

Draft bill

of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety

Draft law to align packaging law and other areas of law with Regulation (EU) 2025/40

A. Problem and aim

On 11 February 2025, Regulation (EU) 2025/40 (the EU Packaging Regulation) entered into force. Essential rules will take effect 18 months after the entry into force of the Regulation, on 12 August 2026. Many of these rules are directly applicable in Germany. The German Packaging Act is based on Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste. The aim of this law is to bring national law into line with the requirements of the EU Packaging Regulation. The aim of the Packaging Law Implementing Act is to enable established and proven structures to be maintained and further developed, insofar as the EU Packaging Regulation allows for this possibility. This is intended to facilitate the changeover for all stakeholders concerned and to avoid overburdening them with avoidable bureaucratic burdens. In addition, the environmental objectives set out in Article 1 of the EU Packaging Regulation are to be achieved in Germany by means of the measures taken under this Act.

B. solution; Utility

In principle, the EU Packaging Regulation will apply in all Member States from 12 August 2026. Against this background, national rules need to be adapted. To this end, the previous Packaging Act is to be repealed and replaced by the new Packaging Law Implementing Act.

The far-reaching innovations in the packaging sector brought about by the EU Packaging Regulation put the framework for the management of packaging and packaging waste on a new footing and require a complete revision of the existing national packaging law. This is also necessary to avoid conflicts between the previous national provisions of the Packaging Act and the directly effective provisions of the EU Packaging Regulation.

The national implementation of the European requirements and an effective enforcement framework in this Act ensure that the parties concerned comply with their obligations and thus that the environmental objectives set out in Article 1 of the EU Packaging Regulation are achieved in Germany. A much less bureaucratic design could only be achieved by appropriate simplification at EU level.

In that regard, the law lays down rules only if this is necessary for the implementation of the directly applicable regulation, the regulation itself requires the Member States to lay down national rules or gives the Member States a margin of discretion with regard to more far-reaching rules.

C. Alternatives

Absent. A fundamental revision of national packaging legislation is necessary, as the EU Packaging Regulation has direct effect in the Member States of the European Union and, for reasons of legal clarity, conflicts between national and European legal requirements must be avoided.

D. Budgetary expenditure excluding implementation costs

At the Federal Environment Agency, there is a need for half a hD (plan) unit and associated staff and operating expenditure of approximately EUR 120000 per year.

The administrative revenue for the implementation of legal and technical supervision by the Federal Environment Agency as a result of the implementation of this Act shall, as under the previous Packaging Act, be collected by the Federal Environment Agency in Section 16. Annual revenue of EUR 602 T is forecast. The revenue is expected to correspond to the value of the annual expenditure incurred by the Federal Environment Agency.

Any additional requirements in terms of material and human resources in the Federal Government's area are to be financed financially and on a pro rata basis in the relevant section of the budget within the framework of the current budgetary and financial planning.

E. Implementation costs

E.1 Implementing costs for the public

None

E.2 Implementing costs for industry

Insofar as additional costs arise for the economy in connection with the Packaging Law Implementing Act, these additional costs are essentially directly based on the EU Packaging Regulation itself. Please refer to the European Commission's impact assessment.

The Packaging Law Implementing Act imposes additional annual burdens on the economy of approximately EUR 2457000 as a result of the implementation of mandatory EU law. The changes result in an increase of EUR 957000 in current administrative costs resulting from information requirements.

In addition, there is a one-off conversion cost for the economy of approximately EUR 4458000, also due to mandatory EU law. Of this amount, EUR 1158000 relates to administrative costs arising from information obligations.

The annual implementing costs and one-off implementing costs are entirely due to a 1:1 implementation of EU requirements.

E.3 Implementation costs for the administration

The Act imposes small ongoing and one-off implementing costs on the Länder and municipalities.

The Federal Government incurs additional ongoing implementing costs in the context of legal and technical supervision as a result of the enforcement of the Packaging Law Implementing Act.

F. Other costs

No impact on individual prices and on price levels, in particular on the level of consumer prices, is expected.

Preliminary draft of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety

Draft law to align packaging law and other areas of law with Regulation (EU) 2025/40¹

From.....

The Bundestag has adopted the following Law:

Artikel 1

Act implementing Regulation (EU) 2025/40 on packaging²

(Packaging Law Implementing Act – VerpackDG)

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¹ Notified under Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

² Article 1 of this Law also transposes:

— Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3; OJ L 127, 26.5.2009, p. 24; OJ L 297, 13.11.2015, p. 9; OJ L 42, 18.2.2017, p. 43; OJ L 90243, 17.4.2024, p. 1), as last amended by Regulation (EU) 2023/1542 (OJ L 191, 28.7.2023, p. 1),

— Directive 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1), as last amended by Regulation (EU) 2025/40.

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Teil 1

A general provisions

§ 1

A field of application

This Act shall apply to packaging within the scope of Regulation (EU) 2025/40.

§ 2

V received on other legislation

(1) Unless otherwise provided for in Regulation (EU) 2025/40 and in this Act, the Circular Economy Act, with the exception of Section 54 of the Circular Economy Act, and the statutory ordinances adopted on the basis of the Circular Economy Act or the Circular Economy and Waste Act in force until 31 May 2012 shall apply mutatis mutandis.

(2) Where specific requirements for packaging, for the disposal of packaging waste or for the transport of packaged goods or packaging waste exist pursuant to other legislation, those requirements shall remain unaffected.

(3) This is without prejudice to the provisions of the Act against Restraints of Competition.

(4) This shall be without prejudice to the power of the competent authorities of the Federal Government and the Länder to oblige third parties to prevent and recover waste when using their facilities or land and when using public roads for special purposes.

Artikel 2 Unless otherwise provided for in this Act, the Market Surveillance Act shall apply.

§ 1

E Supplementary definitions

(1) In addition to the definitions laid down in Article 3 of Regulation (EU) 2025/40, for the purposes of applying the provisions of this Act, the definitions laid down in Absätze 2 bis 20 in

(2) Cupboard packaging is a closed or predominantly closed sales packaging for liquid food as defined in Article 2 of Regulation (EC) No 178/2002, intended to be consumed as a beverage.

(3) Making available on the territory of the Federal Republic of Germany means making available on the territory of a Member State in accordance with Article 3(1)(11) of Regulation (EU) 2025/40 in relation to the territory of the Federal Republic of Germany.

(4) Resterified packaging is packaging the content of which has been exhausted as intended, including packaging used with the product as defined in Article 3(1), points (1)(f) and (g), of Regulation (EU) 2025/40.

(5) S Chadic fillers are the fillers specified in Annex 1.

(6) Packaging subject to the levy is sales and grouped packaging, primary production packaging and transport packaging which, after use in relation to the overall market for packaging of the same type, is typically the majority of which is waste in private households or at comparable production sites, as well as service packaging.

(7) V Equivalent sources of waste are public or private sources of waste which, depending on the type of packaging waste typically produced there, are comparable to private households. Comparable sources of supply are, in particular, the hospitality sector, as defined in Article 3(1), point (35), of Regulation (EU) 2025/45, such as restaurants, restaurants, canteens, snacks, cafés and hotels and resorts, as well as restaurants, administrations, bars, hospitals, educational establishments, charitable institutions, establishments of independent professionals, typical sources of supply in the cultural sector, such as cinemas, opera and museums, and the leisure sector, such as leisure parks and sports stadiums. Comparable sources of waste within the meaning of the first sentence are also agricultural holdings and craftsmen whose packaging waste can be disposed of at the usual collection rate by means of household containers for paper, cardboard and cardboard as well as for plastic, metal and composite packaging, but with a maximum of 1 100 litres of empty containers per collection group.

(8) S system is a producer responsibility organisation as defined in Article 3(1), point (66), of Regulation (EU) 2025/40, organised under private law as a legal person or as a

partnership with legal personality, which, after being authorised § 20 in collective fulfilment of the extended producer responsibility obligations of the producers involved, comprehensively records and recovers waste packaging generated as waste in their catchment area in private households and at comparable production sites.

(9) E in the catchment area within the meaning of paragraph 8 is the entire territory of a federal state in which packaging subject to mandatory participation by a producer involved is made available.

(10) S onstige Producer Responsibility Organisation is a producer responsibility organisation as defined in Article 3(1), point (66), of Regulation (EU) 2025/40, organised under private law as a legal person or a partnership with legal personality, that collectively fulfils the extended producer responsibility obligations of § 22 the participating producers for packaging that is not subject to mandatory participation in the system, once authorised.

(11) A Node are those places where packaging waste is made available for collection from economic operators that are not comparable collection points.

(12) S ystemprüfer are auditors or sworn auditors who have been appointed by the systems in accordance with § 25 paragraph 4 and who, in accordance with the first sentence of § 25 paragraph 2, check and confirm the interim and annual reports from the systems.

(13) Material recycling is recycling by means of processes in which the material remains available for further material use and replaces virgin material equivalent to the material.

(14) Zentrale Stelle Verpackungsregister is the foundation to § 48 Absatz 1 Satz 1be maintained and, in the event of dissolution, its successor § 48 Absatz 1 Satz 2 established after.

(15) Fanzanzanzungsvereinbarung is a contractual agreement concluded between the Central Body Packaging Register and a system, an operator of an industry solution, another producer responsibility organisation or a producer of packaging not subject to the system participation obligation to finance the Central Body Packaging Register under § 50 or § 51 Absatz 1.

(16) R is an egiistrated expert who is § 56 kept in the register of auditors by the Central Office for Packaging Registers and

1. section 36 of the Trade, Commerce and Industry Code (Gewerbeordnung) is publicly appointed,
2. environmental verifiers or environmental verifier organisations may, on the basis of a licence pursuant to Sections 9 and 10 or in accordance with Section 18 of the Environmental Audit Act, operate in the field specified in Section E, Division 38 of Annex I to Regulation (EC) No 1893/2006,
3. s has had competence established by accreditation of the national accreditation body in a generally recognised procedure; or
4. is established in another Member State of the European Union or in another State party to the Agreement on the European Economic Area and wishes to pursue an activity in Germany only on a temporary and occasional basis and has had his professional qualification verified in accordance with Paragraphs 13a and 13b of the Gewerbeordnung before commencing the activity.

The verification procedures referred to in point 4 may be carried out through a single body.

(17) E rstinverkehrter is any natural or legal person who makes packaging available on a professional basis for the first time in Germany.

(18) Any natural or legal person who, irrespective of the method of distribution or the level of trade, makes packaging available in federal territory shall be regarded as a distributor.

(19) E Plastic packaging is single-use packaging made wholly or partly of plastic.

(20) E In-use plastic food packaging is single-use plastic packaging, i.e. containers such as boxes with or without lids, for food that:

1. intended to be consumed directly, either on-site or as a take-away meal;
2. It is normally consumed from the packaging, and
3. can be consumed without further preparation such as cooking, boiling or heating.

K for this purpose, single-use plastic food packaging means beverage packaging, cups for beverages, plates as well as packets and wrappers, such as wrappers, containing food.

Teil 2

B Management of packaging and packaging waste

Kapitel 1

B Creation of packaging in federal territory

§ 2

K identification of the packaging material

V packs may be marked to identify the material from which they are made by means of the numbers and abbreviations Anlage 2 set out in. The use of numbers and abbreviations other than Anlage 2 those laid down in to identify the same materials shall not be permitted.

§ 3

B Assignment of third parties and delegation of powers

(1) Die under Regulation (EU) 2025/40 and obliged entities under this Act may entrust third parties with the performance of their duties; The second and third sentences of Section 22 of the Circular Economy Act shall apply mutatis mutandis. The first sentence shall not apply to the registration under § 6 and to the submission of data reports under § 9.

(2) H Create pursuant to the first sentence of Article 45(3) of Regulation (EU) 2025/40, who do not have an establishment in the Federal territory, shall, prior to the first making available of packaging or a packaged product in the Federal territory, in addition to the obligations under Chapter VIII of Regulation (EU) 2025/40, appoint their authorised representative for the extended producer responsibility to carry out their obligations under this Act, with the exception of registration pursuant § 6 to. Producers referred to in the second sentence of Article 45(3) of Regulation (EU) 2025/40 who do not have an establishment in the federal territory shall appoint an authorised representative for the extended producer responsibility before making packaging or a packaged product available for the first time in the federal territory and shall, in addition to the obligations laid down in Chapter VIII of Regulation (EU) 2025/40, mandate that authorised representative to carry out their obligations under this Act, with the exception of registration under § 6.

(3) D The authorised representative for the extended producer responsibility shall be deemed to be a producer within the meaning of this Act for the purposes of the obligations to be fulfilled. The performance of tasks by the authorised representative for extended producer responsibility shall be carried out on its own behalf.

(4) The producer may appoint only one authorised representative for the extended producer responsibility. The order referred to in the first and second sentences of paragraph 2 shall be made by means of a written authorisation in German when packaging or packaged products are made available for the first time in Germany.

(5) The producer shall appoint the authorised representative for the extended producer responsibility referred to in paragraph 2 to the central body for packaging registers without undue delay after the appointment. The designation takes place as part of the registration process § 6 Absatz 1 und 2 Satz 1 Nummer 2 and requires confirmation by the Central Packaging Register Office.

(6) If the mandate of the authorised representative is terminated, the manufacturer must immediately inform the Central Packaging Register. The designation ends as soon as the Central Packaging Register confirms the end of the assignment. The obligation of the authorised representative for the extended producer responsibility to fulfil the producer obligations arising during the period of its designation shall not be affected.

§ 4

R egistration; the competent authority

(1) In the case referred to in Article 3(1), points (15)(a) to (d), of Regulation (EU) 2025/40, as amended on 19 June 2025, H shall: December 2024 prior to the first making available or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40, as amended on 19 Before unpacking, have the packaging register registered with the central body. Manufacturers must immediately notify the Central Packaging Register of any changes to registration data and of the permanent cessation of manufacturing activities. The obligation under the second sentence also includes, in particular, notification of changes or termination of the mandate of the authorised representative for extended producer responsibility.

(2) B In the registration referred to in the first sentence of paragraph 1, the following information shall be provided:

1. N ame, address and contact details of the producer, in particular postal code and place, street and number, country, telephone number and European or national tax number;

2. In the case of the obligation to appoint an authorised representative for extended producer responsibility pursuant § 5 Absatz 2 to:
 - a) Name, address and contact details of the authorised representative for the extended producer responsibility in accordance with point 1; and
 - b) a written mandate from the manufacturer;
3. An identification of a natural person authorised to represent the organisation;
4. the producer's national identification number and e-mail address, providing the same information on the authorised representative for the extended producer responsibility in case of authorisation;
5. The name under which the manufacturer makes its packaging available for the first time in Germany;
6. An information on the packaging that the producer makes available for the first time on the territory of the Federal Republic of Germany or from which it unpacks packaged products, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40, broken down by packaging subject to system contribution § 3 Absatz 6, by the respective packaging § 39 Absatz 1 Satz 1 Nummer 1 bis 6 and single-use beverage packaging subject to § 46 the deposit obligation; and
7. Verify that all the information referred to in this paragraph is true.

Producers of packaging subject § 7 Absatz 1 Satz 1 to system participation are also required to declare that they fulfil their extended producer responsibility through participation in one or more schemes or through one or more industry solutions. In the event of a full transfer of the system participation obligation § 7 Absatz 2 to one or more pre-distributors, they shall declare, instead of declaring in accordance with the second sentence, that they only provide service packaging that is already part of the system in Germany. Producers of packaging shall § 39 Absatz 1 Satz 1 declare if they § 3 Absatz 10 fulfil their extended producer responsibility exclusively through participation in one or more other producer responsibility organisations.

(3) First registration and notifications of changes pursuant to paragraph 1 shall be made by means of the electronic data-processing system made available on the website of the Central Office for Packaging Register. The Central Packaging Register Unit confirms the registration and communicates its registration number to the manufacturer. It may give more detailed instructions on the electronic registration procedure and may require electronic transmission, specific encryption and the provision of access for the transmission of electronic documents for other communication with manufacturers.

(4) Registered manufacturers shall publish the information referred to in paragraph 2, first sentence, points 1, 2(a), 5 and 6, and third sentence, together with the registration number and the registration date, on the internet. In the case of manufacturers whose registration is terminated, the date of exit from the market shall also be indicated. The data published on the internet shall be deleted three years after the end of the year in which the manufacturer's registration ends.

(5) The central body for packaging registers may revoke the registration if the conditions for registration under the first sentence of paragraph 1 are no longer met.

(6) The central body for packaging registers is the competent authority for the register referred to in Article 44(1) of Regulation (EU) 2025/40.

§ 5

S system participation spruce

(1) H Manufacturers of packaging subject to mandatory system participation shall, in order to ensure widespread take-back before it is made available or, in the case referred to in Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, prior to unpacking packaged products, to participate in one or more systems in Germany. When doing so, they shall § 6 Absatz 3 Satz 2 indicate the type of material and the mass of the packaging to be used, as well as the registration number referred to in. The system shall confirm in writing or electronically to the manufacturer without delay that participation has taken place, specifying the type of material and the mass of the packaging involved; this also applies if the participation has been mediated by a mandated third party in accordance with the § 5 Absatz 1 first sentence.

(2) By way of derogation from the first sentence of paragraph 1, a manufacturer of service packaging subject to system participation who is considered a manufacturer in accordance with Article 21 of Regulation (EU) 2025/40 may require the pre-distributors of that service packaging to participate in one or more systems in respect of the unfilled service packaging they supply. The manufacturer originally obliged under the first sentence of paragraph 1 may require the pre-distributor to whom the system participation obligation under the first sentence is transferred to confirm that the system participation has taken place. With the transfer of the obligation to participate in the system, the manufacturer's obligations are also transferred to §§ 6, 9 und 10 the obligated upstream distributor in accordance with the relevant provisions; however, the manufacturer pursuant to the first sentence of paragraph 1 shall also be § 6 obliged to register itself pursuant to paragraph 1.

(3) Where packaging subject to mandatory participation in the system which is made available in federal territory is not delivered to the end user because it has been damaged or cannot be sold, the manufacturer may recover the fees paid by him for participation in the system from the systems concerned if he has taken § 42 Absatz 5 back the packaging and sent it for recovery in accordance with the requirements of the. Take-back and subsequent recovery shall be documented in a verifiable manner on a case-by-case basis. In this case, once the participation fees have been reimbursed, the packaging in question is no longer deemed to have been made available on the national territory.

(4) Where the approval of a scheme is § 23 Absatz 2 withdrawn pursuant to Article 47(5) of Regulation (EU) 2025/40 or after the expiry of the period for which a manufacturer has participated in that scheme, the scheme's participation shall be deemed not to have taken place from the date on which the withdrawal takes effect.

(5) Where there is a risk that the inclusion of packaging subject to mandatory participation in a system will significantly affect environmentally sound waste management, in particular the implementation of proper and safe recovery, or jeopardise the general interest, in particular health, the central body for packaging registers may prohibit the inclusion of packaging subject to mandatory participation in individual cases on grounds of incompatibility with the system. The prohibition shall be lifted if a system or the manufacturer demonstrates the system compatibility of the packaging concerned.

(6) It shall be prohibited for system operators to promise or provide distributors with remuneration or other economic benefits in the event that distributors intermediate manufacturers of packaging subject to system participation into their system.

§ 6

B rancid solutions

(1) A manufacturer's obligation to participate in the system shall § 7 Absatz 1 cease to apply where it takes back, free of charge, by means of an industry solution, the packaging § 3 Absatz 7 which it has made available on federal territory and which is subject to compulsory participation in the system at comparable points of production and which it supplies in a verifiable manner, either itself or through intermediary distributors, and disposes of in accordance with the requirements of § 42 Absatz 1 bis 3 the operator.

(2) E is permitted where a number of manufacturers in a sector sell similar products together; in that case, they shall designate a natural or legal person or a partnership with legal personality as the promoter of the sectoral solution.

(3) F For industry solutions under the, Absätzen 1 und 2 this shall apply mutatis mutandis, § 22 with the proviso that the conclusion of a financing agreement § 50 Absatz 1 Satz 2 § 22 Absatz 2 Satz 1 Nummer 5 is subject to approval. In addition to the conditions § 22 Absatz 2 set out in, the manufacturer or the provider of the sectoral solution must prove, by means of a certificate issued by a registered expert, that he or a third party appointed by him for that purpose:

1. b has set up an appropriate sectoral collection structure at all collection points it supplies in accordance with the first sentence, which ensures the regular return, free of charge, of all packaging required to participate in the system which it makes available there,
2. Ü has written confirmations of all seizure points supplied by him in accordance with the first sentence that they are integrated into this collection structure,
3. recovery of the packaging taken back in accordance with the requirements § 42 Absatz 1 bis 3 of.

