

2021 German Packaging Act Amendment: summary of changes

It's official: the German Bundestag has adopted the Amendment to the Packaging Act. Changes have entered into force on 3 July 2021. In authoring this Amendment, the Environment Ministry (BMU) has sought to transpose EU law into German law while strengthening the ecological focus of the Packaging Act. Non-recyclable waste is to be

avoided as far as is possible. The following points are relevant for initial distributors of sales and transport packaging, who therefore act as importers, manufacturers, (online) retailers, operators of electronic marketplaces or fulfilment service providers:

3 JULY 2021

The Amendment to the German Packaging Act has become law and introduced the following immediate changes:

- 1) **Duty of information for final distributors of transport packaging**
(as well as packaging incompatible with dual systems and packaging for products containing hazardous substances)
 - Final distributors must take appropriate action to inform end users to an adequate extent about opportunities for returning packaging and the purpose served by doing so.

2021

1 JANUARY 2022

- ✓ 1) **Duty to provide proof for transport packaging**
 - Manufacturers and distributors of transport packaging must document the fulfilment of their requirements in relation to take-back and recycling.
- 📦 2) **Scope widens for mandatory deposit**
 - The mandatory deposit now applies to all non-reusable plastic beverage bottles and beverage cans.
 - Exception:** For milk and dairy products, the mandatory deposit does not apply until 1 January 2024.
 - A transitional period applies until 1 July 2022, during which affected non-reusable drinks packaging can be supplied at all stages in the supply chain up to the end user without a deposit being charged.

2022

1 JULY 2022

- 👤 1) **Duty to register all packaging**
 - Registration in the LUCID packaging registry is now mandatory for all packaging (also including e.g. transport/reusable packaging).
- 👤 2) **Duty to register extended to final distributors of service packaging**
 - Final distributors must also register with the LUCID packaging registry, even if system participation has been delegated to a distributor earlier in the chain.
 - As before, distributors may also opt to acquire pre-licensed service packaging.

Status: 10/2021
Please note: This information only represents the current status.
It does not constitute legal advice and cannot replace legal advice from a lawyer.

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3) Duty of control for electronic marketplaces

- Operators of electronic marketplaces are assigned a duty of control that requires them to verify that merchants selling on their platforms are participating as required in a dual system.
- If no such verification is forthcoming, then products from affected merchants are prohibited from being sold.



4) Duty of control and new responsibilities for fulfilment service providers

- A duty of control in relation to the Packaging Act is also assigned to fulfilment service providers: if merchants who commission their services cannot prove their participation in a dual system, the service provider must not provide any services (offering products for sale, packing, shipping, etc.) relating to packaging with licensing requirements.
- The Amendment also clarifies system participation responsibilities for shipping packaging in a fulfilment context: the merchant purchasing fulfilment services is responsible for all licensing – a blanket exemption now applies to fulfilment service providers.

2022

1 JANUARY 2023



1) Duty to offer reusable alternatives for the restaurant trade

- Final distributors of non-reusable plastic food packaging and cups used for beverages – such as restaurants, food stalls, cafés, etc. that offer food and drink as takeaway/to-go products – must now offer a reusable option for packaging.
- This alternative packaging must not be more expensive than disposable packaging.
- **Exception:** Small businesses employing up to five people and with retail space not exceeding 80 m² do not have to offer reusable packaging as an option themselves but must be prepared to fill any receptacles brought by customers.

2023

1 JANUARY 2025



1) Minimum percentage of recycled materials

- PET bottles cannot be sold if they contain less than 25 percent of recycled material by weight.
- 2nd stage: From 1 January 2030, the figure for recycled materials rises to 30 percent for all non-reusable plastic beverage bottles.

2025



Please see our [Blog](#) for further information about the Amendment – and for online retail in particular.

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