

## **The German packaging regulation („Verpackungsverordnung“) from the point of view of a foreign (non-German) company**

**A foreign company that sells goods to a German business partner or a German customer has to take account of the German packaging regulation („Verpackungsverordnung“).**

The German packaging regulation (hereinafter referred to as “GPO”) is based on the European packaging directive (No. 94/62/EC, renewed by directive No. 2004/12/EC) but also contains some special German regulations. It was renewed in 2008 and came into force on 1<sup>st</sup> January 2009.

### **Important definitions**

The GPO defines requirements depending on the type of packagings being put on the German market. In Germany, the three main packaging types are:

- sales packagings for private consumers (“b2c”)
- sales packagings for business customers (“b2b”)
- other business packagings, for example transport packagings

All packagings which are finally unpacked by the user of the packed product are considered as sales packagings even if they have been meant or used as transport packagings before. As to sales packagings, it is paramount to distinguish between private consumers (b2c) and business customers (b2b) and to be aware of the definition of private consumers in this context:

Private consumers according to the GPO are not only

- 1) private households, but also
- 2) restaurants, hotels, institutions, hospitals, freelancers, public administrations etc., regardless of their amounts of packaging wastes, and
- 3) agricultural enterprises and craftsman’s establishments if their monthly quantities of packaging wastes are below approximately 2,200 litres.

Business customers, on the other hand, are companies with a greater amount of packaging wastes (especially industry) and trade companies that buy and resale products.

### **General obligations concerning sales packagings for private consumers**

Companies that pack their products in sales packagings for private consumers are obliged to participate in one of the special recycling systems recognized and accepted by the German

administrations. There are nine systems that fulfil these conditions. Their websites are (in alphabetical order):

- [www.belland-dual.de](http://www.belland-dual.de)
- [www.eko-punkt.de](http://www.eko-punkt.de)
- [www.gruener-punkt.de](http://www.gruener-punkt.de)
- [www.interseroh-isd.de](http://www.interseroh-isd.de)
- [www.landbell.de](http://www.landbell.de)
- [www.redual.de](http://www.redual.de)
- [www.veolia-umweltservice.de](http://www.veolia-umweltservice.de)
- [www.vfw-gmbh.eu](http://www.vfw-gmbh.eu)
- [www.zentek.de](http://www.zentek.de)

In this context, it is important to note the following:

- In case of sales packagings for private households (b2c), there is no alternative to choosing one of these nine systems.
- In case of sales packagings for private consumers (b2c) others than private households (for example hospitals), there are further alternatives called “line of business solutions”. These solutions are offered by several organizations, including most of the nine providers mentioned above.
- In case of sales packagings for business customers (b2b) or other business packagings, there is no need to participate in any one of the mentioned systems.

### **Consequences for foreign companies**

From the point of view of a foreign company (hereinafter referred to as “F”), five cases can be distinguished:

#### **A) Delivery of packed goods to Germany:**

1. F sells packed products directly to German private consumers, for example via internet. In this case, F has to participate in one of the nine German recycling systems mentioned above. This concerns all sales packagings sent to Germany.
2. F or a transport company instructed by F ships these products to Germany. F is responsible for border crossing (even a border within the European Community). In Germany F sells these packed products to a German trade company that resales them on the German market to private consumers. In this case, F does act on the German market and has to comply with the German regulations.
3. F sells packed products to German trade companies that resale these products on the German market to private consumers. The German trade partners (or transport companies) ship the products to Germany and they (not F) are responsible for border

crossing. In this case, it is them, not F, who have to comply with the German regulations, so F does not have to take part in a German recycling system.

### **B) Delivery of empty packagings to Germany:**

4. F sells “standard” packagings to a German customer. In this case, F has no special obligations arising from the GPO.
5. Some sales packagings are referred to as “service packagings” if they are only used by the last resaler, for example paper bags in bakeries or plastic bags in a department store. A seller who wraps his goods in such service packagings for direct sale to a customer is allowed to shift his obligations arising from the GPO to his supplier. Therefore, a German customer who only uses such service packagings may try to delegate his obligations to his foreign supplier who should accept this demand if he acts on the German market (as in case 2, see above).

Please also note that the rules have changed in two aspects:

- Since the beginning of 2009, there is no obligation any more to mark packagings for the German market with a “green dot”.
- For some companies, the renewal of the GPO includes an additional obligation called “declaration of completeness” (“Vollständigkeitserklärung”).

### **Declaration of completeness (“Vollständigkeitserklärung”)**

Companies that have to take part in a German recycling system (which is an obligation irrespective of packagings amounts) have to fulfil a further obligation if the amounts are beyond defined quantities:

Once every year, they have to send a “declaration of completeness” for their sales packagings to a German chamber of industry and commerce if their quantities of sales packagings for private consumers exceed the following limits:

- more than 50,000 kilogram weight of packagings (empty, without goods inside) sent to Germany and made of paper or cardboard
- or more than 80,000 kilogram weight of packagings (empty, without goods inside) sent to Germany and made of glass
- or more than 30,000 kilogram weight of packagings (empty, without goods inside) sent to Germany and made of plastics or metals or combined materials

This declaration is to be sent to the website <http://www.ihk-ve-register.de> and has to be signed by an external inspector.

### **Your contact at the Chamber of Industry and Commerce Southern Upperrhine**

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