In case of interaction, provide Absatz 2 a list of all manufacturers operating the industry solution. The first sentence shall not apply to producers of single-use beverage packaging filled with beverages who are § 46 Absatz 4 not subject to a deposit obligation.

(4) The central body for packaging registers shall Absatz 3 Satz 1 und 2 be notified in electronic form of any significant changes regarding the industry solution or the conditions laid down at least one month before they take effect by the manufacturer or, in the case of the interaction referred to in paragraph 2, by the provider of the industry solution. The Central Unit for Packaging Registers may require the use of certain electronic forms and input masks for transmission, as well as certain encryption.

(5) D the manufacturer referred to in the first sentence of paragraph 1 or, in the case of the interaction referred to in paragraph 2, the carrier of the industry solution, shall document the take-back and recovery in a quantity flow statement § 43 Absatz 1 und 2 in accordance with the requirements of, and in a verifiable form, and have it verified and confirmed by a registered expert. In the quantity electricity statement, the following additional information shall be provided:

1. provide contact details in accordance with the first sentence of paragraph 1, and
2. to attach documentary evidence of all collection points in accordance with the first sentence of paragraph 1 of the quantities of packaging of the respective manufacturer which is subject to system participation and which has been delivered to them.

D The producer referred to in paragraph 1 or, in the case of the interaction referred to in paragraph 2, the carrier of the inter-branch solution, shall submit the proof of quantity of electricity in electronic form to the central body for packaging registers by 1 June of the calendar year following the reporting period at the latest. paragraph 5.1(i) will Absatz 4 Satz 2 apply mutatis mutandis.

(6) The obligations laid down in this § 39 Absatz 4 Directive shall apply mutatis mutandis to the manufacturers operating an industry solution.

§ 7

D Aten's reports

(1) The first sentence of subparagraph § 7 1 requires the information on the packaging obtained as part of a system participation to also be submitted to the central body packaging registers without delay after it has been transmitted to the system, specifying at least the following data:

1. R egistration number;
2. M aterial type and mass of packaging involved;
3. N ame of the system in which the system's participation took place; and
4. The area for which the system involvement was carried out.

Any changes to the information and any withdrawals pursuant to the first sentence of § 7 paragraph 3 shall be submitted to the Central Body for Packaging Registers accordingly. The information referred to in point 2 of the first sentence shall be broken down into the types of material § 42 Absatz 2 Satz 1 referred to in; other materials shall be grouped together in a single item.

(2) H at a manufacturer made available in the Federal territory in the previous calendar year a total mass of packaging requiring participation in the system of less than 10 tonnes as a manufacturer and, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40, unpacked, is exempt from the obligations under the first and second sentences of paragraph 1. Instead, manufacturers are required under the first sentence to submit all the information referred to in the first sentence of paragraph 1 to the Central Office for Packaging Registers by 1 June of the following calendar year for packaging that they have made available on federal territory for the first time in a calendar year or that is unpacked in accordance with Article 3(1), point (15)(e), of Regulation (EU) 2025/40. The third and fourth sentences of paragraph 1 shall apply mutatis mutandis.

(3) The central body for packaging registers may make uniform electronic forms available and issue more detailed procedural instructions for the reporting of data in accordance with paragraphs 1 and 2.

(4) Systems may make it possible for the data messages relating to their system to be retrieved electronically.

§ 8

V Declarations of compliance

(1) In accordance with the first sentence of § 7 paragraph 1, H shall be required to file a representation declaration by 15 May each year. A declaration of completeness is a declaration of all sales and grouped packaging, primary production packaging, service packaging and transport packaging made available by them for the first time in Germany in the previous calendar year in accordance with the requirements of the first and second sentences of paragraph 3 and requires examination and confirmation by a § 56 Absatz 2 registered expert or by an auditor, tax advisor or certified accountant.

(2) The representation letter shall contain information on:

1. Z u Material type and mass of all packaging subject to compulsory system participation made available for the first time in the previous calendar year in Germany,
2. Z u type of material and mass of all sales and grouped packaging, primary production packaging, service packaging and transport packaging made available for the first time in Germany in the previous calendar year, which, after use on the overall market for packaging of the same type, typically does not predominantly arise as waste in private households or at comparable production sites,
3. participation in one or more systems in respect of packaging subject to compulsory system participation which was made available for the first time on federal territory in the previous calendar year,
4. Z u type of material and mass of all packaging taken back in the previous calendar year via one or more § 8 industry solutions;
5. Z u type of material and mass of all packaging taken back in the previous calendar year in accordance with § 7 paragraph 2;
6. compliance with recovery requirements in respect of transport packaging, sales and grouped packaging and primary production packaging taken back in the previous calendar year; § 39 Absatz 1 Satz 1 Nummer 1 bis 3 and
7. compliance with recovery requirements in respect of packaging taken back in accordance with § 7 paragraph 2 in the previous calendar year.

The information referred to in the first sentence shall be broken down into the types of material § 42 Absatz 2 Satz 1 referred to in; other materials shall be grouped together in a single item.

(3) The declaration of completeness and the associated test reports must be submitted electronically to the Central Body for Packaging Registers. The confirmation referred to in the second sentence of paragraph 1 shall be signed using a qualified electronic signature. The Central Unit for Packaging Registers may issue more detailed instructions on the electronic filing procedure and may require the use of certain electronic forms and input masks, specific encryption and the provision of access for the transmission of electronic documents for other communication with depositors. The central body for packaging registers may also require the system participation certificates referred to in the third sentence of § 7 paragraph 1 and the documents referred to in the second sentence of § 7 paragraph 2. If there are indications that the declaration of completeness filed is incorrect or incomplete, it may require the manufacturer to lodge further documents necessary for the assessment in the individual case.

(4) Anyone who has made available on federal territory, in the previous calendar year, packaging of certain materials subject to compulsory participation in the system, in no more than the following quantities, shall be exempt from the obligation laid down in the first sentence of paragraph 1:

1. § 42 Absatz 2 Glass packaging: less than 80 tonnes;
2. Paper, paperboard and cardboard packaging: less than 50 tonnes
3. Packaging of the other types of material referred to in the § 42 Absatz 2 first sentence: less than 30 tonnes.

Irrespective of the thresholds referred to in the first sentence, the Central Body for Packaging Registers or the competent Land authority may at any time require a declaration of completeness to be submitted in accordance with the requirements of paragraphs 1 to 3 within a reasonable time limit set by it.

§ 9

Exceptions to the obligation to participate in the system

Die shall not §§ 7 bis 10 apply to manufacturers of:

1. reusable packaging, the actual take-back and reuse of which is enabled by an existing system for re-use;
2. E Intra-drinking packaging subject § 46 to the deposit;
3. V Purchasing packaging of contaminated fillers; or
4. V packages which are demonstrably not sold to end users in Germany.

Kapitel 2

Restriction on the making available and other activities in relation to packaging on federal territory

§ 10

Restrictions on the making available of certain packaging

(1) E ndistributors are prohibited from making available in Germany lightweight plastic carrier bags intended to be filled with goods at the point of sale. The first sentence shall not apply to very lightweight plastic carrier bags required for hygiene reasons or provided as sales packaging for loose food to prevent food waste.

(2) Restrictions on the placing on the market of packaging under § 3 of the Single-Use Plastics Prohibition Ordinance remain unaffected.

(3) V Packaging shall be designed, manufactured and distributed in such a way that the volume and mass of packaging is limited to the minimum necessary to ensure the necessary safety, hygiene and consumer acceptance of the product to be packaged.

§ 11

V bans certain packaging-related activities

(1) H shall not make packaging available on federal territory or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, unpack packaged products if they are not registered or are not properly registered in accordance with the § 6 Absatz 1 first sentence. They may not make packaging subject to mandatory participation in the system available on federal territory or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, unpack packaged products if they have not joined § 7 Absatz 1 Satz 1 a system with such packaging.

(2) H shall not make packaging available in Germany or § 11 Nummer 4 § 39 Absatz 1 Satz 1, in the case referred to § 46 Absatz 1 Satz 1 in Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, unpack packaged products if they are not § 19 Absatz 1 Satz 1 authorised under. The first sentence shall not apply where a producer has entrusted the fulfilment of its extended producer responsibility to another § 22 authorised producer responsibility organisation on its behalf.

(3) V Manufacturers may not make packaging available on federal territory if the manufacturers are not registered or are not duly § 6 Absatz 1 Satz 1 registered. They may not make packaging subject to mandatory participation in the system available in Germany if the manufacturers have not participated § 7 Absatz 1 Satz 1 in a system with such packaging. They may § 39 Absatz 1 Satz 1 not make packaging available in federal territory if producers are not § 19 Absatz 1 authorised to do so or have delegated the fulfilment of their extended producer responsibility to an organisation § 22 authorised to do so on their behalf.

(4) F fulfilment service providers shall not carry out any of the activities referred to in Article 3(1), point (11), of Regulation (EU) 2019/1020 in its version of 12 August 2026 in relation to packaging or packaged products where the manufacturers of such packaging are not registered or are not duly registered in accordance with the § 6 Absatz 1 first sentence. Article 30(1), point (d), of Regulation (EU) 2022/2065 and Article 45(4), first subparagraph, point (b), also read in conjunction with paragraphs 7 to 9, of Regulation (EU) 2025/40 shall be taken into account. The central body for packaging registers shall provide automated data comparison with the register data required for the purpose of cross-checking the information that fulfilment service providers pursuant to the first sentence and providers of online platforms pursuant to Article 30(1), point (d), of Regulation (EU) 2022/2065 are required to obtain.

§ 12

Use of Article 5(4) of Regulation (EU) 2025/40 for plastic crates and pallets containing heavy metals

The restriction on the placing on the market provided for in Article 15(1), also in conjunction with Article 15(12) or Article 21, or in Article 18(1) for non-compliance with Article 5(4) of Regulation (EU) 2025/40 shall not apply in the territory of the Federal Republic of Germany to plastic crates and plastic pallets:

1. b for which the exceedance of the limit value referred to in Article 5(4) of Regulation (EU) 2025/40 is solely due to the use of secondary raw materials;
2. D ie circulating in closed and controlled product circuits;

3. for which an inventory and control system has § 15 been set up,
4. the production takes place in a controlled recycling process where the secondary raw material comes exclusively from plastic crates and pallets and the addition of non-circular substances is limited to the minimum technically possible, but not exceeding 20 % by mass;
5. which lead, cadmium, mercury and chromium VI have not been intentionally incorporated into the product during manufacture or distribution, without prejudice to the adventitious presence of any of these substances, and
6. b have been permanently and visibly marked during remanufacturing.

§ 13

S system requirements for return and disposal of plastic crates and pallets containing heavy metals

(1) Plastic crates and pallets § 14 must be subject to an inventory and control system. It shall also provide information on the legal and financial accountability of the manufacturer or its authorised representative and shall include an obligation to demonstrate compliance with the requirements § 14 under this provision, including the rate of return. This rate shall be as high as possible and shall in no case be less than 90 % over the lifetime of the plastic crates and pallets as a whole. This inventory and control system is intended to cover all reusable plastic crates and pallets made available in Germany and withdrawn from the market.

(2) The return rate to be proven in accordance with the second sentence of paragraph 1 shall be the percentage of reusable plastic crates and pallets that are not discarded after use but returned to their producers, importers or distributors or to an authorised representative.

(3) The inventory recording and control system referred to in the first sentence of paragraph 1 must ensure that returned plastic crates and plastic pallets which cannot be reused are either subjected to a recycling operation in which plastic crates and plastic pallets are § 14 manufactured in accordance with the rules or disposed of in the public interest.

§ 14

K onformation declaration and annual report for plastic crates and pallets containing heavy metals

(1) The manufacturer or his authorised representative shall draw up a written declaration of conformity providing evidence that the § 14 exempted plastic crates and plastic pallets comply with the requirements §§ 14 und 15 described in. It shall also draw up an annual report showing how the requirements of the have been §§ 14 und 15 complied with. It shall indicate, in particular, any changes to the inventory and control system and any changes to the authorised representatives.

(2) The manufacturer or his authorised representative shall keep the documents referred to in the first and second sentences of paragraph 1 for a period of four years for the purposes of verification by the competent authority and shall make them available to the competent authority on request.

§ 15

Use of Article 5(4) of Regulation (EU) 2025/40 for certain glass packaging

The restriction on placing on the market provided for in Article 15(1), also in conjunction with Article 15(12) or Article 21, or in Article 18(1) for non-compliance with Article 5(4) of Regulation (EU) 2025/40 shall not apply in the territory of the Federal Republic of Germany to packaging made from glass:

1. b in which the concentration of lead, cadmium, mercury and chromium VI does not exceed, cumulatively, 250 milligrams per kilogram;
2. b in the manufacture of which lead, cadmium, mercury and chromium VI have not been intentionally added as constituents,
3. b for which the exceedance of the limit value referred to in Article 5(4) of Regulation (EU) 2025/40 is due to the use of secondary raw materials
4. and require manufacturers, importers or distributors to § 18 comply with the requirements.

§ 16

K ontrolle of compliance with the heavy metal limit value for glass packaging

(1) Where the average heavy metal concentration exceeds the limit value of 200 mg/kg as a result of monthly inspections of the production of each individual glass furnace, representative of normal and regular production activity, carried out over a period of 12 consecutive months, the manufacturer or his authorised representative shall submit a report to the competent authority. This report shall include at least:

1. A reported on the measured values,
2. e a description of the measurement method used,
3. The alleged sources of the presence of the heavy metal concentration limits; and
4. e a detailed description of the measures taken to reduce the concentration limits.

(2) The measurement results from production sites and the description of the measurement methods used shall be kept for at least three years and shall be made available to the competent authority upon request.

Kapitel 3

At the end of the year

§ 17

Hire of manufacturers

(1) H Manufacturers of packaging and packaging not subject to the obligation to participate in the system pursuant to Section 39(1), first sentence, point 4, shall, in the case of Article 3(1), points (15)(a) to (d), of Regulation (EU) 2025/40 in the version of 19 December 2024 prior to the first making available or, in the case of Article 3(1), point (15) (e), of Regulation (EU) 2025/40, as amended on 19 December 2024, unpacking to have packaging registers approved by the central body to fulfil its extended producer responsibility. The authorisation shall be published on the website of the central packaging register. The obligation under the first sentence shall not apply if a producer of packaging under the first sentence has entrusted the fulfilment of its extended producer responsibility for all its packaging to one or more other § 22 authorised producer responsibility organisations on its behalf and has appointed packaging registers electronically to the central body.

(2) The Central Packaging Register Office shall, on request, grant approval to a manufacturer within four weeks of receiving all the information and documents required for processing, if he:

1. V packaging,
 - a) provided for the first time in federal territory or, in the case § 39 Absatz 1 Satz 1 referred to in Article 3(1), point (15)(e), of Regulation (EU) 2025/40, unpacked and § 39 Absatz 1 bis 4 complies with the requirements of,
 - b) are subject to § 46 the deposit obligation, are made available for the first time in federal territory and § 46 Absatz 1 und 5 meet the requirements of the, or
 - c) according to § 11 Nummer 4 demonstrably not supplied to end-customers in federal territory, made available for the first time in federal territory,
2. Ü has the financial and organisational resources necessary to fulfil its obligations under points 1(a) and (b);
3. g has put in place appropriate self-regulatory mechanisms to assess its financial management;
4. e has lodged an adequate insolvency-proof security and Absatz 4 provided proof thereof to the Central Office for Packaging Registers,
5. I prepare that the packaging which he makes available or unpacks in federal territory undergoes pre-treatment and high-quality recycling after use, and
6. § 51 Absatz 1 Satz 2 concluded a financing agreement with the central body for packaging registers and settled the resulting financial claim of the central body for packaging registers.

(3) The central body for packaging registers may require the manufacturer to submit by electronic means the documents necessary for the granting of approval in individual

cases. The Central Packaging Register Office shall inform the applicant of the complete receipt of the required documents and of the start of the period referred to in the Absatz 2 first sentence.

(4) The producer shall provide the central body packaging registers with adequate and insolvency-proof security to cover the costs related to the waste management activities that the producer shall bear in the event of non-compliance with the extended producer responsibility obligations, including in the event of permanent cessation of operations or in the event of insolvency.

(5) Applications for authorisation and notifications of changes pursuant to Article 47(4) shall be submitted by means of the electronic data-processing system made available on the website of the Central Packaging Register. The Central Office for Packaging Registers may provide the necessary information and documents using Absatz 2 electronic forms and issue more detailed procedural instructions.

(6) If at the Central Office for Packaging Registers has not taken a decision on an application for authorisation within the time limit laid down in the first sentence of paragraph 2, the authorisation shall be deemed to have been granted. Section 42a(1), second sentence, (2), second to fourth sentences, and (3) of the Administrative Procedure Act shall apply *mutatis mutandis*.

(7) § 20 Absatz 3 paragraph 5.1(i) will apply *mutatis mutandis*.

§ 18

Dispensing of systems

(1) D The operation of a system is subject to approval by the competent Land authority. The authorisation shall be made public and shall take effect from the date of such publication.

(2) The competent Land authority shall, on request, grant approval to a system within 18 weeks of receipt of all the information and documents required for processing, if the system:

1. the country concerned is comprehensively established, in particular the necessary collection structures are in place and the necessary arrangements have been made to this end, in particular agreements with distributors, authorities or third parties carrying out waste management on behalf of the system;
2. has § 27 Absatz 1 concluded coordination agreements or has subscribed to existing coordination agreements with all public waste disposal entities in the country concerned,
3. Ü has the necessary sorting and recycling capacity to ensure that the collected packaging waste undergoes pre-treatment and high-quality recycling;
4. F is incrementally efficient,
5. has put in Absatz 5 Satz 2 place appropriate self-regulatory mechanisms to assess its financial management;
6. e has Absatz 4 provided adequate security which is not subject to insolvency proceedings, and

7. has § 50 Absatz 1 Satz 2 concluded a financing agreement with the central packaging register.

The competent Land authority shall inform the applicant of the complete receipt of the necessary documents and of the start of the period referred to in the first sentence.

(3) Approval may also subsequently be accompanied by the ancillary provisions necessary to ensure that the conditions laid down at the time of approval continue to be met throughout the operation of the system; The second sentence of Article 47(4) of Regulation (EU) 2025/40 must be observed. The competent authority may also request documents after the approval has been granted in order to verify that the approval conditions are met.

(4) D as System shall provide the competent Land authority with adequate, insolvency-proof security in the event that it or the third parties commissioned by it § 29 fail to fulfil their obligations under this Act § 27 Absatz 1 or under the coordination agreement in accordance with or from the requirements, in full or in an improper manner, thereby incurring additional costs or financial losses for the public waste disposal entities or the competent authorities. For the purposes of the first sentence, the guarantee is normally appropriate if the period to be guaranteed does not exceed three months. If the normal period is exceeded, a separate justification must be provided.

(5) S ysteme is required to maintain the organisational means to comply with its obligations under Regulation (EU) 2025/40 and this Act. They shall put in place appropriate self-regulatory mechanisms to assess their financial management.

§ 19

Overall performance of the systems

(1) Financial standing requirements § 20 Absatz 2 Satz 1 Nummer 4 are met if the system demonstrates that it is able to meet all existing and anticipated commitments over a period of 12 months. This § 20 Absatz 4 shall be without prejudice to the obligation to provide security § 20 Absatz 2 Satz 1 Nummer 6 in the event of insolvency in conjunction with.

(2) The competent Land authority verifies the financial capacity in particular on the basis of the system's annual accounts under commercial law or, if a system is unable to submit annual accounts under commercial law, on the basis of the system's balance sheet and profit and loss account and, in both cases, additionally on the basis of a commercial audit report. If the system is integrated into a group of companies, the annual financial statements of the group must also be submitted.

(3) For the purposes of verifying financial capacity, the system must provide the competent Land authority with at least the following information:

1. v available financial resources, including bank balances and overdrafts and loans promised;
2. a ls funds and assets available for security;
3. B equities;
4. B operational asset encumbrances; and
5. S expensive and social security contributions.

The competent Land authority may require the system to provide further documents necessary for the examination of the individual case, in particular the submission of further audit reports, a reserve review, appropriate documents from a bank, a public savings bank, an auditor or a sworn auditor. The competent Land authority sends the Central Packaging Register the documents proving the financial capacity of the system and may request an assessment of the financial capacity of the system from the Central Packaging Register.

(4) The financial capacity of a system shall not be deemed to exist where insolvency proceedings relating to that system have been opened or where there is a significant or repeated arrears of taxes or social security contributions resulting from the activity of the undertaking.

