

German Packaging Law: New Regulations Wrapped Up



Please note that despite the most careful compilation of the information contained in this presentation, no liability can be assumed for its correctness.

8 July 2021

Overview

- Purpose of VerpackG and the 2021 amendments
 - VerpackG from 2019
 - VerpackG 2021 amendments
 - Single-use plastic ban and labelling requirements
 - Potential future laws
 - Questions
-

Purpose of the German Packaging Law VerpackG and the 2021 amendments:

- VerpackG aims to reduce packaging waste and optimise the efficiency of waste management
- Implementation of EU Single-Use Plastics Directive (2019/904) and EU Waste Framework Directive
- Aim to improve enforcement of the law
- Came into force on 3 July 2021



Obligation of manufacturers and distributors of sales packaging since 2019

First entity who introduces sales packaging into the German market commercially must:

- Register with the German Packaging Register LUCID
- Join a German recycling scheme and pay licence fee
- Report total tonnage per material(s) of sales packaging to **BOTH** LUCID and the recycling scheme



Sales/Product Packaging & Transport Packaging

Sales/Product packaging (also outer and shipping packaging)

Packaging that is offered as a single sale unit and **remains with the end user.**

Transport packaging

Packaging that simplifies the transport of goods, that protects goods in transit or must be used for safety reasons and **remains with the distributor/retailer.**



“End users”

Households and comparable places where packaging arise from which the removal of waste can take place via standard household collection containers at the usual household collection intervals.

Comparable places such as, but not limited to:

- Private households
- bakeries
- butchers' shops
- hairdressers
- pharmacies / chemists
- educational institutions
- old people's homes
- restaurants
- pubs and hotels
- hospitals



Data Collection and Reporting

Tonnages

- no minimum threshold – from 1kg, accurate up to .000kg

Materials

- Glass
- Paper/Cardboard
- Ferrous Metals
- Aluminium
- Plastic
- Composite Beverage Cartons
- Other Composites
- Other Materials



Declaration of Compliance (*Vollständigkeitserklärung*)

- a verification of the volumes of sales packaging placed into the German market by a manufacturer/distributor within one calendar year
 - **in addition** to the regular data and will be audited by a tax consultant, auditor, certified accountant or independent expert and verified by electronic signature
 - due by 15 May the following year

 - Thresholds:
 - **Glass › 80,000 kg/year**
 - **Paper, card, cardboard › 50,000 kg/year**
 - **Other (Aluminium, plastic, compounds) › 30,000 kg/year**
-

Amendments to VerpackG 2021



Extended registration requirements

In addition to sales packaging, obligation to register **all** other filled packaging with Packaging Register LUCID, including:

- Transport packaging
- B2B product packaging
- Reusable packaging
- Product and secondary packaging not suitable for licensing
- Packaging of hazardous materials

From **1 July 2022**

Registration only – no need to license the packaging



Extended information and record-keeping requirements (1)

- Producers and distributors must keep records on the fulfilment of their takeback and recycling obligations
- They must establish appropriate self-monitoring mechanisms to ensure the accuracy and completeness of the documentation
- Documentation must include materials and weights, be available by 15 May for the previous calendar year and shown to the responsible *Bundesland* authority if requested

From **1 January 2022**



Extended information and record-keeping requirements (2)

- They must allocate sufficient financial and organisational resources to fulfil these duties and set up appropriate self-regulatory mechanisms
- Final distributors must use appropriate measures to advise end users of the return possibilities (including for reusable packaging)

From **3 July 2021**



E-Commerce Platforms and Fulfilment Providers

- Obligation to ensure the registration and licensing of eligible packaging has been performed by the responsible manufacturer
- Marketplaces must not 'enable' offers of unlicensed packaging
- Fulfilment services must not carry out their services (storing, handling, packing) for unregistered manufacturers/unlicensed packaging

From 1 July 2022



New definitions

Materials - Other Composites

- if main component $\geq 95\%$: **must** be reported as main component

Single-use plastic (SUP) packaging

- Single-use plastic packaging
 - single use (i.e. not reusable)
 - wholly or partly made of plastics
 - Exceptions for labels to be expected
- Single-use plastic food packaging
 - for food for immediate consumption or take-away
- Single-use plastic drinks bottles
 - Bottle form, incl. lids and stoppers
 - ≤ 3 litres
 - Conforms to definition of SUP packaging



Minimum recycled plastic content

PET single-use drinks bottles must consist of at least:

- 25% recycled plastic from **1 January 2025**

All single-use plastic drinks bottles must consist of at least:

- 30% recycled plastic from **1 January 2030**

(Per bottle or total production per calendar year)

Exception: certain medical dietic products, certain products for babies and children; glass or metal single-use bottles with plastic lids/stoppers

