

New Registration Requirements for Packaging of Products Destined for the German Market

As part of the new Packaging Act (VerpackG), manufacturers and/or distributors will need to register their products with the new German Packaging Register (“Verpackungsregister”). Registration will be mandatory starting 1 January 2019. Parties selling in or into Germany will need to register business-to-consumer (B2C) packaging products in advance as non-registered items will not be allowed on the German market.

The new Packaging Register (Register) will serve as a tool to police compliance with existing law obliging companies to participate in approved collection and recycling systems for B2C packaging waste. Registration details include company name, tax and company ID numbers, brand names of products, recycling system participation information, and other items.

The Register contents will be open to the public, facilitating enforcement and increasing pressure on infringers. Infringing (non-registered) products are banned from the market and entail government sanctions (fines). Infringers will also be exposed to disruptive measures by competitors, such as **cease & desist** actions.

Furthermore, the Register authority (Foundation Central Agency Packaging Register - Stiftung Zentrale Stelle Verpackungsregister) is expected to cross-check quantities reported by manufacturers against quantities reported by the collection and recycling system operators and devise policies and enforcement measures accordingly. As before, quantities will need to be reported on an annual basis (subject to limited exceptions for small *de minimis* amounts).

Effect on non-German companies

As a rule the **German importer** will be legally responsible for and handle the registration process for products imported from abroad (unless on an exceptional basis the manufacturer/exporter acts as the formal importer into Germany). In many cases distribution and sales agreements will have imposed regulatory compliance duties on the local distributor/importer, which, if drafted broadly enough, would also cover the new

Related Capabilities

- Trademark, Copyright + Advertising
- International Trade
- Mergers & Acquisitions

Register related obligations. In any event, prudent manufacturers should ensure and obtain proof of compliance and approach their German distributor(s) accordingly.

Where a company sells directly into Germany from abroad, e.g. via **online sales** to German end customers, it will have to register itself directly (and of course also arrange for participation in a collection/recycling system as mentioned above).

Registration must occur before putting a product on the German market and by 1 January 2019. To reduce last minute panic and overload, the Register portal for registration and entering data is already open for provisional registration and available in English at: <https://lucid.verpackungsregister.org/> (If the website does not open in English, the website language can be switched to English in the right top corner of the website).

Official English language information issued by the Register authority can be found at:

https://www.verpackungsregister.org/fileadmin/user_upload/How-to-Guide_en_13072018_final.pdf

https://www.verpackungsregister.org/fileadmin/user_upload/10-W-Fragen_en_13072018_final.pdf