§ 20

Other producer responsibility organisations

(1) D The establishment of another producer responsibility organisation shall be subject to approval by the central body for packaging registers. The authorisation shall be published on the website of the Central Office for Packaging Registers and shall take effect from the date of publication. The central body packaging registers shall publish a list of other producer responsibility organisations authorised in accordance with paragraph 2 on its website.

(2) The central body packaging register shall, upon request, grant authorisation to another producer responsibility organisation within three months of the submission of all the information and documentation necessary for processing, if the other producer responsibility organisation:

1. e has a clearly defined geographical, packaging and material coverage, which is not limited to the areas where the collection and management of waste is most profitable;
2. provides adequate waste collection schemes for those packaging for which it carries out the fulfilment of extended producer responsibility obligations;
3. arrangements, in particular agreements, have been made with distributors, public authorities or third parties carrying out waste management on their behalf for the purposes set out in point 2;
4. e has lodged adequate and insolvent security in accordance with paragraph 3;
5. e has § 51 Absatz 1 Satz 2 entered into a financing agreement after that date, and
6. D ie requirements in accordance § 20 Absatz 2 Nummer 3 und 5 with mutatis mutandis.

§ 19 Absatz 3 paragraph 5.1(i) will apply mutatis mutandis.

(3) Other producer responsibility organisations shall provide adequate and insolvency-proof security to the central body for packaging registers in the event that they or third parties acting on their behalf fail to fulfil their obligations under this Act, or do not fully or properly fulfil them, thereby incurring additional costs for the producers for which the other producer responsibility organisation carries out the extended producer responsibility or for other economic operators with whom the other producer responsibility organisation has contractual arrangements for waste management. For the purposes of the first sentence, the guarantee is normally appropriate if the period to be guaranteed

does not exceed three months. If the normal period is exceeded, a separate justification must be provided.

(4) § 20 Absatz 3 and § 19 Absatz 5 shall apply mutatis mutandis.

§ 21

Withdrawal of authorisation

(1) Approval § 19 Absatz 2 may be withdrawn in whole or in part where a manufacturer § 39 Absatz 1 und 2 fails to fulfil his obligations or one of the conditions referred to in the § 19 Absatz 2 first sentence is not met or no longer met; Article 47(5) of Regulation (EU) 2025/40 shall be respected. Approval must be withdrawn if the Central Office for Packaging Registers finds that the manufacturer has ceased operations or if he fails to fulfil his financial obligation to the Central Office for Packaging Registers under the financing agreement on formal notice issued after the due date.

(2) Authorisation may § 20 Absatz 2 be withdrawn in whole or in part where a system § 40 Absatz 1 und 2 fails to comply with its obligations or where any of the conditions § 20 set out in is not or is no longer met; Article 47(5) of Regulation (EU) 2025/40 shall be respected. The approval shall be revoked if the authority determines that the operation of the system has ceased.

(3) The authorisation § 22 Absatz 2 may be revoked in whole or in part if another producer responsibility organisation § 41 Absatz 1 und 2 fails to fulfil its obligations or one of the conditions referred to in the § 22 Absatz 2 first sentence is not met or is no longer met; Article 47(5) of Regulation (EU) 2025/40 shall be respected. The authorisation shall be revoked if the authority determines that the operations of the other producer responsibility organisation have ceased.

(4) D The withdrawal of the authorisation referred to in paragraphs 1 to 3 shall be made public.

Kapitel 4

Obligations of the systems

§ 22

G Collective location of the systems

(1) Systems shall participate in a joint entity. The approval § 20 shall cease to be valid if a scheme does not participate in the Joint Body within three months of the approval being granted.

(2) In particular, the Joint Body shall:

1. A distribution of disposal costs on the basis of market shares § 54 Absatz 1 Satz 2 Nummer 23 und 24 recorded by the central packaging register;

2. A breakdown of the charges according to § 31 Absatz 2 agreed ancillary charges on the basis of the market shares § 54 Absatz 1 Satz 2 Nummer 23 und 24 recorded by the Central Office for Packaging Registers;
3. coordination of invitations to tender in a manner that is neutral from the point of view of competition §§ 32 bis 37, in accordance with, in particular, the designation of the persons responsible for issuing invitations to tender for each collection area;
4. Elaborating the details of the e-tendering platform and the tender procedure in accordance with § 36;
5. B Appointment of the common representatives in accordance with § 31 Absatz 1 Satz 1;
6. B Designation of system auditors in accordance with § 25 Absatz 4;
7. coordination of the information measures in a way that is neutral from the point of view of competition § 40 Absatz 3 and allocation of the costs of those measures on the basis of the market shares § 54 Absatz 1 Satz 2 Nummer 23 und 24 recorded by the central packaging register.

(3) The Joint Body must ensure that it is accessible on equal terms to all systems and that the rules on the protection of trade and business secrets are complied with. In the case of decisions concerning the public waste disposal entities, the Joint Body shall consult the municipal umbrella organisations.

§ 23

Obligations of the systems

(1) Systems shall be required to report electronically to the Central Office for Packaging Registers the following information on the holdings made or expected to be made by them § 7 Absatz 1 Satz 1 and on any deductions made from the quantities of packaging on the basis of the reimbursement of charges § 42 Absatz 2 Satz 1 referred to in the § 7 Absatz 3 first sentence, broken down according to the types of material referred to in and the mass of the packaging, and allocated by manufacturer, together with the respective registration number:

1. b is on the 15th Calendar day of the last month of the current quarter, the expected mass of involved packaging for the following quarter (interim reporting); and
2. b is, on 1 June of each year, the mass of packaging actually involved for the previous calendar year (annual declaration).

(2) Notifications referred to in paragraph 1 shall be submitted to the Central Body for Packaging Registers in a version verified and confirmed by a system auditor. The Central Unit for Packaging Registers may require the use of certain electronic forms and input masks for transmission, as well as certain encryption. If there are indications that the notifications submitted are incorrect or incomplete, the Central Body for Packaging Registers may require the systems concerned to submit further documents necessary for the examination of the individual case. In addition, if the conditions laid down in the third sentence are met, the Central Body for Packaging Registers may, on a temporary basis and on a case-by-case basis, set a different reporting period with regard to intermediate declarations. If a system fails to submit an interim or annual report or if the Central Body cannot dispel packaging registers to the satisfaction of the Central Body, the Central Body

for Packaging Registers shall be authorised to estimate the quantity of packaging involved in the system concerned on the basis of the information available to it.

(3) Systeme is required to inform the manufacturers involved in it of the content of the annual declaration with regard to the packaging to be attributed to each manufacturer and subject to compulsory participation in the system.

(4) Four system auditors shall be appointed by common accord for a maximum period of five years. If the systems do not agree on the appointment of a replacement within six months of the end of the appointment period of a system auditor, the Central Packaging Register Unit shall decide on the appointment of the system auditor.

(5) By 1 July of the calendar year following the financial year in question, Jedes System is obliged to submit its annual commercial accounts or, if a system is unable to submit annual commercial accounts, a balance sheet and, in both cases, an additional commercial audit report electronically to the Central Packaging Register Office. Each system shall provide at least the information § 21 Absatz 3 Satz 1 referred to in paragraph 5.1(i) will § 21 Absatz 1 Satz 1 und Absatz 4 apply mutatis mutandis. Where there are indications of a lack of financial capacity or incompleteness of the declarations submitted, the Central Body for Packaging Registers may require the systems concerned to submit by electronic means further documents necessary for the examination of the individual case, in particular the submission of appropriate documents from a bank, a public savings bank, an auditor or a sworn auditor.

§ 24

Ecological design of participation fees

(1) Systeme shall be required, in the context of the calculation of the participation fees, to provide incentives to promote, in the production of packaging subject to system participation, the following:

1. the use of materials and combinations of materials that can be recycled to the highest possible percentage, taking into account the practice of sorting and recovery; and
2. use of recycled materials and renewable raw materials.

(2) Jedes System shall report annually by 1 June to the Central Body for Packaging Registers and the Federal Environment Agency on how it has implemented the requirements of paragraph 1 when calculating participation fees in the previous calendar year. It shall also indicate the proportion of packaging involved that has been recycled at a high quality level per type of material. The Central Packaging Register Unit verifies the plausibility of the systems' reports. It may, in agreement with the Federal Environment Agency, adopt and publish binding requirements as to the form of the reports. If the examination does not give rise to any objections, the Central Body for Packaging Registers, in agreement with the Federal Environment Agency, authorises the respective system to publish the report.

(3) Until one of the delegated acts referred to in Article 6(4), points (a) to (c), of Regulation (EU) 2025/40 is applicable, the central packaging register body, in agreement with the Federal Environment Agency, shall publish annually by 1 September a minimum standard for measuring the recyclability of packaging subject to system participation requirements, taking into account the individual recovery pathways and the respective type of material.

Kapitel 5

G Collection of packaging waste

§ 25

A reconciliation between systems and public waste disposal entities

(1) Collection is § 40 Absatz 1 to be coordinated with the existing collection structures of the public waste disposal entities in whose area it is to be established. The vote shall be taken by means of a voting agreement. A coordination agreement is a written agreement between the systems and the relevant public waste disposal entity. Particular account must be taken of the interests of the public waste disposal entity. Framework conditions § 29 are to be observed. The coordination agreement shall not preclude the competitive award of waste management services and the objectives of this Act and Regulation (EU) 2025/40.

(2) E in public waste disposal entities may, as part of the vote, require the systems to be subject to immediate enforcement under the voting agreement in accordance with the applicable provincial administrative procedure laws.

(3) E in public waste disposal entities may require the systems to adjust the coordination agreement appropriately whenever there is a significant change to the framework conditions for collection after § 40 Absatz 1 and in the event § 29 of a change to its framework conditions. The negotiation and conclusion shall apply mutatis § 31 Absatz 1 mutandis.

§ 26

Use of the collection infrastructure; Collection of materials

(1) E in public waste disposal entities may agree with the systems, as part of the reconciliation process, that non-packaging waste of plastics or metals generated by private households or comparable sources of waste is collected together with the same-material packaging waste by means of a uniform collection of materials. The details of the implementation of the uniform collection of materials may be further specified by the public waste disposal entity and the systems within the framework of their respective waste disposal responsibilities. It must be ensured that the recovery obligations § 42 and the evidentiary obligations § 43 relating to packaging waste are complied with. Waste within the meaning of the Electrical and Electronic Equipment Act and waste batteries within the meaning of Regulation (EU) 2023/1542 may not be included in the uniform collection of materials.

(2) E in public waste disposal entities may, as part of the coordination, require the systems to jointly use its collection structure, which is set up for the separate collection of paper, cardboard and cardboard, for a reasonable fee. In the context of coordination, the schemes may require a public waste disposal entity to allow them to jointly use this collection structure for a reasonable fee. As part of the coordination, a public waste disposal entity may require the schemes to collect non-packaging waste from paper, cardboard and cardboard for a reasonable fee.

(3) If the collection of the remaining emptied plastic, metal and composite packaging is to be carried out at civic amenity sites set up by the public waste disposal entity, the

public waste disposal entity may, as part of the coordination, require the systems to pay an appropriate fee for shared use.

§ 27

R Amount requirement

(1) E in public waste disposal entities may, by means of a written administrative act addressed to the systems, determine how the § 40 Absatz 1 remaining plastic, metal and composite packaging is to be organised in private households once it has been collected. This is to be determined by means of a framework requirement. It shall include in particular:

1. the type of collection system, either the hauling system, the ring system or the combination of both collection systems;
2. the type and size of the reservoirs, if the reservoirs are standard, and
3. D is the frequency and time period of tank emptying.

(2) According to that framework, Absatz 1 it must be capable of ensuring the most effective and environmentally sound recording of waste from private households and compliance with it must not be technically impossible or economically unreasonable for the systems to carry out their tasks under that law. The framework requirement may not go beyond the disposal standard used by the public waste disposal entity for the collection of mixed municipal waste from private households to be carried out under its responsibility.

(3) R are not subject to change until at least three years have elapsed. Any change shall be notified to the schemes well in advance of the change and at least one year before it takes effect.

§ 28

B Calculation of charges

(1) In order to determine an appropriate fee for shared use, the parties § 28 Absatz 2 must be guided by the charging principles laid down in Section 9 of the Federal Fees Act. Only the proportion of the costs corresponding to the proportion of the paper, cardboard and cardboard packaging waste in the case of collection and the § 28 Absatz 2 Satz 1 und proportion of the non-paper, cardboard and cardboard packaging waste in § 28 Absatz 2 Satz 3 the total amount of waste collected in the collection containers in the case of collection shall be eligible; the proportion may be calculated either as a proportion by mass or as a proportion by volume, as specified by the public waste disposal entity.

(2) If, at the § 28 Absatz 2 same time, the parties agree on joint recovery by the collector, the relevant market value of packaging and non-packaging waste must also be taken into account when determining the appropriate remuneration. Unless joint recovery is agreed, the co-user may require the other co-user to return a proportion of the mass corresponding to the proportion of the total mass of waste contained in the collection containers that he or she is responsible for disposing of. The person claiming restitution must bear the additional costs incurred in delivering the waste and pay compensation in the event that the market value of the part of the mass of the collection mixture to be transferred to him exceeds the market value of the packaging or non-packaging waste

which he would have to dispose of under his own responsibility if it had been collected separately.

(3) In order to determine an appropriate fee for shared use, the parties shall § 28 Absatz 3 be guided by the charging principles laid down in Section 9. Only the proportion of the costs corresponding to the share of packaging waste in the total amount of waste collected at civic amenity sites shall be eligible; the proportion may be calculated either as a proportion by mass or as a proportion by volume, as specified by the public waste disposal entity.

§ 29

Other obligations of the schemes under the reconciliation agreements

(1) In an area where multiple systems are established or are established, system operators are required to appoint a joint representative to conduct negotiations with the public waste disposal entity for the initial conclusion and any amendment to the voting agreement. The public waste disposal entity and at least two-thirds of the systems involved in the voting agreement must approve the conclusion of the agreement and any amendments thereto. A system set up in an area with an existing coordination agreement shall be subject to the existing coordination agreement.

(2) E in System is required to contribute, in proportion to its market share, to the costs incurred by the public waste disposal entities in providing waste advice on the collection carried out § 40 Absatz 1 by the systems and in setting up, providing, maintaining and maintaining clean areas on which large collector containers used by the systems are placed. For the calculation of costs, the principles for calculating fees laid down in Section 9 of the Federal Fees Act shall be applied.

§ 30

A use of groupage services; Tender leader

(1) Systems shall award the groupage services to be provided pursuant to § 45(1) § 29 in accordance with the coordination agreements § 27 Absatz 1 and the framework requirements on the basis of a competitive, transparent and non-discriminatory tendering procedure via an electronic tendering platform in accordance with this provision.

(2) Systems shall appoint a tendering leader to carry out, on his own responsibility, the tendering procedure for a given collection area. The Tender Leader is a single system. The main cost of the collection is to be borne by the leader of the tender in this area. The other systems may conclude individual co-use agreements with the successful tenderer for their share; the obligation to issue an invitation to tender laid down in paragraph 1 shall not apply.

(3) The award of a Batch Assignment by a System shall be null and void ab initio if it has § 34 Absatz 6 taken place without a tendering procedure or without prior information after § 34 Absatz 5 and without respect of the waiting period and that infringement has been § 35 established in arbitration proceedings under.

(4) In the event of the ineffectiveness of the award of the contract, Absatz 3 the co-use contracts based on the ineffective Batch Order shall also be ineffective. The successful tenderer may not, without objective justification, discriminate between the other systems when concluding the joint-use agreements.

§ 31

D Initiation of the tendering procedure

(1) Contractors will be identified through an open tender procedure. The bidder shall make public its intention to award a Batch Contract by means of a contract notice on the electronic tendering platform. The contract notice must be accompanied by all the documents required for submission of a tender. Any interested company may submit a tender.

(2) The minimum time limit for receipt of tenders shall be 60 days from the day following the publication of the contract notice. If no suitable tenders have been submitted within the time limit laid down in the first sentence, the contract may be awarded by negotiated procedure without competition; a tender shall be considered to be unsuitable where it is manifestly not in accordance with the needs and requirements set out in the documents relating to the invitation to tender.

(3) The tendering officer is obliged to document the individual steps of the tendering procedure in a timely manner. To that end, it shall ensure that it has sufficient documentation to justify decisions in a comprehensible manner at all stages of the tendering procedure, in particular as regards the examination of the tenders submitted and the award decision. The operator of the electronic tendering platform shall equally document the determination of the cheapest offers. The documentation shall be kept for at least three years from the date of award of the contract.

(4) Where packaging made of paper, cardboard and cardboard, together with non-packaging of the same material, is placed § 28 Absatz 2 in a collection container by way of joint use, the systems and the public waste disposal entity may issue a joint tender for the collection service. In this case, the systems and the public waste disposal entity may also instruct the other to carry out the tendering procedure. In both cases, the public procurement rules applicable to the public waste disposal entity on the basis of other legal provisions are to be applied as a matter of priority. Where the tendering procedure is conducted jointly, all the contracting authorities involved shall be jointly responsible for compliance with the provisions governing the tendering procedure.

§ 32

Allocation of funds; Conclusion of the contract

(1) D The contract shall be awarded, for each of the contract territories, to the tender offering the best value for money from suitable undertakings. To that end, the operator of the electronic tendering platform shall determine the most economically advantageous tender and shall give the bidder access to the tender; equal-price offers can be consulted at the same time.

(2) The contracting authority verifies the suitability of the tenderer on the basis of the selection criteria laid down in accordance with Paragraph 122 of the Gesetz gegen Wettbewerbsbeschränkungen (Law against restrictions of competition), the absence of grounds for exclusion under Paragraphs 123 and 124 of the Gesetz gegen Wettbewerbsbeschränkungen (Law against restrictions of competition) and, where appropriate, the tenderer's self-cleaning measures under Paragraph 125 of the Gesetz gegen Wettbewerbsbeschränkungen (Law against restrictions of competition). He shall also check that the tender is complete and technically and mathematically correct. In doing so, it may only ask the tenderer to provide information about the tender or its suitability.

(3) In principle, no action may be taken, in particular on amendments to the tender or to the price. Only in the case of equal-price bids from several suitable bidders may the bidder exceptionally negotiate the price.

(4) If the tenderer rejects a bid because one of the grounds set out in Paragraphs 123 and 124 of the Gesetz gegen Wettbewerbsbeschränkungen (Law against restrictions of competition) is inappropriate or exists, or if the bid does not meet the minimum requirements laid down, the operator of the electronic tendering platform shall submit the next cheapest bid for consideration.

(5) Once the award decision has been taken, the operator of the electronic tendering platform must immediately inform tenderers whose tenders are to be rejected of the name of the undertaking whose tender is to be accepted, of the reasons for the proposed rejection of their tender and of the earliest date on which the contract is to be concluded; the information required for this purpose shall be provided by the tendering officer.

(6) E Contract may not be concluded until 15 calendar days have elapsed from the date on which the information referred to in paragraph 5 was sent. The period shall begin on the day following that on which the information was sent; the date of receipt by the tenderer concerned is irrelevant.

§ 33

E opposed; Arbitration proceedings

(1) J Any undertaking having an interest in the groupage contract and claiming that its rights have been infringed by failure to comply with the provisions governing the tendering procedure may have the invitation to tender and the award decision reviewed by an arbitral tribunal. The written and reasoned request for arbitration must be submitted to the § 34 Absatz 5 Deutsche Institution für Schiedsgerichtsbarkeit e.V. no later than 15 calendar days after dispatch of the information; in the absence of such information, the application must be submitted no later than six months after the conclusion of the contract. It must be shown that the undertaking has been or risks being harmed by the alleged infringement of the tendering rules.

(2) D ie Deutsche Institution für Schiedsgerichtsbarkeit e.V. shall immediately inform the tendering party in writing of the request for arbitration. During the arbitration procedure, the tendering party may not award the contract.

(3) Under the Arbitration Code and the Supplementary Rules for Accelerated Proceedings of the German Institution for Arbitration (Deutsche Institution für Schiedsgerichtsbarkeit e.V.) and, where necessary, under the provisions of German arbitration law pursuant to Paragraphs 1025 to 1066 of the Zivilprozessordnung (Code of Civil Procedure), arbitration proceedings are definitively decided by an arbitrator appointed by the Deutsche Institution for Arbitration (Deutsche Institution für Schiedsgerichtsbarkeit e.V.) after hearing the parties, to the exclusion of ordinary legal remedies. The decision shall be given in writing and, if possible, within eight weeks of receipt of the request by the Deutsche Institution für Schiedsgerichtsbarkeit e.V.