Construction of single-use plastic drinks products

- Lids and bottle tops made of plastic must be firmly connected to beverage containers ≤ 3 litres

From **3 July 2024**

Exception: drinks containers made of glass or metal which have plastic tops



Extension of the deposit scheme

- All single-use plastic drinks **bottles** and single-use drinks **cans**

From **1 January 2022**

- **Milk** and **milk-product** packaging

From **1 January 2024**



Exception: certain medical dietic products, certain products for babies and children; glass or metal single-use bottles with plastic lids/stoppers

Plastic bag ban

- Distribution ban on plastic bags $\leq 50\mu\text{m}$, with or without handle, which are filled with goods at point of sale
- **Exception:** plastic bags $\leq 15\mu\text{m}$ (mostly for loose fruit & vegetables)

From 1 January 2022



Single-use plastic ban (EWKVerbotsV) & Single-use plastic labelling law (EWKKennzV)

Definition of plastic:

- Polymers that may have been modified with additives (according to Art.3, Cl. 5, REACH)
- Excludes natural polymers without additives

Purpose:

- Single use and not intended for multi-use
-

Single-use plastic and oxo-degradable ban

- single-use plastic products from which can be made of **alternative materials**: cotton buds, disposable plates and cutlery, straws, stirrers, balloon wands
- food containers made of **expanded polystyrene** for immediate consumption or take-away
- drinks containers made of **Styrofoam/expanded polystyrene foam**, including their tops and lids
- **all** products made of **oxo-degradable plastics and bio-based plastics**
- products that are partly made of any of these plastics, e.g. cardboard plates with a plastic coating => there is **no minimum threshold** – products containing any amount of these plastics are affected

Any **remaining stock** in distributor warehouses may still be sold after 3 July 2021, however producers are no longer allowed to sell/distribute the products.

From **3 July 2021**

Single-Use Plastics Labelling (1)

- certain single-use products which are made from or contain plastics and for which currently **no sensible or ecologically sustainable alternative materials are available**
- The **product packaging and outer packaging** of these products must be labelled:



- sanitary products, especially sanitary towels
- tampons and tampon applicators
- wet wipes, especially those for body and household use
- filters for tobacco products, tobacco products with filters

Single-Use Plastics Labelling (2)

- The labelling must be **on the product** for:
 - beverage cups (includes cardboard cups with plastic coating)

From **3 July 2021**

Transition period until 3 July 2022:
non-removable stickers may be attached
to the packaging/product



Future Environmental Laws

- EU Directive empowers German government to create further legislation on bans, limitations, labelling, information & consultation and duty of care relating to manufacture/distribution of **products**
- Further laws to be expected:
 - Introduction of 'duty of care', demanding useability of goods and limiting their disposal to overstock/returns
 - Provisions for the conservation of goods, e.g. inexpensive sell-off, charitable donation obligations



German-British Chamber – Environmental Consultancy

- explain British companies' obligations under German Law and advise what legislation will affect them
- keep clients fully informed of all the latest news and developments
- have dedicated German-speaking experts
- Help with licencing of sales packaging procedure:
 - simplify the application to schemes and liaise with them on the company's behalf
 - calculate the applicable licensing fees and report tonnages to chosen schemes
 - complete all relevant documentation
 - offer advice when dealing with the Central Packaging Register
- put company in touch with key organisations



Der Grüne Punkt –
Duales System Deutschland GmbH





German-British
Chamber of Industry & Commerce
Deutsch-Britische
Industrie- und Handelskammer

Useful websites and links

German Packaging Register LUCID

<https://www.verpackungsregister.org/en>

EU Single-Use Plastics Directive (2019/904)

<https://eur-lex.europa.eu/eli/dir/2019/904/oj>

EU Waste Framework Directive

https://ec.europa.eu/environment/topics/waste-and-recycling/waste-framework-directive_en

VerpackG

<https://www.gesetze-im-internet.de/verpackg/BJNR223410017.html>

VerpackG amendments

https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Glaeserne_Gesetze/19_Lp/verpackg/Entwurf/verpackg_entwurf_bf.pdf

REACH

<https://eur-lex.europa.eu/legal-content/ENG/TXT/PDF/?uri=CELEX:02006R1907-20140410&from=ENG>

EWKVerbotsV

https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Gesetze/ewkverbots_v_bf.pdf

EWKKennzV

https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Glaeserne_Gesetze/19_Lp/ewkkennzvo/Entwurf/ewkkennzvo_vo_bf.pdf

German-British Chamber of Industry & Commerce

<https://grossbritannien.ahk.de/en/services/environmental-consultancy>

Jana Toon, recycling@ahk-london.co.uk

**Thank
you!**

... for your attention



Any questions?