Chair of the Foundation. For more information about the ZSVR's work, go to www.verpackungsregister.org

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