(4) D as an arbitral tribunal shall decide whether the applicant's rights have been infringed and shall take appropriate measures to remedy any infringement and to prevent damage to the interests concerned. An award which has been validly made may not be cancelled. If the arbitration procedure has been settled by the award, cancellation or discontinuation of the tendering procedure or by any other means, the arbitral tribunal shall, at the request of one of the parties, determine whether there has been an

infringement of the law. This shall be without prejudice to the competence of the ordinary courts to bring claims for damages.

§ 34

E Electrical bidding platform

(1) E details of the electronic tendering platform and the tendering procedure shall be agreed between system operators. They shall submit the intended provisions to the Federal Cartel Office in good time before their implementation.

(2) D it shall provide access to the e-tendering platform through the Central Authority.

(3) Systems shall ensure that the development and operation of the e-tendering platform, as well as the technical execution of the tenders, are carried out by a neutral service provider bound by an obligation of confidentiality with regard to the information handled through the platform.

§ 35

A Applicability of the Law against Restraints of Competition and the Public Procurement Regulation

Save as §§ 32 bis 36 otherwise provided, Sections 121 to 126, 128 and 132(1) to (4) of the Act against Restraints of Competition and Section 133 of the Act against Restraints of Competition and Sections 5 to 7 and 29(1) of the Public Procurement Code, Sections 31 to 34, 36, 43 to 47 and 48(1), (2) and (4) to (8) of the Public Procurement Code, Sections 49 and 53(7) to (9) of the Public Procurement Regulation, Sections 56, 57 and 60(1) to (3) of the Public Procurement Regulation and Sections 61 and 63 of the Public Procurement Regulation shall apply mutatis mutandis.

Kapitel 6

Collection, recovery and recycling of packaging

§ 36

G Separate collection

Discarded packaging produced as waste in private households or at comparable production sites shall be sent for separate collection from mixed municipal waste in accordance with the following provisions of this Chapter. The provisions of the Gewerbeabfallverordnung remain unaffected.

§ 37

Obligations on producers and distributors to take back and recover

(1) H Producers and subsequent distributors in the supply chain shall be required to collect and take back free of charge, at the place of actual delivery or in its immediate vicinity, the following used packaging of the same type, form and size as the packaging they make available in federal territory, separately from other waste:

1. T transport packaging not subject to § 7 Absatz 1 Satz 1 system participation;
2. V Purchase and grouped packaging not subject to § 7 Absatz 1 Satz 1 system participation;
3. P primary production packaging, which is not subject § 7 Absatz 1 Satz 1 to system participation;
4. packs subject to mandatory participation in the system for which participation in the system is not possible because they are incompatible with the system in accordance with the § 7 Absatz 5 first sentence,
5. V Purchasing packaging of loads containing pollutants; and
6. reusable packaging as referred to in Article 11 of Regulation (EU) 2025/40.

In the case of final distributors, the take-back obligation referred to in the first sentence is limited to packaging originating from goods which the distributor keeps in his range. The final distributor of packaging referred to in the first sentence must inform end users of the possibility of returning the packaging and of its meaning and purpose by appropriate measures and to an appropriate extent. In the case of recurrent deliveries, withdrawal may also take place at one of the next deliveries. Manufacturers and subsequent distributors in the supply chain may agree with each other and with end users, provided that they are not consumers, on different arrangements regarding the place of return and the arrangements for costs.

(2) Where it is not possible for a manufacturer or subsequent distributors of packaging in the supply chain to take back packaging in Absatz 1 Satz 1 Nummer 4 und 5 an environmentally and health-friendly manner at the place of actual delivery or in its immediate vicinity, take-back may also take place at a central delivery point if this is within a reasonable distance from the place of actual delivery for the person entitled to return and is accessible during the distributor's normal business opening hours. The final distributor of packaging Absatz 1 Satz 1 Nummer 4 und 5 must inform consumers of the possibility of return by means of clearly visible and legible signs at the point of sale and at a distance by other appropriate means.

(3) H create and subsequent distributors in the supply chain to take back the packaging referred to in the first sentence of paragraph 1 or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, unpack packaged products are required to re-use or recover the packaging in accordance with the requirements § 42 Absatz 5 of. The requirements of Section 42(5) may also be met by returning the product to a distributor. Manufacturers and subsequent distributors in the supply chain in accordance with the first sentence shall provide evidence of compliance with the take-back and recovery requirements in accordance with the fourth and fifth sentences. To this end, by 15 May each year, the information provided in the previous calendar year in the Federal territory or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40 in the version of 19 December 2024, to document in a verifiable form the packaging generated during the unpacking of packaged products, as well as the

packaging taken back and recovered. Documentation shall be provided by type of material and mass. Appropriate self-regulatory mechanisms shall be put in place to assess the accuracy and completeness of the documentation. The documentation shall be made available on request to the competent Land authority within whose territory the manufacturer or distributor is established. The transfer of extended producer responsibility for all or part of the packaging made available on federal territory shall be submitted electronically without delay to the Central Body for Packaging Registers, mentioning the appointed other producer responsibility organisations.

(4) H Manufacturers and subsequent distributors of packaging in the supply chain in accordance with the first sentence of paragraph 1 shall be obliged to have the financial and organisational means to fulfil their obligations under this provision. In order to assess their financial management, which must include the financial means to fulfil their obligations under this provision, in particular under the first and fifth sentences of paragraph 1 and the third to seventh sentences of paragraph 3, they must put in place appropriate self-regulatory mechanisms.

(5) If no system is in place, the take-back obligation under Absatz 1 Satz 1, the notification obligation under Absatz 2 Satz 2 and the obligations under paragraph 4 with regard to packaging subject to system participation shall apply mutatis mutandis. For final distributors with a sales area of less than 200 square metres, the take-back obligation referred to in the first sentence shall be limited to packaging bearing the brands which the distributor has in its range. Manufacturers and subsequent distributors in the supply chain shall re-use or recover packaging taken back in accordance with the first and second sentences in accordance with the requirements § 42 Absatz 1 bis 3 of. The requirements of the third sentence may also be met by returning the product to a distributor. Proof of compliance with the take-back and recovery requirements shall be Satz 3 kept by the obliged entities in accordance with the requirements of the fourth and fifth sentences of paragraph 3 and shall be provided on request to the competent Land authority on whose territory the producer or distributor is established.

(6) In accordance with Absatz 1 Satz 1 obliged entities, another producer responsibility organisation may § 3 Absatz 10 entrust the fulfilment of its obligations under paragraphs 1, 2, 3, first and second sentences, and 4. They shall immediately inform the Central Packaging Register Office of any such appointment, indicating the name and address of the registered office of the other producer responsibility organisation. The first sentence shall not apply to the obligations under the third to sixth sentences of paragraph 3.

§ 38

Obligations of separate collection, recovery and information systems

(1) Systems shall be required to ensure, within the catchment area of the producers involved, a comprehensive collection, separate from mixed municipal waste, of all discarded packaging produced in private households or at comparable production sites, by means of a hauling system or in its vicinity by means of a bunkering system or by a combination of both, in a sufficient manner and free of charge for private households and the comparable production site. Collection systems shall be capable of receiving all discarded packaging produced in private households and at comparable points of delivery in the event of regular emptying. Collection shall be limited to waste from private households and waste from comparable sources. Several systems may interact in the establishment and operation of their collection structures.

(2) Waste covered by the systems shall be sent for recovery in accordance with the requirements of the first sentence of § 42 paragraph 1, paragraphs 2 and the first sentence of paragraph 4.

(3) Systems shall be required to provide consumers and comparable sources with adequate information on the rationale for the separate collection of packaging waste, on the collection systems set up for that purpose and on the recovery results achieved; to § 31 Absatz 2 be taken into account. With regard to single-use plastic packaging, the systems shall also provide information on:

1. on the impact of littering on the environment, in particular on the marine environment; and
2. on measures to prevent such littering, in particular the availability of reusable packaging as an alternative to single-use plastic packaging referred to in Part G of the Annex to Directive (EU) 2019/904.

The information shall be provided at regular intervals and shall include both local and supra-regional measures. Municipal waste advisory bodies and consumer protection organisations must be involved in the preparation of information measures.

(4) When making available the information referred to in Article 46(4) and Article 55(1) and (2) of Regulation (EU) 2025/40, the schemes shall publish and regularly update the following information on their websites:

1. ownership and membership;
2. the fees paid by the participating manufacturers for packaging subject to mandatory participation in the system or for packaging subject to mandatory participation in the system per unit of mass, and
3. D as the procedure they use to select waste management facilities, unless they are §§ 32 bis 37 selected in accordance with the requirements of the.

The obligation to publish pursuant to the first sentence shall not apply in the case of a trade secret. Where there is doubt as to the existence of a trade secret, the Central Unit for Packaging Registers may require the systems to provide a textual justification as to why the non-disclosed information constitutes a trade secret.

§ 39

Other producer responsibility organisations' obligations

(1) Producer responsibility organisations shall be required, in the catchment area of the producers involved, to ensure, in a sufficient manner and free of charge for the producers of packaging waste, the collection of all discarded packaging involved in their activities, at or near the point of production or through a combination of the two, separately from other commercial waste. Producers referred to in Article 3(1), point (15) (e), may reach different agreements with the other producer responsibility organisation regarding the place of return and the cost regime. The collection systems must be capable of receiving all the discarded packaging involved in them at the places where the waste is produced, in the event of regular emptying. Collection shall not take place from private households or comparable collection points with regard to packaging subject to mandatory participation in the system.

(2) Packaging covered by other producer responsibility organisations shall be re-used or § 42 Absatz 5 recovered by those organisations in accordance with the requirements of.

(3) S On-going producer responsibility organisations shall provide evidence of the recovery of the discarded packaging covered by the collection referred to in the first sentence of paragraph 1 every calendar year from the date of approval. To this end, by 15 May each year, the packaging involved in the previous calendar year and fully documented information on the quantities collected and sent for preparation for re-use, recycling, material recycling or recovery shall be documented. The documentation must be broken down into the following materials: glass, paper, cardboard, liquid cartons, ferrous metals, aluminium, plastic and wood. Other materials shall be grouped together in a single item. Composite packaging shall be assigned to the corresponding main packaging material in accordance with sentence 3. In order to assess the accuracy and completeness of the calculation, other producer responsibility organisations shall put in place appropriate self-regulatory mechanisms. The documentation shall be made available on request to the manufacturers involved and to the competent Land authority within whose territory the manufacturer is established.

(4) S On-going Producer Responsibility Organisations must immediately inform the Central Body Packaging Register of the conclusion of a contract with a producer on the involvement of packaging, indicating the name, address and registration number of the producer.

(5) § 40 Absatz 4 shall apply mutatis mutandis, with the proviso that the information to be published in accordance with point 2 shall § 39 Absatz 1 Satz 1 Nummer 4 relate to the packaging and packaging involved, which is not subject to the obligation to participate in the system.

§ 40

A Requirements for realisation

(1) In accordance with the first sentence of Section 8(1) of the Circular Economy Act, the systems must give priority to preparing for re-use or recycling the residual packaging § 40 Absatz 1 Satz 1 collected. If the waste referred to in the first sentence is not recovered, it shall be handed over to the competent public waste disposal entity in accordance with the second sentence of Section 17(1) of the Circular Economy Act.

(2) Schemes shall be required to recycle on an annual average basis at least the following proportions of their packaging:

1. 90 % by mass of glass,
2. 90 % by weight of paper, paperboard and cardboard,
3. 90 % by mass of ferrous metals, 95 % by mass from 1 January 2028;
4. 90 % by mass of aluminium, 95 % by mass from 1 January 2028;
5. 80 % by mass for beverage carton packaging,
6. 70 % by mass for other composite packaging,
7. 75 % by mass for plastics from 1 January 2028. 80 % by mass from 1 January 2030.

Point 2 of the first sentence shall not apply to liquid cartons. The schemes shall be required to deliver to material recycling at least 63 % by mass as an annual average, at least 70 % by mass from 1 January 2028 and at least 75 % by mass from 1 January 2030 of their plastic packaging. The difference between the rates referred to in the second sentence Satz 1 Nummer 7 and those referred to in the second sentence may be offset by the addition of recycling processes other than those referred to in the second sentence.

(3) B In the case of composite packaging as referred to in paragraph 2, first sentence, points 5 and 6, the recycling of the main material component shall be ensured in particular, unless the recycling of another material component better meets the objectives of the circular economy. Where composite packaging is sent for a separate recovery route, independent proof of the quotas in accordance with Absatz 2 Satz 1 points 5 and 6 is permitted. For composite packaging which is recorded in the electricity of one of the main material types referred to in the first and second sentences of paragraph 2 and undergoes recovery, the rates referred to in points 5 and 6 of the first sentence of paragraph 2 shall be demonstrated by means of appropriate sample surveys.

(4) Systems shall be required to recycle at least 50 % by mass, 55 % by mass as of 1 January 2028 and 60 % by mass as of 1 January 2030 of the § 40 Absatz 1 Satz 1 total collected waste plastic, metal and composite packaging. In the case of uniform collection of recyclable materials within the meaning of, the rate referred to in the first sentence shall § 28 Absatz 1 refer to the proportion of the collection mixture which is to be assigned to the recovery systems in accordance with the ratio of the plastic, metal and composite packaging to the non-packaging with the same material in the uniform collection of recyclable materials.

(5) After packaging has been taken § 39 Absatz 1 Satz 1 back and after packaging has been § 41 Absatz 1 Satz 1 und 2 collected, priority shall be given to preparing for re-use or recycling in accordance with the first sentence of Section 8(1) of the Circular Economy Act.

(6) V it waste exported from the Union may only be taken into account for the fulfilment of the requirements set out in paragraphs 1 to 5 if the exporter provides documentary evidence in accordance with Regulation (EC) No 1013/2006 or Regulation (EU) 2024/1157 that the shipment of waste complies with the requirements of that Regulation, including the requirement that the treatment of packaging waste in a third country took place under conditions that are equivalent to the requirements of the relevant Union environmental legislation.

§ 41

M close current detection

(1) Each calendar year, the systems must document the recovery of the wasted packaging § 40 Absatz 1 Satz 1 collected by means of collection in a verifiable form in a quantity flow statement. The quantitative flow statement shall be based on the quantities of packaging involved in a system and fully documented information on the quantities collected and the quantities sent for preparation for re-use, recycling of materials or energy recovery. The waste certificates on which the quantitative electricity statement is based must contain at least the contracting authority, the contracted waste management company and the mass of the waste disposed of, indicating the waste code and the waste name in accordance with the annex to the Waste List Regulation. The quantity flow statement shall be broken down by the types of material § 42 Absatz 2 Satz 1 referred to in; other materials shall be grouped together in a single item. The quantity flow statement must also show what quantities were recorded in each country. In order to assess the

accuracy and completeness of the quantitative electricity statement, the systems shall put in place appropriate self-control mechanisms.

(2) It shall be verified and validated by a registered expert. The verification of the quantity flow statement shall include, in particular, the verification of the documents on which the information referred to in the second sentence of paragraph 1 is based.

(3) By 1 June of the calendar year following the reporting period at the latest, the systems must submit the proof of quantity of electricity electronically to the Central Office of Packaging Registers. The confirmation referred to in the first sentence of paragraph 2 shall be signed using a qualified electronic signature. The Central Unit for Packaging Registers may require the use of certain electronic forms and input masks, as well as certain encryption, for filing purposes. The original of the related documents must be submitted to the Central Office for Packaging Registers on request.

Kapitel 7

Cupboard packaging

§ 42

Re-usable beverage packaging spoilage

The aim is to increase the proportion of beverages packaged in reusable beverage packaging in order to prevent waste and to promote the recycling of beverage packaging in closed circuits. The aim is to achieve a proportion of at least 70 % of beverages packaged in reusable beverage packaging. In order to verify the effectiveness of the support for the reuse of packaging provided for in this Act, the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety shall annually determine the proportion of beverages packaged in reusable beverage packaging and shall publish the results.

§ 43

M undrecycled content in single- use plastic beverage bottles

(1) Manufacturers of single- use plastic beverage bottles made mainly of polyethylene terephthalate may supply such bottles in Germany only if they each consist of at least 25 % by mass of plastic recyclates.

(2) From 1 January 2030, manufacturers of single-use plastic beverage bottles may supply those bottles in Germany only if they each consist of at least 30 % plastic recycled content by mass.

(3) A manufacturer of single-use plastic beverage bottles may Absatz 1 also comply with the requirements by virtue of the fact that the total mass of single-use plastic beverage bottles supplied by it in a calendar year in Germany contains a corresponding percentage of recycled plastic content. In that case, he must document in a verifiable form the nature and mass of the plastic recyclates he uses for the production of bottles and of the total plastics used for the production of bottles. The documentation must be made available on request to the competent Land authority in whose territory the manufacturer is established.

§ 44

P Find and take -back obligations for single-use beverage packaging

(1) Sellers of single-use beverage packaging filled with beverages are required to charge their customers a deposit of at least EUR 0.25, including VAT, per packaging. The deposit shall be charged by any other person placing the product on the market at any stage of the commercial chain until it is handed over to the final consumer. The single-use beverage packaging shall be permanently, clearly legibly and prominently marked as subject to a deposit by the first distributor before being made available on the national territory. The first marketers referred to in the first sentence are obliged to participate in a uniform deposit system operating throughout Germany, which enables participants to settle claims for refund between themselves and publishes on a website, to an appropriate extent, information for the end user on the return and collection system for single-use beverage packaging subject to a deposit and on the recovery of the packaging taken back.

(2) Operators of single-use beverage packaging filled with beverages shall be obliged to take back single-use beverage packaging that has been emptied free of charge at the place of actual delivery or in its immediate vicinity to normal business opening hours and to refund the deposit. Without a return of the packaging, the deposit cannot be refunded. The take-back obligation referred to in the first sentence shall be limited to single-use beverage packaging of the respective types of glass, metal, paper, cardboard and plastic materials, including all composite packaging made of these main types of materials, which the person placing the product on the market who is required to take it back has in his product range. For distributors with a sales area of less than 200 square metres, the take-back obligation under the first sentence is limited to single-use beverage packaging of the brands that the distributor has in his range. In the case of sales from vending machines, the final distributor must ensure take-back by appropriate means at a reasonable distance from the vending machines. In the case of distance selling, the final distributor shall ensure take-back by appropriate means at a reasonable distance from the end user.

(3) Single-use beverage packaging taken back in accordance with the first sentence of paragraph 2 shall be § 42 Absatz 5 recovered by the person taking it back in accordance with the requirements of the. The requirements of § 42 Absatz 5 can also be met by returning the discarded single-use beverage packaging to a previous distributor. The fourth sentence of § 39 paragraph 1 and the third to seventh sentences of paragraph 3 shall apply *mutatis mutandis*.

(4) Paragraphs 1 to 3 shall not apply to:

1. Cupboard packaging which is demonstrably not intended to be supplied to the final consumer in the federal territory;
2. Cupboard packaging with a capacity of less than 0.1 litres;
3. Cupboard packaging with a filling volume of more than 3.0 litres;
4. Cupboard packaging, in the case of block packs, moulded packs or cylindrical packs;
5. Cupboard-polyethylene-hose-bag packages;
6. Folien floor bags;
7. Cupboard packaging containing any of the following beverages:

- a) Sparkling wine, sparkling drinks containing at least 50 % of sparkling wine and sparkling drinks made from non-alcoholic or reduced-alcohol wine;
- b) Wine and wine-based mixed beverages containing at least 50 % of wine and non-alcoholic or alcohol-reduced wine;
- c) Wine similar beverages and mixed beverages, whether or not further prepared and whether or not alcohol-free or alcohol-reduced, containing at least 50 % of wine-like products;
- d) Alcoholic products which are subject to alcohol duty under Section 1(1) of the Alcohol Tax Act, except in the case of products which are subject to Alkopop tax under Section 1(2) of the Alcohol Tax Act;
- e) Soft mixed alcoholic beverages with an alcoholic strength of at least 15 %;
- f) Milk and milk-based drinks containing at least 50 % milk;
- g) Soft drinkable milk products within the meaning of § 3(1)(6) of the Dairy Product Quality Ordinance, in particular yoghurt and kephir, if no substance listed in Annex 8 to the Fruit Juice and Fresh Drinks Ordinance has been added to the other drinkable milk products;
- h) Fruit juices within the meaning of the Fruit Juice and Fresh Drinks Order and vegetable juices;
- i) Non-carbonated fruit nectars within the meaning of the fruit juice and soft drinks ordinance and non-carbonated vegetable nectars;
- j) Low alcohol products for special medical purposes as defined in point (g) of Article 2(2) of Regulation (EU) No 609/2013;
- k) Low alcohol beverages with an alcoholic strength by volume not exceeding 1.2 % which are placed on the market as non-alcoholic or alcohol-reduced alternatives to beverages under heading 2208 of the Combined Nomenclature within the meaning of Section 1(2)(1)(a) in conjunction with Section 1(4) of the Alcohol Tax Act and whose descriptive description and presentation indicate such a beverage.

The exemption under point 7 of the first sentence shall not apply if the beverages referred to in point 7 of the first sentence are packaged in single-use plastic beverage bottles or in beverage cans.

(5) Manufacturers of packaging subject to the deposit obligation pursuant to the first sentence of subparagraph 1 and distributors pursuant to the first sentence of subparagraph 2 shall be obliged to have available the financial and organisational means to fulfil their obligations under this Law. In order to assess their financial management for the proper performance of their duties under this Law, they shall establish appropriate self-regulatory mechanisms. Of the single-use plastic beverage bottles made available for the first time in Germany each calendar year, at least 77 % by mass and, from 1 January 2029, at least 90 % by mass shall be collected separately for recycling, except in the case of Section 9(3)(1) of the Circular Economy Act.

§ 45

H obligations to keep animals

(1) Enddistributors of single-use beverage packaging filled with beverages subject to § 46 Absatz 1 Satz 1 the deposit obligation shall inform end users at the point of sale, by means of clearly visible and legible information boards or signs in close proximity to the single-use beverage packaging, that such packaging will not be reused after its return.

(2) Enddistributors of reusable beverage packaging filled with beverages shall inform end users at the point of sale of the reusability of that packaging by means of clearly visible and legible information boards or signs in close proximity to the reusable beverage packaging, using the 'reusable' characters. The first sentence shall not apply to reusable beverage packaging with a capacity of more than 3.0 litres or containing one of the beverages § 46 Absatz 4 Nummer 7 listed in.

(3) In the case of distance selling, the information referred to in paragraphs 1 and 2 shall be given accordingly in the relevant presentation media used.

(4) The information required under paragraphs 1 to 3 shall be in the form and font size at least equivalent to the price indication for the relevant product.

(5) Paragraphs 1 to 3 shall not apply to final distributors who are exempt from the obligation to indicate the base price pursuant to § 4(3)(3) to (5) of the Price Indication Regulation in respect of the beverage packaging they supply in Germany.

Kapitel 8

Zentrale Stelle Verpackungsregister (Load register of packaging)

§ 46

E direction and legal form; Foundation statutes

(1) The foundation 'Zentrale Stelle Verpackungsregister', established in accordance with Paragraph 24 of the Packaging Law in the version in force until 11 August 2026, continues to exist. In the event of dissolution, manufacturers of packaging subject to the obligation to participate in the system and manufacturers and distributors who supply unfilled sales, service or grouped packaging and packaging for electronic commerce in the federal territory or import it into the federal territory on a professional basis, or interest groups supported by them, shall reconstitute it under the name 'Zentrale Stelle Verpackungsregister' as a foundation under civil law with legal personality with a foundation's assets of at least EUR 100000.

(2) In the event of the central packaging register being reconstructed, the manufacturers, producers and distributors or interest groups referred to in the second sentence of paragraph 1 shall draw up the Foundation's statutes in agreement with the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety. Even in the event of a new construction of the central packaging register, the foundation's articles of association must:

1. mandatorily lay down § 54 packaging registers in the aforementioned tasks to be performed by the central body,

2. organise and equip the Central Office for Packaging Registers in such a way as to ensure the proper performance of the tasks § 54 referred to in;
3. within the framework of the design and organisation of the central body for packaging registers, ensure that the manufacturers, manufacturers and distributors referred to in the first sentence can assert their interests on equal terms and to an appropriate extent,
4. ensure that the Central Office for Packaging Registers always remains neutral vis-à-vis all market participants,
5. I ensure that the rules on the protection of personal data and trade and business secrets are complied with, in particular vis-à-vis the members of the Board of Trustees, the Management Board, the Advisory Committee on Collection, sorting and Exploitation, as well as vis-à-vis third parties and the public.

The Foundation's statutes shall be published on the Internet.

(3) Any amendments to the Foundation's statutes shall be reserved for the Board of Trustees. The Board of Trustees shall decide on amendments to the Statutes by a majority of at least two-thirds of the votes cast. Any amendment to the articles of association must be approved by the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety.

(4) As the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety, the consent referred to in the first sentence of paragraph 2 and the consent referred to in the third sentence of paragraph 3 may be revoked with effect for the future, even after they have become final, if the actual circumstances no longer meet the requirements of points 2 to 5 of the second sentence of paragraph 2. There shall be an irrebuttable presumption that the actual circumstances no longer meet the requirements of point 3 of the second sentence of paragraph 2 if the proportion of packaging involved in systems or taken back via industry solutions in a calendar year by the member companies of the associations represented on the Board of Trustees falls below 75 % of the total packaging involved in systems or taken back via industry solutions in the same calendar year.

§ 47

Organisation

(1) The central packaging register is

1. D as Board of Trustees,
2. D the Board of Directors;
3. D the Governing Board; and
4. D Advisory Council on collection, sorting and recovery.

Membership of a natural person in one body of the Central Body Packaging Register shall preclude that natural person from being a member of another body of the Central Body Packaging Register. By way of derogation from the second sentence, a partial identity of persons with members of the Management Board is possible.

(2) D as the Board of Trustees sets the guidelines of the business, decides whether to take out loans § 51 Absatz 6 and dismisses the Board of Directors. It consists of:

1. a appoints representatives from the manufacturers, manufacturers and distributors group § 48 Absatz 1;
2. representing within the group of manufacturers of packaging not subject to compulsory participation in the system,
3. representatives of the Länder,
4. e on behalf of the local authority umbrella organisations,
5. e on behalf of the Federal Ministry of Economic Affairs and Energy, and
6. e on behalf of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety.

The Board of Trustees shall take decisions by a majority of the votes cast. It shall decide on the appointment and dismissal of the Board of Directors by a majority of at least two-thirds of the votes cast.

(3) He or she manages the business of the central packaging register under his or her own responsibility and represents it in court and out of court. It shall be composed of up to two persons.

(4) It shall advise the Board of Trustees and the Governing Board in the performance of their duties. It shall be comprised of:

1. ten representatives from the group of manufacturers, manufacturers and distributors § 48 Absatz 1,
2. representatives from the group of manufacturers of packaging not subject to mandatory participation in the system;
3. e on behalf of the Federal Ministry of Economic Affairs and Energy,
4. e on behalf of the Federal Ministry for the Environment, Climate Protection, Nature Conservation and Nuclear Safety,
5. e on behalf of the Federal Environment Agency,
6. representatives of the Länder,
7. e on behalf of the local authority umbrella organisations,
8. e on behalf of the municipal waste management industry,
9. e representing the private waste management industry,
10. e representing the schemes,
11. e on behalf of other producer responsibility organisations, and
12. representatives of environmental and consumer organisations.

(5) D it shall draw up, on its own responsibility, recommendations for improving the collection, sorting and recovery of waste containing materials, including quality assurance, and on matters of particular importance for cooperation between municipalities and systems, and may publish these recommendations in an appropriate manner. The Advisory Board shall be composed of:

1. representatives of the local authority umbrella organisations,
2. e on behalf of the municipal waste management industry,
3. representatives of the systems; and
4. representatives of the private waste management industry.

(6) More detailed rules on the appointment procedure, on the procedures to be followed, on the precise powers and tasks of the foundation's bodies and on the establishment of other bodies shall be reserved for the statutes of the foundation.

§ 48

Fanzanzung by systems and operators of industry solutions

(1) Systems and operators of industry solutions shall be required to contribute to the financing of the Central Packaging Register, including the necessary construction and extension costs, in proportion to their respective market shares. To this end, they shall conclude financing agreements with the Central Office for Packaging Registers, which shall lay down the details of the financing, taking into account the requirements set out in the following paragraphs.

(2) Under the financing agreements, the central body for packaging registers receives levies from the schemes and operators of sectoral solutions, which must comply with the principles of equivalence and equal treatment. The levies referred to in the first sentence shall be calculated in such a way as to § 53 cover only the foreseeable costs which can only be attributed to packaging subject to system participation and the foreseeable share of the overheads of the Central Office for Packaging Register.

(3) For the purposes of the second sentence of subparagraph 2, cost categories are those which are eligible according to business principles, in particular personnel costs, material costs and imputed costs. The costs also include fees for contracted services and the costs of legal and technical supervision. It is precisely the costs referred to in the second sentence of paragraph 2 that the central body for packaging registers must also include expenditure necessary for initial investments in the calculation of the levies referred to in paragraph 2, in so far as such expenditure is necessary on account of additional statutory tasks, changes in general, in particular technological, standards or the maintenance of the information technology security of the central body for packaging registers.

(4) K cost shortfalls and cost shortfalls are calculated by means of a post-calculation for the calculation period preceding the current calculation period. Any over- and under-recovery of costs shall be compensated within two calculation periods in accordance with § 52 paragraph 2.

(5) The Federal Environment Agency shall approve the calculation of the total levy revenue in accordance with § 51 Absatz 4 paragraph 4 in conjunction with paragraph 4 and its § 52 subsequent calculation as part of legal and technical supervision. Approval shall in each case be subject to the submission by the Central Packaging Register Office

of a certificate from an auditor or a sworn auditor stating that the estimated costs, the costs to be invoiced under the first and second sentences of paragraph 3 and the necessary expenditure likely to be necessary and actually incurred under the third sentence of paragraph 3 have been properly determined. The Federal Environment Agency may request information and the submission of further documents and other data from the central body for packaging registers in so far as this is necessary for the examination of the certificates referred to in the second sentence, the documentation of the underlying method for calculating the levy revenue, the carrying out of the post-calculation or its application by the central body for packaging registers, or for the examination of the appropriateness of the amount of the levy revenue, including the post-calculation.

(6) At the request of the Central Office for Packaging Registers, obliged entities pursuant to the first sentence of paragraph 1 shall provide adequate insolvency-proof security up to a maximum of three monthly surcharges.

§ 49

Fanz by other producer responsibility organisations and by producers of packaging not subject to mandatory participation in the system

(1) Other producer responsibility organisations, producers of packaging not subject to mandatory participation in the system and producers of packaging shall § 39 Absatz 1 Satz 1 Nummer 4 be required to contribute to the financing of the Central Unit for Packaging Registers, including extension costs. To this end, they shall conclude financing agreements with the Central Office for Packaging Registers, which shall § 52 lay down the details of the financing, taking into account the provisions of the following paragraphs and those in accordance with. The obligation under the second sentence shall not apply if a producer of packaging not subject to the obligation to participate in the system or of packaging pursuant to point 4 of the first sentence of Paragraph 39(1) has, in the relevant calculation period, entrusted the fulfilment of its extended producer responsibility for all its packaging to one or more other § 22 authorised producer responsibility organisations on its behalf. The financing agreements referred to in the second sentence shall be concluded electronically by simple electronic confirmation.

(2) Under the financing agreements, the central body for packaging registers receives levies from the other producer responsibility organisations, producers of packaging not subject to compulsory participation in the system and producers of packaging pursuant to § 39(1), first sentence, point 4, which must comply with the principles of equivalence and equal treatment. The levies referred to in the first sentence shall be calculated by applying mutatis mutandis the in such a § 50 Absatz 3 way as to § 53 cover the foreseeable costs and necessary expenditure which can only be attributed to packaging or packaging not subject to the system participation obligation pursuant to Section 39(1), first sentence, point 4, and the foreseeable share of the overheads of the Central Packaging Register. The other producer responsibility organisation or the producer shall not be entitled to partial or full repayment of the surcharge due to cessation of operations or withdrawal from the market during the year.

(3) H Manufacturers of packaging or packaging not subject to the system § 39 Absatz 1 Satz 1 Nummer 4 contribution shall bear the costs estimated in the calculation of the surcharge pursuant to paragraph 2, including the proportion of the overheads estimated in the calculation of the surcharge, in equal shares for § 53 each manufacturer. The amount of the share of the costs referred to in the first sentence to be borne by another producer responsibility organisation shall be equal to the amount to be paid by the producers referred to in the first sentence multiplied by the number of producers for which

the organisation operates in the relevant calculation period. If, after the conclusion of the financing agreement, another producer responsibility organisation is § 39 Absatz 1 Satz 1 Nummer 4 commissioned by one or more producers of packaging or packaging that is not subject to the obligation to participate in the system, the latter must immediately pay the central body packaging registers the proportions payable under the second sentence in respect of such packaging or packaging. There is no right to a partial or full refund of the surcharge if the commissioning of another producer responsibility organisation has been terminated during the year.

(4) § 50 Absatz 4 Satz 1 paragraph 5.1(i) will apply mutatis mutandis. Over- and under-recovery of costs from levies imposed by other producer responsibility organisations and by producers of packaging and packaging not subject to mandatory participation in the § 39 Absatz 1 Satz 1 Nummer 4 system shall not be compensated by means of repayments or repayments, but by means of the assessment of the levies for the two subsequent calculation periods. The right to build up reserves referred to in paragraph 5 shall not be affected.

(5) The central body for packaging registers can build up reserves from cost over - recoveries

1. essential expenditure on initial investment where this is necessary as a result of additional statutory tasks, changes in general standards, in particular technological standards, or in order to maintain the information technology security of the Central Packaging Register Office,

Artikel 3 for losses incurred by producers and other producer responsibility organisations;
and

Artikel 4 in the event that the actual costs referred to in the first sentence of paragraph 3 exceed the amount of the levies collected for the calendar year in question.

When calculating the levy revenue pursuant to paragraph 2 for the purposes referred to in the first sentence, the central body for packaging registers may apply a risk premium of no more than 10 % of the assessed levy revenue. The amount of the reserves shall not exceed the total amount of the levies of the two previous complete calendar years for the costs referred to in the second sentence of paragraph 2. Additional amounts are to be included in the calculation of the levies for the following calculation periods and are to be reduced through them.

(1) The central packaging register office may take out loans and secure them by obtaining a guarantee or other security interest in order to finance the initial investments § 39 Absatz 1 Satz 1 Nummer 4 required to establish the remit relating to packaging and packaging not subject to participation in the system. The initial investment referred to in the first sentence shall also include those necessary for the establishment of the register referred to in Article 44(1) of Regulation (EU) 2025/40. The costs of repaying these loans and paying the interest due on them shall be fully apportioned between the other producer responsibility organisations and the producers of packaging not subject to compulsory participation in the system via the financing agreements referred to in the second sentence of paragraph § 39 Absatz 1 Satz 1 Nummer 4 1. The costs and interest referred to in the second sentence shall be apportioned to an appropriate extent over at least three calendar years. The Central Packaging Register Office shall act economically and economically when taking out the loans referred to in the first sentence. The conclusion of an agreement to take out a loan as referred to in the first sentence shall require the prior approval of the Federal Environment Agency in order to be valid.

§ 2

G esamtum and calculation period

(1) Levies § 50 Absatz 2 and each § 51 Absatz 2 form part of a common overall levy.

(2) The total levy referred to in paragraph 1 shall be calculated for a calculation period not exceeding one financial year.

§ 3

G Costs

(1) G costs within the meaning of § 50 Absatz 2 Satz 2 and § 51 Absatz 2 Satz 2 are the costs which cannot be directly or exclusively attributed to packaging subject to system participation or to packaging not subject to system participation.

(2) G costs shall be § 39 Absatz 1 Satz 1 Nummer 4 shared between the schemes, the operators of industry solutions, the other producer responsibility organisations, the producers of packaging not subject to mandatory participation and the producers of packaging.

(3) ZU overheads include, in particular, rent, personnel costs for the performance of tasks under § 54, remuneration for external services used in this connection and the costs of legal and technical supervision. Overheads also include, in particular, the costs of establishing and operating the register and the contribution to the costs of carrying out compositional surveys of collected mixed municipal waste pursuant to Article 45(2), point (b), of Regulation (EU) 2025/40, which the central body for packaging registers is required § 54 Absatz 2 Satz 2 Nummer 6 to reimburse to the Federal Environment Agency. Schemes and other producer responsibility organisations are required to set their participation fees to cover the costs of carrying out compositional surveys of collected mixed municipal waste referred to in Article 45(2), point (b), of Regulation (EU) 2025/40 that they pay progressively § 50 Absatz 1 Satz 2 § 51 Absatz 1 Satz 2 to the central body packaging registers under the financing agreements.

(4) The central body for packaging registers shall, on the basis of objective criteria, allocate an appropriate proportion of the overhead costs to the group comprising, on the one hand, the systems and operators of industry solutions and, on the other hand, the group comprising the other producer responsibility organisations, the producers of packaging not subject § 39 Absatz 1 Satz 1 Nummer 4 to compulsory participation in the system and the producers of packaging. When drawing up the criteria referred to in the first sentence, the central body packaging registers shall in particular take into account the share of the respective group in the total effort required to fulfil the tasks to be performed in relation to both packaging subject § 39 Absatz 1 Satz 1 Nummer 4 to system participation and packaging and packaging not subject to system participation.

(5) Criteria established in accordance with paragraph 4 shall be approved by the Federal Environment Agency as part of legal and technical supervision. These must be checked regularly, at least every three years, by the central body for packaging registers and, if necessary, adapted with the prior approval of the Federal Environment Agency.

§ 4

A Issuing

(1) The Central Office for Packaging Register is authorised to carry out the public authority tasks listed in the second sentence. The Central Office for Packaging Register

1. N immt registrations after request, § 6 Absatz 1 provides confirmations after § 6 Absatz 3 Satz 2, publishes § 6 Absatz 4 a list of registered producers on the internet and can revoke after § 6 Absatz 4 Satz 4 registrations;
2. prohibit Knn from including § 7 Absatz 5 in a system packaging subject to participation in the system,
3. p checks notifications § 8 Absatz 4 and proofs of quantity of electricity § 8 Absatz 4 and takes the orders necessary to monitor an industry solution in each individual case,
4. l st the competent authority responsible for the register within the meaning of Article 44 of Regulation (EU) 2025/40;
5. p reprimands the data reports § 9 submitted after that date;
6. allow the systems § 9 Absatz 4 to retrieve electronically the data messages related to their system;
7. p examines the declarations of § 10 Absatz 3 completeness submitted, in particular with regard to their consistency with the information in the register pursuant to § 6, with the data reports pursuant to § 9 and with the annual reports pursuant to § 25 Absatz 1 Nummer 2, may § 10 Absatz 3 Satz 4 und 5 issue orders subsequently if necessary and, in the event of unsolvable irregularities, informs the competent Land authorities of the result of their examination;
8. order Knn to file § 10 Absatz 4 Satz 2 a declaration of completeness after filing,
9. v publishes on the internet a list of manufacturers who have § 10 Absatz 1 Satz 1 filed a declaration of completeness;
10. e shall, on request, issue an administrative act on the approval of manufacturers § 19 and, in the event of approval, shall notify them in accordance with the second sentence of § 19(1),
11. if necessary, issue orders pursuant to the § 19 Absatz 3 first sentence, also in conjunction with the § 22 Absatz 2 second sentence,
12. l informs applicants pursuant to the § 19 Absatz 3 second sentence also in conjunction with the § 22 Absatz 2 second sentence,
13. v obtains adequate security in accordance with § 19 Absatz 4 and § 22 Absatz 3;
14. § 50 Absatz 6 require the provision of collateral;
15. withdraws the authorisation pursuant to the second sentence of Section 18(1) and the second sentence of Section 18(3) and may withdraw the authorisation pursuant to the first sentence of Section 18(1) and the first sentence of Section 18(3),

16. at the request of the competent authorities of the Länder, review the documents § 21 Absatz 3 Satz 3 submitted and inform the competent authorities of the Länder of their assessment of the financial capacity of the system;
17. p examines the reports § 25 Absatz 1 submitted by the systems, may, if necessary, § 25 Absatz 2 Satz 3 und 4 issue orders and, if necessary, makes estimates § 25 Absatz 2 Satz 5 and, in the latter case, immediately informs the competent Land authorities thereof;
18. b appoint system auditors if necessary § 25 Absatz 4 Satz 2,
19. p complains about the system notifications § 25 Absatz 5 Satz 1 submitted, can § 25 Absatz 5 Satz 4 issue orders if necessary and immediately informs the competent Land authorities if a system has not § 25 Absatz 5 Satz 1 submitted any notification or if the Central Body is § 25 Absatz 5 Satz 4 not satisfied that the indications can be removed from the packaging register,
20. K then issue and publish more detailed procedural instructions for the registration pursuant to § 6 Absatz 3 Satz 3 § 9 Absatz 3, the data reports pursuant to § 10 Absatz 3 Satz 3, the filing of the declarations of completeness pursuant to § 19 Absatz 5 Satz 2, the approval of producers pursuant to, the approval of other producer responsibility organisations pursuant to § 19(4), sentence, in conjunction with the § 22 Absatz 4 filing of § 43 Absatz 3 Satz 3 the quantity flow statements pursuant to and the subsequent submission of the § 25 Absatz 2 Satz 2 interim and annual reports,
21. e develops and publishes, in agreement with the Bundeskartellamt, a method for calculating the market shares of each system in the total quantity of packaging involved in all systems;
22. e develops and publishes, in agreement with the Bundeskartellamt, a method for calculating the market shares of individual systems and industry solutions in the total amount of packaging involved in all systems and industry solutions;
23. b calculates, in accordance with the Nummer 21 published procedure, on a quarterly basis after receipt of § 25 Absatz 1 Nummer 1 the intermediate reports, the market shares provisionally attributed to each system during that period, establishes them by administrative act and publishes the result of the finding on the internet;
24. b shall, in accordance with the Nummer 21 published procedure, calculate each calendar year, after receiving the annual reports, § 25 Absatz 1 Nummer 2 the market shares to be attributed to each system during that period, establish them by means of an administrative act and publish the result of the finding on the internet;
25. b calculates, in accordance with the Nummer 21 published procedure, the market shares to be attributed to the individual systems § 25 Absatz 1 Nummer 2 and industry solutions in each calendar year following receipt of § 10 the annual notifications and the declarations of completeness in that period, establishes them by means of an administrative act and publishes the result of the finding on the internet;
26. upon request, notify by administrative act on the authorisation of other producer responsibility organisations § 22 and publish § 22 Absatz 1 Satz 3 a list of authorised other producer responsibility organisations on its website;
27. K ann to § 19 Absatz 7 and § 22 Absatz 4, in each case in conjunction with ancillary provisions, § 20 Absatz 3 if necessary,

28. if N receives the reports from the systems § 26 Absatz 2, checks their plausibility and, if the checks do not give rise to any objections, in agreement with the Federal Environment Agency, authorises the respective system to publish the report;
29. after agreement with § 26 Absatz 2 Satz 3 the Federal Environment Agency, K ann adopts § 26 Absatz 2 Satz 1 and publishes binding guidelines on the form of the reports,
30. e develops and publishes, § 26 Absatz 3 in agreement with the Federal Environment Agency, a minimum standard for the assessment of the recyclability of packaging subject to system participation,
31. § 40 Absatz 4 Satz 3 require the schemes to provide a justification § 40 Absatz 4 Satz and the other producer responsibility organisations to provide a justification § 41 Absatz 5 in conjunction with, examine the justification provided and, in the event of continuing doubts as to the existence of trade secrets, immediately inform the competent Land authorities of the outcome of the examination;
32. p examines the flow certificates § 43 Absatz 3 Satz 1 lodged by the systems, may request § 43 Absatz 3 Satz 4 the submission of the corresponding verification documents and informs the competent Land authorities and the systems of the result of their examination;
33. e shall, on request, decide by administrative act on the classification of packaging as subject to the obligation to participate in the system within the meaning of § 3 Absatz 6; to that end, it may adopt administrative provisions:
34. upon request, decide by administrative act on the classification of packaging as reusable packaging within the meaning of Article 11(1) of Regulation (EU) 2025/40;
35. e shall, upon application, issue an administrative decision regarding the classification of beverage packaging as subject to a deposit within the meaning of § 46,
36. e shall, on request, issue an administrative decision on the classification of a waste production site as a comparable waste production site within the meaning of § 3 Absatz 7,
37. upon request, decide by administrative act on the inclusion of experts and other auditors § 54 Absatz 3 oder § 56 Absatz 2 in the register of auditors and publish it on the internet;
38. Ü regularly verifies that § 56 Absatz 3 Satz 2 the examiner's register is up to date and can § 56 Absatz 3 Satz 3 issue the necessary orders;
39. I st has the power, in agreement with the Federal Cartel Office, to develop audit guidelines to be followed by system auditors and registered experts, as well as auditors, tax advisors and sworn accountants, when carrying out audits under this Act;
40. shall remove registrants from the register of auditors in accordance with § 56 Absatz 6 sentences 1 to 4,
41. at the request of the competent Land authorities, provide them with access to the data reports submitted to them in accordance with § 9, declarations of completeness in accordance with § 10, producer approval data in accordance with § 19, approval data from other producer responsibility organisations in accordance with § 22, quantity flow statements in accordance with § 25 Absatz 1 and § 43 reports from the systems,

and provide them with the information necessary for the performance of their tasks on the basis of Sections 4 to 8 of the Administrative Procedures Act,

42. I inform the competent Land authorities immediately if they § 66 have concrete evidence that an administrative offence has been committed, attaching existing evidence;
43. Ü shall, in accordance with Section 15(2) of the Environmental Statistics Act, provide the statistical offices of the Länder and the Federal Statistical Office, on request, with the names, addresses and e-mail addresses of the bodies involved in the survey required for the purposes of the survey pursuant to Section 5a(2) to (6) of the Environmental Statistics Act,
44. Ü shall, pursuant to Section 14(2)(4)(a) of the Environmental Statistics Act, provide the statistical offices of the Länder and the Federal Statistical Office, upon request, with the data necessary for the collection pursuant to Section 5a of the Environmental Statistics Act, in so far as they are available to the Central Packaging Register on the basis of its duties under this Act,
45. pursuant to the second to fourth sentences of Section 8(2) of the Single-Use Plastics Fund Act, the Federal Environment Agency shall be provided with the existing register information pursuant to Section 7, including the necessary technical information for data retrieval,
46. v obtains the register information provided by the Federal Environment Agency in accordance with the first sentence of Section 8(3) of the Single-Use Plastics Fund Act for the performance of its tasks and, in accordance with the second sentence of Section 8(3) of the Single-Use Plastics Fund Act, determines, in agreement with the Federal Environment Agency, the format of the electronic data exchange; and
47. I st is authorised to carry out the activities necessarily connected with the performance of the tasks assigned to it under this paragraph.

(2) The central body for packaging registers shall carry out the tasks listed in the second sentence under its own responsibility in accordance with the general legal provisions. The Central Office for Packaging Register

1. establish and operate the electronic data-processing systems necessary for the registration referred to in § 6 Article 44 of Regulation (EU) 2025/40, the transmission of data after §§ 9, 10 und 25, the automated cross-checking of data § 13 Absatz 4 Satz, the authorisation of producers pursuant to § 19, the authorisation of other producer responsibility organisations pursuant to § 22 and the authorisation of experts and § 56 auditors pursuant to;
2. be available for competitive tendering of groupage services following access § 36 Absatz 2 to an electronic tendering platform;
3. progressively conclude financing agreements § 50 Absatz 1 Satz 2 § 51 Absatz 1 Satz 2 with schemes, operators of industry solutions, other producer responsibility organisations, producers of packaging not subject to mandatory participation and producers of packaging § 39 Absatz 1 Satz 1 Nummer 4;
4. K shall § 50 Absatz 1 Satz 2 gradually § 51 Absatz 1 Satz 2 terminate financing agreements where schemes, operators of industry solutions, other producer responsibility organisations, producers of packaging not subject to mandatory participation in the scheme or producers of packaging pursuant to § 39 Absatz 1 Satz 1 Nummer 4, significantly fail to comply with their legal or contractual obligations

towards the central body packaging registers, in particular by repeatedly failing to comply, failing to comply correctly or in full with reporting obligations which have an impact on the financing of the central body packaging registers, despite being requested to do so, by delaying the payment of a non-negligible part of the agreed surcharge or by failing to provide the security § 50 Absatz 6 required;

5. K ann takes out § 51 Absatz 6 loans and obtains guarantees or other security interests;
6. e reimburses the Federal Environment Agency for the costs incurred in the compositional surveys of collected mixed municipal waste referred to in Article 45(2), point (b), of Regulation (EU) 2025/40;
7. F attends training at least twice a year § 56 Absatz 4 Satz 2 and may offer additional training courses for registered experts within the scope of this Act;
8. engage in appropriate exchanges with other authorities and bodies, including from other Member States of the European Union, within the scope of their tasks; and
9. I shall inform the persons subject to the obligations under this Law and the public, to an appropriate and proportionate extent, in particular of decisions relating to the classification of packaging in accordance with Absatz 1 Satz 2 Nummer 33 bis 36.

(3) The central packaging register body may only carry out the tasks assigned to it by paragraphs 1 and 2. With the exception of financing agreements, § 50 and § 51 shall not enter into or broker contracts with schemes, industry solutions, other producer responsibility organisations, producers or waste management companies.

§ 5

A utomatisation

Administrative acts § 6 Absatz 1 Satz 1, § 19 Absatz 2 Satz 1, § 22 Absatz 2 Satz 1, § may be issued entirely by automatic means, provided that there is no reason to deal with the individual case by a person. The third sentence of Section 24(1) of the Administrative Procedure Act must be observed.

§ 6

R management of experts and other auditors

(1) If the condition laid down in the third sentence is met, experts intending to § 43 Absatz 2 carry out inspections in accordance with, § 8 Absatz 5 § 10 Absatz 1 Satz 2 or shall, on request, enter them in a register of inspectors and publish it on their website. The application referred to in the first sentence shall be submitted electronically. It shall § 3 Absatz 16 include appropriate evidence of a rating in accordance with.

(2) If the condition laid down in the third sentence is met, auditors, tax advisers and certified accountants who intend to § 10 Absatz 1 Satz 2 carry out audits subsequently shall, on request, enter them in a separate section of the register of auditors. The application referred to in the first sentence shall be submitted electronically. It must contain appropriate evidence of professional qualifications.

(3) Registered experts and examiners registered in accordance with paragraph 2 shall be obliged to inform the Central Office for Packaging Registers without delay if they have ceased to carry out the activity of an examiner or if their professional licence or authorisation § 3 Absatz 16 has ceased to exist. The central body for packaging registers regularly checks the register of inspectors to ensure that the information contained in it is up to date. To that end, it may, in particular, request information from the registrants referred to in paragraphs 1 and 2 as to whether it is still intended to continue to work as a registered expert or examiner and as to whether the registrants continue to hold a licence § 3 Absatz 16 or professional qualification.

(4) Registered experts and auditors registered in accordance with paragraph 2 shall be required to comply with the requirements of the audit guidelines § 54 Absatz 1 Nummer 39 developed on the basis of those guidelines in the course of their audit work. The Central Packaging Register Unit shall provide training at least every six months on its software system, including data formats, and on the application of test guidelines § 54 Absatz 1 Nummer 39. Pursuant to paragraphs 1 and 2, registrants are required to participate in one of these trainings within six months of their registration in the examiner register and then every five years.

(5) Acting as a registered expert or auditor registered in accordance with paragraph 2 shall be incompatible with:

1. acting as an authorised representative for the extended producer responsibility;
2. acting as a mandated third party;
3. having the status of employee, owner or shareholder or a similar legal relationship with a scheme, industry solution or other producer responsibility organisation;
4. brokering contracts for producers with the schemes, an industry solution or other producer responsibility organisations;
5. having the status of employee, owner or shareholder or a comparable legal relationship with an audit firm majority owned by an authorised representative for extended producer responsibility, a scheme, industry solution or other producer responsibility organisation.

(6) The Central Packaging Register Office shall remove a registrant pursuant to the first sentence of paragraph 1 or the first sentence of paragraph 2 from the auditor's register if:

1. s/he determines that there is no entitlement to, § 3 Absatz 16 or entitlement to, the profession;
2. s/he has repeatedly and grossly infringed the test guidelines under this Act or the Single-Use Plastics Fund Act in a registered expert or an auditor registered in accordance with paragraph 2;
3. s/he in a registered expert or an examiner registered in accordance with paragraph 2 fails to comply with the request referred to in the third sentence of paragraph 3 within a reasonable period set by the Central Body for Packaging Registers,
4. s/he the registered expert or an auditor registered in accordance with paragraph 2 fails to comply with the obligation laid down in the third sentence of paragraph 4; or
5. incompatibilities as referred to in paragraph 5.

Removal from the register of examiners in accordance with the first sentence, point 1, shall take place until proof of entitlement § 3 Absatz 16 or professional entitlement has been provided. The removal pursuant to point 3 or 4 of the first sentence shall take place until the request pursuant to the third sentence of paragraph 3 or the obligation pursuant to the third sentence of paragraph 4 has been complied with. The removal referred to in point 5 of the first sentence shall take place as long as the incompatibility referred to in paragraph 5 persists. The distance referred to in point 2 of the first sentence may be up to five years. An application for re-entry in the examiner register pursuant to paragraphs 1 or 2 shall be excluded for the duration of the removal for persons who have been removed pursuant to the first sentence.

§ 7

A View and financial control

(1) The Central Packaging Register Office shall be subject to the legal and technical supervision of the Federal Environment Agency with regard to the tasks § 54 Absatz 1 entrusted to it under this Regulation. The Federal Environment Agency may claim compensation from the Central Packaging Register for the costs it incurs for legal and technical supervision. The amount of the claim may not exceed the revenue estimated in the federal budget for the performance of legal and technical supervision.

(2) The Central Packaging Register Office's budgetary and economic management is subject to audit by the Federal Court of Auditors.

(3) Where the Central Packaging Register Office does not fulfil the tasks § 54 Absatz assigned to it or does not fulfil them adequately, the Federal Environment Agency shall be authorised to carry out the tasks itself or, in individual cases, to have them carried out by an authorised representative. Paragraph 1 sentence 2 applies accordingly. The central body for packaging registers shall take appropriate measures to ensure that the Federal Environment Agency or the third party appointed by it is operational in the event of self-entry in accordance with the first sentence. This includes the provision by the central body of packaging registers of up-to-date data and the software essential for the performance of public authority tasks and their rights of use. In the event of the central packaging register being dissolved, the Federal Environment Agency shall receive the current data and the software and rights of use essential for the performance of the tasks.

§ 8

Partial exclusion of the opposition proceedings and the suspensive effect of the action for annulment; Appeal authority

(1) V or The lodging of an appeal against administrative acts in accordance with the § 54 Absatz 1 Satz 2 Nummer 23 bis 25 rules does not give rise to an appeal procedure. In the cases referred to in the first sentence, an action for annulment shall not have suspensory effect.

(2) Cases in which an objection procedure takes place are decided by the Federal Environment Agency (Umweltbundesamt) on the objection to an administrative act of the central packaging register.

Kapitel 9

V prevention of packaging and packaging waste

§ 9

Obligation to finance prevention measures

(1) Systeme, other producer responsibility organisations, operators of industry solutions and producers individually fulfilling their extended producer responsibility shall be required to implement measures to reduce and prevent packaging and packaging waste.

(2) The measures referred to in paragraph 1 shall include in particular:

1. Measures aimed at increasing the share of reusable packaging, for example by promoting the common use or distribution of standardised reusable packaging, including the necessary infrastructure, organisation and coordination for take-back, reconditioning and bottling;
2. Investments in installations and developments to reduce the use of materials for reusable packaging,
3. Awareness-raising measures on the prevention of packaging waste through reuse or refill and measures to promote the supply of tap water at low cost or free of charge by catering establishments in a reusable refillable container or refillable container provided by the consumer.

Measures referred to in paragraph 1 may take the form of investments in processes and other measures aimed at preventing packaging and packaging waste through re-use and refill, or by promoting third-party measures aimed at that purpose. Persons subject to the obligation under paragraph 1 may coordinate or jointly fulfil the requirements of the Act against Restraints of Competition when implementing the measures referred to in paragraph 1.

(3) Actions carried out pursuant to paragraph 1 shall be documented by the obliged entities referred to in paragraph 1 by 31 March of each year for the preceding calendar year. The documentation must be submitted to the competent Land authority upon request and without delay.

§ 10

Single-use alternative for single-use plastic food packaging and beverage cups

(1) Enddistributors of single-use plastic food packaging and single-use beverage cups, each of which is filled with goods only at the final distributor, are obliged to offer the goods offered in these single-use packaging for sale also in reusable packaging at the place of supply in Germany. This obligation also applies to beverage cups' caps and lids. In doing so, final distributors shall not offer the sales unit made of goods and reusable packaging at a higher price or under worse conditions than the sales unit made of the same goods and single-use packaging. Sentences 1 and 2 shall not apply to sales by vending machines which are not publicly available in establishments supplying staff.

(2) Enddistributors referred to in the first sentence of paragraph 1 shall be obliged to inform end users at the point of sale, by means of clearly visible and legible information boards or signs, of the possibility of obtaining the goods in reusable packaging. In the case of a supply of goods, this notice shall be given in the relevant presentation media used.

(3) By way of derogation, the take-back obligation for final distributors under the first sentence of paragraph 1 shall be § 39 Absatz 1 Satz 2 limited to the reusable packaging which they have made available on federal territory.

§ 11

E Facilitation for small businesses and vending machines

(1) Enddistributors § 60 Absatz 1 Satz 1 with not more than five employees in total, whose sales area does not exceed 80 square metres, may § 60 Absatz 1 Satz 1 also fulfil the obligation by offering end users to put the goods into reusable containers provided by them; in the case of a supply of goods, the sales area shall in addition include all storage and shipping areas. In determining the number of employees, part-time employees with a regular weekly working time of not more than 20 hours at 0.5 and not more than 30 hours at 0.75 are to be taken into account. paragraph 5.1(i) will § 60 Absatz 1 Satz 3 apply mutatis mutandis.

(2) In the case of distribution by vending machines, final distributors may § 60 Absatz also fulfil the obligation by offering end users to put the goods into reusable containers made available by them. paragraph 5.1(i) will § 60 Absatz 1 Satz 3 apply mutatis mutandis.

(3) Enddistributors shall be liable to end users and third parties for damage resulting from the filling of reusable containers by end users in accordance with paragraphs 1 and 2 only for intent and gross negligence.

(4) Distributors who make use of the facility provided for in the first sentence of paragraph 1 or the first sentence of paragraph 2 shall inform end users at the point of sale, by means of clearly visible and legible information boards or signs, of the offer to bottle the product in reusable containers made available by end users. In the case of a supply of goods, this notice shall be given in the relevant presentation media used.

Teil 3

K onformity assessment

§ 12

S review of EU declarations of conformity

A signed version of the EU declaration of conformity referred to in Article 39(2) of Regulation (EU) 2025/40 shall be made available in either German or English, at the choice of the manufacturer. It shall be translated into German at the request of the competent authority.

§ 13

In the event of non-conformity of a packaging

In accordance with Article 58(3) and (5), second subparagraph, of Regulation (EU) 2025/40, the market surveillance authority must inform the European Commission and the other Member States of the European Union without delay via the Federal Institute for Occupational Safety and Health in the event of non-compliance of packaging.

§ 14

In the event of non-compliance of packaging in another Member State of the European Union

(1) Where, pursuant to Article 58(5), second subparagraph, of Regulation (EU) 2025/40, the market surveillance authority receives information that a provisional measure has been taken in another Member State of the European Union pursuant to Article 58(5), first subparagraph, of Regulation (EU) 2025/40 and the market surveillance authority considers that such a measure is justified, the market surveillance authority shall take all appropriate provisional measures. It must immediately inform the European Commission and the other Member States of the European Union, via the Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (Federal Institute for Occupational Safety and Health), of:

1. the appropriate provisional measures it has taken; and
2. any other information at its disposal relating to the non-conformity of the packaging.

(2) Where the market surveillance authority considers that the provisional measure taken by the other Member State of the European Union is not justified, it shall inform the European Commission and the other Member States of the European Union, via the Federal Institute for Occupational Safety and Health, within the period referred to in Article 58(8) of Regulation (EU) 2025/40, stating its objections.

(3) If the European Commission considers the objections of the market surveillance authority Absatz 2 to be unjustified, the market surveillance authority must take the necessary measures and inform the European Commission, via the Federal Institute for Occupational Safety and Health, of the measures taken.

§ 15

In the case of risks despite packaging being in conformity

In accordance with Article 60(4) of Regulation (EU) 2025/40, the market surveillance authority must inform the European Commission and the other Member States of the European Union without delay via the Federal Institute for Occupational Safety and Health in the event of risks despite the conformity of packaging.

Teil 4

Provisions on fines; Transitional Provisions

§ 16

Provisions on fines

(1) A person who intentionally or negligently:

1. § 6 Absatz 1 Satz 1 does not register, or does not register correctly, fully or on time;
2. fails to make § 6 Absatz 1 Satz 2a communication, or fails to do so correctly, completely or in good time;
3. e § 7 Absatz 1 Satz 1 does not participate, or does not participate correctly, fully or in a timely manner, in at least one scheme;
4. e promises or § 7 Absatz 6 gives in return for remuneration or an advantage,
5. failing to lodge § 8 Absatz 4 Satz 1a complaint, or failing to do so correctly, in full or in good time;
6. against § 8 Absatz 5 Satz 3, whether or § 10 Absatz 1 Satz 1 not in conjunction with the § 68 Absatz 3 first sentence, or fails to deposit § 43 Absatz 3 Satz 1 a quantity flow statement or a representation letter, or fails to do so correctly, completely, in the prescribed manner or on time,
7. against § 9 Absatz 1 Satz 1, also in conjunction with sentence 2, in each case also in conjunction with § 68 Absatz 3 Satz 1, or contrary to § 9 Absatz 2 sentence 2, also in conjunction with § 68 Absatz 3 sentence 1, fails to provide information, or fails to do so correctly, completely or in good time,
8. against § 12 Absatz 1 Satz 1, § 13 Absatz 1 oder 2 Satz 1 oder Absatz 3 or § 45 Absatz 1 oder 2 provides packaging or unpacks a product;
9. e performs § 13 Absatz 4 Satz 1 an activity referred to therein,
10. operates a scheme § 22 Absatz 1 Satz 1, other producer responsibility organisation § 20 Absatz 1 Satz 1 § 8 Absatz 3 Satz 1 or an industry solution without authorisation by or in conjunction with;
11. fails to make § 25 Absatz 1a report, or fails to do so correctly, completely, in the prescribed manner or on time;
12. contrary to the § 26 Absatz 2 first sentence, fails to report, or to do so correctly, in full or on time;
13. against § 39 Absatz 1 Satz 1, also in conjunction with the first sentence of paragraph 5, not taking back packaging referred to therein,
14. against § 39 Absatz 2 Satz 2, also in conjunction with the first sentence of paragraph 5, an indication is not given, or is incorrect, incomplete or not given in the prescribed manner,

15. does not, § 39 Absatz 3 Satz 1, Absatz 5 Satz 3 or does not correctly § 41 Absatz 2, re-use or recover the waste in respect of the packaging referred to in that provision;
16. against § 39 Absatz 3 Satz 3, whether or not in conjunction with § 46 Absatz 3 Satz 3, fails to comply with, § 39 Absatz 5 Satz 5 or fails § 41 Absatz 3 Satz 1 to comply with, or fails to comply with, or fails to comply with, or fails to provide evidence in the prescribed manner;
17. against § 40 Absatz 1 Satz 1 or fails § 41 Absatz 1 Satz 1 to ensure the collection of the packaging referred to therein,
18. does not recover § 40 Absatz 2 the waste referred to in that provision or does not do so correctly;
19. e § 41 Absatz 4, contrary to the central body, fails to inform the packaging register, or to do so correctly, completely or on time,
20. e against § 46 Absatz 1 Satz 1 or 2, does not collect a deposit or does not do so correctly,
21. e does not label, does § 46 Absatz 1 Satz 3 not label correctly, does not label in the prescribed manner or does not label in a timely manner single-use beverage packaging,
22. e § 46 Absatz 1 Satz 4 does not participate in a deposit scheme,
23. e does not § 46 Absatz 2 Satz 1 take back a single-use beverage packaging or does not refund the deposit,
24. e refunded § 46 Absatz 2 Satz 2 against a deposit without return of the packaging,
25. e does not § 46 Absatz 3 Satz 1 carry out recovery or does not carry out recovery correctly in relation to single-use beverage packaging,
26. against § 47 Absatz 1 oder 2 Satz 1, whether or not in conjunction with § 47 Absatz 3, against, whether § 60 Absatz 2 Satz 1 or not in conjunction with the second sentence, or against, whether or not § 61 Absatz 4 Satz 1 in conjunction with the second sentence, an indication is not given, or is incorrect, incomplete or not given in the prescribed manner,
27. does not provide, or does not provide on time, any documentation referred to in that § 59 Absatz 3 Satz 2 provision;
28. does not § 60 Absatz 1 Satz 1 offer goods correctly, or
29. e v § 60 Absatz 1 Satz 3, also in conjunction with the second sentence of § 61 Absatz 1 Satz 3 paragraph 2, offers a sales unit.

(2) Anyone who infringes Regulation (EU) 2025/40 in the version of 19 By intentionally or negligently:

1. contrary to the first sentence of the second subparagraph of Article 6(10) in conjunction with the second sentence, fails to make a notification, or fails to do so correctly, completely, in the prescribed manner or in good time,
2. contrary to Article 15(1), also in conjunction with paragraph 12 or Article 21, or contrary to Article 18(1), places on the market packaging which does not comply with

a requirement laid down in Article 5(4) or the first subparagraph of Article 5(5), Article 6(1), Article 7(1) or (2), Article 9(1), Article 10(2) or the second or first sentence of the second or fourth subparagraph of Article 12(1), the second sentence of paragraph 2, the first sentence of paragraph 8 or the second or third sentence of paragraph 9;

3. contrary to Article 15(2), including in conjunction with paragraph 12 or Article 21, fails to carry out or fails to carry out a conformity assessment procedure, or fails to do so, or fails to do so, or fails to have it carried out, or fails to have it carried out, or fails to draw up documentation referred to therein, or fails to do so correctly, completely or on time;
4. contrary to Article 15(3), including in conjunction with paragraph 12 or Article 21, fails to keep documentation or the EU declaration of conformity referred to in that paragraph, or fails to keep it for the required period;
5. e contrary to Article 15(5), also in conjunction with Article 15(12) or Article 21, fails to ensure that packaging bears a number or mark referred to therein and fails to ensure that information referred to therein is provided;
6. contrary to the first sentence of Article 15(6) in conjunction with the third sentence, in each case also in conjunction with the second sentence, in each case also in conjunction with paragraph 12 or Article 21, or contrary to the first sentence of Article 18(3), also in conjunction with the second sentence, fails to provide the information referred to therein, or fails to do so correctly, in full or before the packaging is placed on the market,
7. contrary to the first sentence of Article 15(8), also in conjunction with paragraph 12 or Article 21, or contrary to the first sentence of Article 18(6), fails to take a measure referred to therein, or fails to do so correctly, completely or in good time;
8. contrary to the second sentence of Article 15(8), also in conjunction with paragraph 12 or Article 21, or contrary to the second sentence of Article 18(6) or the second subparagraph of Article 19(5), fails to provide information, or fails to do so correctly, completely or in good time;
9. contrary to the first sentence of Article 15(10) in conjunction with the second or third sentence, in each case also in conjunction with paragraph 12 or Article 21, or contrary to the first sentence of Article 18(8) in conjunction with the second or third sentence, or the first sentence of the first subparagraph of Article 19(6) in conjunction with the second sentence, fails to provide information or a document, or fails to do so correctly, completely, in the prescribed manner or in good time,
10. e contrary to point (a) of the first subparagraph of Article 18(2), fails to ensure that a conformity assessment procedure has been carried out or that the manufacturer has drawn up documentation in accordance with point 2 of Annex VII;
11. e contrary to Article 18(2), first subparagraph, point (d), fails to ensure that the producer complies with a requirement referred to therein;
12. contrary to Article 18(7), fails to keep a copy as referred to in that Article or to ensure that documentation as referred to in point 2 of Annex VII can be provided;
13. e contrary to the first subparagraph of Article 19(3), provides packaging;
14. contrary to the first subparagraph of Article 19(5), fails to ensure that a measure referred to therein is taken;

15. contrary to Article 20, fails to ensure that the conditions referred to therein do not jeopardise the packaging's compliance with the requirements laid down in Article 5(4) or the first subparagraph of Article 5(5), Article 6(1), Article 7(1) or (2), Article 9(1), Article 10(2) or the second or third sentence of the second subparagraph of Article 12(1) or the first sentence of the fourth subparagraph of Article 12(1), the second sentence of Article 12(2), the first sentence of Article 8 or the second or third sentence of Article 12(9);
16. contrary to Article 22(1), fails to provide the information referred to therein, or fails to do so correctly, completely or in good time;
17. contrary to Article 24(1), fails to ensure that the empty space ratio, expressed as a percentage, does not exceed 50 %;
18. places packaging on the market contrary to Article 25(1);
19. contrary to the first sentence of Article 26(1), fails to ensure that a system for re-use referred to therein is in place,
20. contrary to Article 27(2), also in conjunction with the second subparagraph of Article 27(3), fails to ensure that packaging is reconditioned;
21. e contrary to Article 28(2), fails to ensure that a refill station complies with the requirements set out in Part C of Annex VI;
22. e contrary to Article 28(3), fails to ensure that packaging or a container is not provided free of charge;
23. e contrary to the first subparagraph of Article 29(1), fails to ensure that at least 40 % of the packaging referred to therein is reusable packaging;
24. by failing to ensure that packaging referred to in Article 29(2) or (3) is reusable,
25. e fails to ensure that at least 10 % of the packaging referred to in the first subparagraph of Article 29 (5) is reusable packaging;
26. contrary to the first subparagraph of Article 29(6), fails to ensure that at least 10 % of the products referred to therein are made available in reusable packaging;
27. e contrary to the third sentence of Article 29(9), fails to pay a deposit or fails to indicate a return or fails to do so correctly;
28. contrary to Article 31(1), in conjunction with paragraphs 2, 3 or 4, fails to submit a report as referred to therein, or fails to do so correctly, completely, in the prescribed manner or on time;
29. contrary to Article 32 (1), does not provide for a system referred to in that Article or does not provide for such a system in good time;
30. e contrary to the first subparagraph of Article 32(2) or Article 33(3), offers a product at a higher price or on less favourable terms;
31. where, contrary to the second subparagraph of Article 32(2) or Article 33(2), an indication is not given, or is incorrect, incomplete or not given in the prescribed manner;
32. Article 33 (1) does not confer on the consumer the option referred to therein,

33. contrary to point (b) of the first subparagraph of Article 45(4), fails to obtain the information referred to therein, or to do so correctly, in full or on time;
34. fails to provide the information referred to in Article 45(7), or fails to do so correctly, completely or in a timely manner;
35. fails to make a request or to do so correctly or in good time, contrary to the second subparagraph of Article 45(8);
36. contrary to the first sentence of Article 47(4), fails to make a notification or to do so correctly, in full or on time; or
37. e infringes an enforceable order made pursuant to the first subparagraph of Article 58(5), point (b), (c) or (d) of Article 60(1), points (g) to (n) of Article 62(1) or Article 62(2).

(3) An administrative offence may be punishable by Absatzes 1 Nummer 3, 4, 10, 17 Absatzes 2 Nummer 23, 25, 26, 29 und 32 a fine of up to two hundred thousand euro in the cases of the Absatzes 1 Nummer 1, 5, 6, 8, 9, 11 bis 16, 19 bis 23, 25 und 27 and the, Absatzes 2 Nummer 28, 33 und 35 bis 37 a fine of up to one hundred thousand euro in the cases of the and the, and a fine of up to ten thousand euro in the other cases referred to in paragraphs 1 and 2.

§ 17

E Involved

Where an administrative offence referred to in § 66 paragraph 1 or 2 has been committed, items may be confiscated:

1. a where the administrative offence relates, or
2. used or intended for their commission or preparation.

Section 23 of the Administrative Offences Act shall apply.

§ 18

Ü Conditionality

(1) V System contributions pursuant to § 7 Absatz 1 Satz 1, including in conjunction with paragraph 2 of the Packaging Act in the version in force until 11 August 2026, which were made before 12 August 2026, shall continue to apply unless otherwise provided for in private-law agreements, but shall not extend beyond the expiry of the 31st December 2026.

(2) Anyone who is registered under Section 9 of the Packaging Act in the version in force until 11 August 2026 is also deemed to be § 6 registered under that Act. Amendments after § 6 Absatz 1 Satz 2 shall be made by 12 November 2026. Producers who are required to register for the § 6 Absatz 1 Satz 1 first time and who were not already required to register under Section 9 of the Packaging Act in the version in force until 11 August 2026 must register by 12 September 2026.

(3) For producers pursuant to the first sentence of Section 7(1) of the Packaging Act in the version applicable until 11 August 2026 in conjunction with Section 3(14) of the Packaging Act in the version applicable until 11 August 2026 who placed on the market sales and grouped packaging within the meaning of points 1 and 2 of the first sentence of Section 3(1) of the Packaging Act in the version applicable until 11 August 2026 before 12 August 2026 and who are not producers pursuant to the § 7 first sentence of paragraph 1 in conjunction with point 15 of Article 3(1) of Regulation (EU) 2025/40, the obligations to report data after § 9 and file a declaration of completeness after § 10 that packaging. If the data pursuant to § 10 of the Packaging Act, in the version in force until 11 August 2026, have been submitted pursuant to the first sentence, no additional data notification shall be § 9 made subsequently for the same packaging. For packaging made available on federal territory in the calendar year 2026, only § 10. An additional declaration of completeness pursuant to Section 11 of the Packaging Act, in the version in force until 11 August 2026, shall not be filed for the 2026 calendar year. Section 3(5) of the Packaging Act, in the version applicable until 11 August 2026, § 9 and Section 16(2) and (3) of the Packaging Act, in the version applicable until 11 August 2026, shall § 10 apply mutatis mutandis to the breakdown of the information from the calendar year 2026 in the data notification and in the completeness declaration referred to in.

(4) B can carry out tasks after § 8 authorisation under § 8 Absatz 1 Satz 1 § 8 Absatz and up to 31 October 2027 at the § 22 Absatz 1 Satz 1 latest in conjunction with branch solutions which have notified their operation before 12 August 2026 in accordance with Section 8(2) of the Packaging Act § 8 Absatz 3 Satz 3 in the version in force until 11 August 2026. The obligations under Section 8 of the Packaging Act shall continue to apply accordingly.

(5) B rancid solutions § 8 Absatz 1 Satz 1 and carriers of industry § 8 Absatz 1 Satz 2 solutions that start operating after 11 August 2026 may perform tasks after § 8 without authorisation § 8 Absatz 3 Satz 3 in conjunction with § 22 Absatz 1 Satz 1 until 31 October 2027 at the latest. The obligations under Section 8(2) to (5) of the Packaging Act, in the version in force until 11 August 2026, shall continue to apply mutatis mutandis.

(6) For packaging subject to the system contribution to be included in the quota calculation for the year 2026, until 31 December 2026, Section 3(5) in the version in force until 11 August 2026 and, in this context, Section 16(2) and (3) of the Packaging Act in the version in force until 11 August 2026 shall apply mutatis mutandis. § 42 Absatz 2 und 3 shall apply from 1 January 2027.

(7) H Manufacturers of packaging not subject to compulsory participation in the system and of packaging § 39 Absatz 1 Satz 1 Nummer 4 may, without authorisation, § 19 until 31 at the latest. December 2027, provide packaging in the federal territory.

(8) For the breakdown of the data from the calendar year 2026 in the quantity electricity statement pursuant to § 43 paragraph 1, Section 3(5) in the version applicable until 11 August 2026 and Section 16(2) and (3) of the Packaging Act in the version applicable until 11 August 2026 shall apply mutatis mutandis.

(9) Systeme approved on 11 August 2026 pursuant to Section 18(1) of the Packaging Act, in the version in force until 11 August 2026, shall also be deemed to be authorised within the meaning of § 20 paragraph 1, provided that the respective system demonstrates, by 1 January 2027, in addition to the second sentence of Section 18(1) of the Packaging Act, in the version in force until 11 August 2026, compliance with the following further requirements of § 20 paragraph 2:

1. the necessary arrangements, in particular agreements with distributors, authorities or third parties carrying out waste management on behalf of the scheme, have been made;

2. Dass has the necessary sorting and recycling capacity in accordance with point 3 to ensure that the collected packaging waste undergoes pre-treatment and high-quality recycling;
3. it has established appropriate self-regulatory mechanisms in accordance with point 5 to assess its financial management in accordance with the second sentence of paragraph 7; and
4. it has provided adequate and insolvency-proof security in accordance with Section 14(6) in accordance with point 6.

(10) P Organisations organised under civil law as legal persons or partnerships with legal personality which carry out tasks of another producer responsibility organisation may carry out those tasks without authorisation until 31 October 2027 § 22 at the latest.

(11) For the breakdown of the information from the calendar year 2026 in the notifications of the systems referred to in § 25 paragraph 1, Section 3(5) in the version applicable until 11 August 2026 and Section 16(2) and (3) of the Packaging Act in the version applicable until 11 August 2026 shall apply mutatis mutandis.

(12) Areas in which a uniform collection of materials has already been carried out by 1 January 2019 on the basis of a voluntary agreement between the systems and the public waste disposal entity may continue to do so by mutual agreement.

(13) Classification decisions issued by the Central Packaging Register Office before 12 August 2026 pursuant to points 23 to 26 of the second sentence of Section 26(1) of the Packaging Act, in the version in force until 11 August 2026, shall remain valid. For requests for classification submitted by 11 August 2026, the tasks, powers and responsibilities under the Packaging Act in the version applicable until 11 August 2026 shall continue to apply. The Central Packaging Register Unit shall amend a classification decision for the future and retroactively for the period from 12 August 2026 if it would be entitled to adopt the classification decision with a different content on the basis of the provisions of this Act or Regulation (EU) 2025/40. The provisions of this Act and Regulation (EU) 2025/40 shall apply to the content of the amending decision referred to in the third sentence.

(14) Under Section 27 of the Packaging Act, in the version in force until 11 August 2026, registrants are also deemed to be § 56 registered within the meaning of the. By 31st December 2027, proof of attendance of a training course pursuant to the second sentence of § 56 paragraph 4; otherwise, the registrations of persons registered pursuant to Paragraph 27 of the Packaging Law, in the version in force until 11 August 2026, shall be deemed to have been cancelled as from 1 January 2028. The provisions of § 56 paragraph 6 shall remain unaffected.

(15) § 66 Absatz 2 shall apply only from 12 February 2027.

Anlage 1

(re §3(4))

S Chadese-containing fillers according to § 3 Absatz 5

Substances and mixtures which, if sold at retail, would be subject to the self-service ban pursuant to § 8(4) of the Chemicals Prohibition Ordinance,

Plant protection products authorised only for use by professional users under the Plant Protection Act,

Mixtures of diphenylmethane-4,4'-diisocyanate (MDI), insofar as they are classified in accordance with Regulation (EC) No 1272/2008 as respiratory sensitiser category 1 (Resp. Sens. Are to be classified and labelled with H-phrased H334 and made available in compressed gas packages in federal territory, and

Oils, liquid fuels and other oil-based products, which as waste would fall under waste codes 12 01 06, 12 01 07, 12 01 10, 16 01 13 or 16 01 14 or under Chapter 13 of the Annex to the Waste List Regulation.

Anlage 2

(to§ 4)

K Unique marking of packages

Where abbreviations are used, only capital letters may be used. In the case of composites, indicate a C indicating the abbreviation of the main component of the main material type (C/).

1. Numbers and abbreviations for plastics

Fabric	Abbreviation	Number
Polyethylene terephthalate	PET	1
High-density polyethylene	HDPE	2
Polyvinyl chloride	PVC	3
Low density polyethylene	LDPE	4
Polypropylene	PP	5
Polystyrene	HP	6
		7
		8
		9
		10
		11
		12
		13
		14
		15
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		17
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2. Numbers and abbreviations for paper and paperboard

Fabric	Abbreviation	Number
Corrugated board	PAP	20
Other cardboard	PAP	21
Paper	PAP	22
		23
		24
		25
		26
		27
		28
		29
		30
		31
		32
		33
		34
		35
		36
		37
		38
		39

3. Metal numbers and abbreviations

Fabric	Abbreviation	Number
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Steel	FE	40
Aluminum	ALU	41
		42
		43
		44
		45
		46
		47
		48
		49

4. Numbers and abbreviations for wood materials

Fabric	Abbreviation	Number
Wood	FOR	50
Cork	FOR	51
		52
		53
		54
		55
		56
		57
		58
		59

5. Textile numbers and abbreviations

Fabric	Abbreviation	Number
Cotton	TEX	60

Jute	TEX	61
		62
		63
		64
		65
		66
		67
		68
		69

6. Numbers and abbreviations for glass

Fabric	Abbreviation	Number
Colourless glass	GL	70
Green glass	GL	71
Brown glass	GL	72
		73
		74
		75
		76
		77
		78
		79

7. Composite numbers and abbreviations

Fabric	Abbreviation	Number
Paper and board/miscellaneous metals		80
Paper and cardboard/plastic		81

Paper and board/aluminium	82
Paper and cardboard/tinplate	83
Paper and board/plastic/aluminium	84
Paper and board/plastic/aluminium/tinplate	85
	86
	87
	88
	89
Plastic/aluminium	90
Plastic/tinplate	91
Plastic/miscellaneous metals	92
	93
	94
Glass/plastic	95
Glass/aluminium	96
Glass/tinplate	97
Glass/Miscellaneous metals	98
	99

Artikel 5

Amendment of the Circular Economy Act

The Circular Economy Act of 24 February 2012 (BGBl. I, p. 212), as last amended by Article 5 of the Act of 2 March 2023 (BGBl. 2023 I, No 56), is amended as follows:

1. Section 30(6) is amended as follows:
 - a) In point 10, the words 'were.' are replaced by the words 'were.'
 - b) In point 10, the following point 11 is inserted:

1. 'Measures taken to implement Articles 48, 50 and 52 of Regulation (EU) 2025/40 in a specific chapter on packaging and the management of waste resulting from it.';
2. In Section 33(3)(2)(n), the following point (o) is inserted:
 - a) 'Measures taken to implement Articles 43 and 51 of Regulation (EU) 2025/40, in a specific chapter on the prevention of packaging, packaging waste and packaging littered in the environment;';

Artikel 6

F consequential amendments

(1) The Instructions and Permits Regulation of 5 December 2013 (BGBl. I, p. 4043), as last amended by Article 2 of the Regulation of 28 April 2022 (BGBl. I, p. 700), is amended as follows:

In Section 12(1), the words 'Verpackungsgesetz' shall be replaced by the words 'Verpackungsrecht-Durchführungsgesetz'.

(2) Die Entsorgungsfachbetriebeverordnung (Regulation on Specialised Disposal Operations) of 2 December 2016 (BGBl. I, p. 2770), as last amended by Article 9(1) of the Act of 30 September 2025 (BGBl. 2025 I, No 233), is amended as follows:

In point 3(c) of Annex 1, the words 'Verpackungsgesetz' are replaced by the words 'Verpackungsrecht-Durchführungsgesetz'.

(3) Ordinance on Waste Control Officers of 2 December 2016 (BGBl. I, p. 2789), as last amended by Article 9(2) of the Act of 30 September 2025 (BGBl. 2025 I, No 233), is amended as follows:

1. § 2 is amended as follows:

a) Point (2) is amended as follows:

a%6) In point (a) of Section 15(1), first sentence, point 1, of the Packaging Act of 5 July 2017 (BGBl. I, p. 2234), as amended, is replaced by the following: 'Transport packaging which is not subject to system participation under § 7 Absatz 1 Satz 1 the Packaging Law Implementing Act, pursuant to § 39 Absatz 1 Satz 1 Nummer 1 the Packaging Law Implementing Act'.

b%6) In point (b) of Section 8(1) of the Packaging Act, the words 'the first sentence of Section 8(1) of the Packaging Act' are replaced by § 8 Absatz 1 Satz 1 the words 'the Packaging Law Implementing Act'.

c%6) In point (c) of the first sentence of Section 15(1) of the Packaging Act, the words 'point 2 of the first sentence of Section 15(1) of the Packaging Act' are replaced by the words '§ 39 Absatz 1 Nummer 2 and 3 of the Packaging Law Implementing Act'.

d%6) In point (d), the words 'Section 15(1), first sentence, point 4 of the Packaging Act' are replaced by § 39 Absatz 1 Nummer 5 the words 'the Packaging Law Implementing Act'.

b) In point 3(a), the words 'Section 14(1) of the Packaging Act' are replaced by the words '§ 40 Absatz 1the Packaging Law Implementing Act'.

2. In Annex 1, Part I, point 3(c), the words 'Verpackungsgesetz' are replaced by the words 'Verpackungsrecht-Durchführungsgesetz'.

(4) The Trade Waste Regulation of 18 April 2017 (BGBl. I, p. 896), as last amended by Article 9(3) of the Act of 30 September 2025 (BGBl. 2025 I, No 233), is amended as follows:

In Section 1(3), the words 'Verpackungsgesetz' shall be replaced by the words 'Verpackungsrecht-Durchführungsgesetz' and the words 'Verpackungsgesetz' shall be replaced by the words 'Verpackungsrecht-Durchführungsgesetz'.

(5) The Single- Use Plastics Ban Ordinance of 20 January 2021 (BGBl. 2021 I, p. 95) is amended as follows:

In the second sentence of Section 1, the words 'Section 3(1) of the Packaging Act' are replaced by the words 'Article 3(1)(1) of Regulation (EU) 2025/40'.

(6) D as Single-Use Plastics Fund Act of 11 May 2023 (BGBl. 2023 I No 124), as amended by Article 3 of the Act of 11 May 2023 (BGBl. 2023 I No 124, No 183), is amended as follows:

1. § 3(10) is replaced by the following § 3(10):

'10. Central body for packaging registers: the foundation maintained or newly established pursuant to Paragraph 48 of the Verpackungsrecht-Durchführungsgesetz;'

2. In the second sentence of Section 7(2), the words 'Section 9 of the Packaging Act' are replaced by§ 6 the words 'the Packaging Act'.

3. Section 8 is amended as follows:

a) Paragraph 2 is amended as follows:

a%6) In the first sentence, the words 'Section 9 of the Packaging Act' are replaced by the words '§ 6the Packaging Law Implementing Act' and the words 'Central Body' are replaced by the words 'Central Body Packaging Register'.

b%6) In the third sentence, the words 'central body' are replaced by the words 'central body packaging register'.

b) Paragraph 3 is amended as follows:

a%6) In the first sentence, the words 'Verpackungsgesetz' are replaced by the words 'Verpackungsrecht-Durchführungsgesetz' and the words 'Zentrale Stelle' are replaced by the words 'Zentrale Stelle Verpackungsregister'.

b%6) In the second sentence, the words 'central body' are replaced by the words 'central body packaging register'.

4. § 11 is amended as follows:

a) In paragraph 1, the second sentence is replaced by the following sentence:

'The declaration shall be subject to verification and confirmation by a registered expert within the meaning of Paragraph 3(16) of the Verpackungsrecht-Durchführungsgesetz or by an auditor, tax adviser or certified accountant registered within the meaning of Paragraph 56(2) of the Verpackungsrecht-Durchführungsgesetz.'

- b) In the first sentence of paragraph 4, the words 'Section 31 of the Packaging Act' are replaced by § 46 the words 'the Packaging Act'.
 - c) In the second sentence of paragraph 5, the words 'central body' are replaced by the words 'central body packaging register';
5. In Annex 2, the words 'Section 31 of the Packaging Act' are replaced by the words '§ 46the Packaging Law Implementing Act'.

(7) D as the Environmental Statistics Act of 16 August 2005 (BGBl. I, p. 2446), as last amended by Article 1 of the Act of 8 May 2024 (BGBl. 2024 I, No 153), is amended as follows:

1. § 5(2) shall be replaced by the following paragraph 2:

(2) ' The survey shall record annually, starting with the 2022 reporting year, the survey characteristics of the type, quantity and whereabouts § 39 Absatz 1 Satz 1 of waste from packaging that is not subject to compulsory participation in the system in accordance with § 46 Absatz 1 Satz 1 the Packaging Law Implementing Act and waste from non-reusable packaging that is subject to a deposit in accordance with the Packaging Law Implementing Act.'

2. § 5a(1) to (4) shall be replaced by the following paragraphs (1) to (4):

(1) ' Each year, starting with the 2022 reporting year, the survey collects the following survey characteristics from the Central Body for § 3 Absatz 14 Packaging Registers under the Packaging Law Implementing Act:

1. The type of material and quantity of packaging subject to compulsory system participation and made available for the first time in Germany in accordance with § 3 Absatz 6 the Packaging Law Implementing Act,
2. Type of material and quantity of packaging waste collected from private households and comparable waste collection points under § 3 Absatz 7 the Packaging Law Implementing Act by § 40 Absatz 1 Satz 1 the systems under the Packaging Law Implementing Act or withdrawn from § 8 Absatz 1 Satz 1 the industry solutions under the Packaging Law Implementing Act, broken down by country;
3. The fate and disposal of packaging waste referred to in point 2.

The survey is carried out by the Federal Statistical Office.

(2) The survey shall collect on an annual basis, starting from the reporting year 2022, the following survey characteristics for those allowing multi-enterprise sharing of reusable packaging as referred to in Article 11(1) of Regulation (EU) 2025/40, broken down by sales packaging as defined in Article 3(1), point (5), of Regulation (EU) 2025/40 and other reusable packaging, where available to them:

1. The type and quantity of reusable packaging first distributed to the participating companies;

2. The type and quantity of total reusable packaging placed on the market;
3. Number of rotations of reusable packaging; and
4. The type and quantity of reusable packaging discarded as waste, as well as its fate and disposal.

(3) The survey covers producers as defined in Article 3(1), point (15), of Regulation (EU) 2025/40 who make packaging filled with goods available in the federal territory. The survey shall be conducted as a full survey every ten years starting with the reporting year 2023. In the intervening years, the survey is carried out annually as a sample survey. For this purpose, the survey units are selected using mathematical-statistical methods. Section 6(4) of the Federal Statistics Act shall not apply. The survey shall cover the following survey characteristics:

1. The type and quantity of non-systematic packaging made available for the first time in Germany in accordance with § 39 Absatz 1 Satz 1 the Packaging Law Implementing Act, with the exception of reusable packaging in accordance with Article 11(1) of Regulation (EU) 2025/40;
2. The type and quantity of packaging taken back under § 39 Absatz 1 Satz 1 the Packaging Law Implementing Act, with the exception of reusable packaging referred to in Article 11(1) of Regulation (EU) 2025/40, and its fate and disposal;
3. The type and quantity of reusable packaging referred to in Article 11(1) of Regulation (EU) 2025/40 made available for the first time in Germany, the type and quantity of total reusable packaging placed on the market and the number of rotations of such reusable packaging, broken down into sales packaging as defined in Article 3(1), point (5), of Regulation (EU) 2025/40 and other reusable packaging, in so far as they are not recorded in accordance with paragraph 2 and to the extent that such data are available to them;
4. The nature and quantity of reusable packaging discarded as waste, as well as its fate and disposal, broken down into sales packaging and other reusable packaging, in so far as they are not covered by paragraph 2 and to the extent that such data are available to them;
5. The type and quantity of single-use beverage packaging made available for the first time in Germany that is subject to the deposit and return obligation under § 46 Absatz 1 Satz 1 the Packaging Law Implementing Act and, in addition, in the case of single-use plastic beverage bottles, the recycled content,
6. The type and quantity of returned single-use beverage packaging subject to the deposit and return obligation under § 46 Absatz 1 Satz 1 the Packaging Law Implementing Act, as well as its whereabouts and disposal.

(4) Each year, starting with the 2022 reporting year, the survey shall record the quantity of very lightweight plastic carrier bags made available for the first time in Germany for undertakings that supply very lightweight plastic carrier bags within the meaning of Article 3(1), point (57), of Regulation (EU) 2025/40.'

3. In Section 14(2)(4)(a), the words 'Section 3(18) of the Packaging Act' are replaced by § 3 Absatz 14 the words 'the Packaging Act'.
4. Section 15(2) shall be replaced by the following paragraph 2:

(5) ‘ The Central Unit for Packaging Registers under § 3 Absatz 14 the Packaging Law Implementing Act, the legal person responsible for handling claims for refund under the fourth sentence of Section 36(1) of the Packaging Law Implementing Act and the competent authorities under Land law shall provide the statistical offices of the Länder, upon request, with the names, addresses and European or international tax numbers of the producers referred to in Article 3(1), point 15, of Regulation (EU) 2025/40 and of the undertakings concerned by the surveys referred to in Section 5a(2) to (6), where available to them.’

(8) Regulation on vocational training for druggists of 30 June 1992 (BGBl. I, p. 1197), as last amended by Article 2(6) of the Act of 5 July 2017 (BGBl. I, p. 2234), is amended as follows:

Point 1 is amended as follows:

1. In point 3.1(d) and point 4.3(b), the words ‘Verpackungsgesetz’ are replaced by the words ‘Verpackungsrecht-Durchführungsgesetz’.
2. In point 9.4(c), the words ‘Verpackungsgesetz’ are replaced by the words ‘Verpackungsrecht-Durchführungsgesetz’.

Artikel 7

Amendment of the Packaging Law Implementing Act

The Packaging Law Implementing Act of [insert: Date and reference] is amended as follows:

1. § 12 has been amended as follows:
 - a) The second sentence of the first sentence of point (a)(b) is deleted.
 - b) (A)(b)(3) is deleted;
2. Die §§ 14 bis 16 are deleted;
3. Die §§ 17 und 18 are deleted;
4. In point I, § 60 Absatz 1 Satz 1 the words ‘single-use beverage cups’ are replaced by the words ‘single-use plastic beverage cups’;

Artikel 8

A Excluded

The Packaging Act of 5 July 2017 (BGBl. I, p. 2234), as last amended by Article 6 of the Act of 25 October 2023 (BGBl. 2023 I, No 294), shall expire on 11 August 2026.

Artikel 9

Entry into force

(1) Artikel 4 Nummer 1it will enter into force on 1 January 2030.

(2) Artikel 4 Nummer 2 shall enter into force on the day on which Decision 2009/292/EC has been repealed by the Commission delegated act referred to in Article 70(3) of Regulation (EU) 2025/40. The Federal Ministry of the Environment, Climate Protection, Nature Conservation and Nuclear Safety shall publish the date of entry into force in the Federal Law Gazette.

(3) Artikel 4 Nummer 3 shall enter into force on the day on which Decision 2001/171/EC has been repealed by the Commission delegated act referred to in Article 70(3) of Regulation (EU) 2025/40. The Federal Ministry of the Environment, Climate Protection, Nature Conservation and Nuclear Safety shall publish the date of entry into force in the Federal Law Gazette.

(4) Artikel 4 Nummer 4it will enter into force on 12 February 2028.

(5) Otherwise, this Act shall enter into force on 12 August 2026.

EU legislative acts

1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1), as last amended by Delegated Regulation (EU) 2024/908 of 17 January 2024 (OJ L, 2024/908, 20.3.2024).
2. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1; OJ L 318, 28.11.2008, p. 15; OJ L 334, 13.12.2013, p. 46; OJ L 277, 22.10.2015, p. 61), as last amended by Delegated Regulation (EU) 2024/3229 of 18 October 2024 (OJ L, 2024/3229, 20.12.2024).
3. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1), as last amended by Regulation (EU) 2025/941 of 7 May 2025 (OJ L, 2025/941, 20.5.2025).
4. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1; OJ L 16, 20.1.2011, p. 1; OJ L 94, 10.4.2015, p. 9; OJ L 349, 21.12.2016, p. 1; OJ L 190, 27.7.2018, p. 20; OJ L 55, 25.2.2019, p. 18; OJ L 117, 3.5.2019, p. 8; L, 2024/90811, 13.12.2024), as last amended by Delegated Regulation (EU) 2025/1222 of 2 April 2025 (OJ, 2025/1222, 20.6.2025).
5. Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18; OJ L 331, 18.11.2014, p. 41; OJ L 50, 21.2.2015, p. 48; OJ L 266, 30.9.2016, p. 7; OJ L 142, 1.6.2023, p. 41), as last amended by Delegated Regulation (EU) 2024/2512 of 17 April 2024 (OJ L, 2024/2512, 25.9.2024).
6. Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council

and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35; L 349, 5.12.2014, p. 67), as last amended by Delegated Regulation (EU) 2025/1735 of 4 June 2025 (OJ L, 2025/1735, 12.8.2025).

7. Directive 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1; L, 2025/90573, 4.7.2025), as last amended by Regulation (EU) 2025/40 of 19. December 2024 (OJ L, 2025/40, 22.1.2025).
8. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1), as last amended by Regulation (EU) 2025/40 of 19. December 2024 (OJ L, 2025/40, 22.1.2025).
9. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1; OJ L 310, 1.12.2022, p. 17; L, 2025/90880, 5.11.2025), as last amended by Delegated Regulation (EU) 2025/2050 of 1 July 2025 (OJ L, 2025/2050, 9.10.2025).
10. Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1; L, 2024/90243, 17.4.2024; L, 2024/90256, 23.4.2024; L, 2025/90109, 5.2.2025; L, 2025/90794, 8.10.2025), as last amended by Regulation (EU) 2025/1561 of 18 July 2025 (OJ L, 2025/1561, 30.7.2025).
11. Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (OJ L, 2024/1157, 30.4.2024; L, 2024/90786, 9.12.2024), as last amended by Delegated Regulation (EU) 2024/3230 of 18 October 2024 (OJ L, 2024/3230, 20.12.2024).
12. Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L 2025/40, 22.1.2025)

Justification

A. General part

I. Objective and necessity of the provisions

On 11 February 2025, Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste (OJ L 2025/40, 22.1.2024, EU Packaging Regulation) entered into force. Essential rules will take effect 18 months after the entry into force of the Regulation, i.e. on 12 August 2026. In many cases, the rules are then directly applicable in Germany. However, for some provisions, the Regulation contains separate rules on entry into force, effectiveness or transitional arrangements.

The new Regulation is based on the legal basis of Article 114 of the Treaty on the Functioning of the European Union (TFEU) and aims to establish a European internal market in packaging. The principle underlying the EU Packaging Regulation of harmonising the European internal market is illustrated by Article 4 of the EU Packaging Regulation, which lays down the principle that Member States may not prohibit, restrict or impede the making available of packaging that complies with the sustainability, labelling and information requirements of the EU Packaging Regulation.

The EU Packaging Regulation provides for a broad set of rules along the life cycle of packaging, including sustainability requirements (Articles 5 to 11), labelling, marking and information requirements (Articles 12 to 14), general obligations for manufacturers, importers, distributors and fulfilment service providers (Articles 15 to 23), obligations to reduce packaging and packaging waste (Articles 24 to 33), plastic carrier bags (Article 34), compliance of packaging (Articles 35 to 39), management of packaging and packaging waste (Articles 40 to 57), handling of packaging presenting a risk (Articles 58 to 62) and green procurement (Article 63).

The EU Packaging Regulation also contains a number of optional opening clauses for the national legislator. At the same time, the EU Packaging Regulation contains specific regulatory mandates addressed to the Member States. This results in a need for national adaptation and implementation.

In order to ensure a smooth interplay between the EU Packaging Regulation and the highly differentiated Directive 94/62/EC of the European Parliament and of the Council of 20 German law based on packaging and packaging waste needs to be replaced by the new Packaging Act (Verpackungsgesetz – VerpackG) on the placing on the market, take-back and high-quality recovery of packaging.

II. Essential content of the draft

In principle, the EU Packaging Regulation will apply directly in all Member States from 12 August 2026. However, there are also longer transitional rules for different regulatory areas. The rules contained in the Regulation require the existing Packaging Act to be amended and new rules to be introduced in areas not yet regulated. Against this background, the existing Packaging Act is to be repealed and replaced by the new Packaging Law Implementing Act.

The Packaging Law Implementing Act (Verpackungsrecht-Durchführungsgesetz) has a new structure and regulates general provisions in Part 1. Part 2 on the management of packaging and packaging waste contains the following provisions in six chapters:

Chapter 4: Provision of packaging in federal territory

Chapter 2: Extended Producer Responsibility Organisations

Chapter 3: Take-back, collection and recovery of packaging

Chapter 4: Beverage packaging

Chapter 5: Central body for packaging registers

Chapter 6: Reducing the consumption of certain single-use packaging

Requirements for conformity assessment are laid down in Part 3 and final provisions are laid down in Part 4.

The far-reaching innovations in the packaging sector brought about by the EU Packaging Regulation put the European packaging and packaging waste management framework on a new footing and require a complete revision of the existing national packaging law. This is also necessary to avoid contradictions between the new Packaging Law Implementing Act, which will apply in the future, and the directly effective provisions of the EU Packaging Regulation.

In that regard, the law lays down rules only if this is necessary for the implementation of the directly applicable regulation, the regulation itself requires the Member States to lay down national rules or gives the Member States a margin of discretion with regard to more far-reaching rules.

As many of the regulatory details of the EU Packaging Regulation will only enter into force in the coming years, or the necessary bases will have to be laid down by the European Commission by means of specific legal acts, the present draft law continues many of the existing provisions of the Packaging Act. The draft law regulates definitions where they are necessary for national enforcement and where no corresponding definition is provided by the EU Packaging Regulation.

The aim of the Packaging Law Implementing Act is to enable established and proven structures to be maintained and further developed, insofar as the EU Packaging Regulation allows for this possibility. This is intended to facilitate the changeover for all stakeholders concerned and to avoid overburdening them with avoidable bureaucratic burdens.

The processes set out in the Packaging Act are maintained and extended to the new requirements of the EU Packaging Regulation. New tasks are thus assigned to the central body for packaging registers in order to take account of the extended range of obliged entities under European legislation with regard to extended producer responsibility and registration. The extension of the tasks of the central packaging register requires corresponding structural adjustments. In addition to the parties previously involved (e.g. schemes, municipalities, associations), producers who are not required to participate in the system and other producer responsibility organisations are also taken into account. In addition, the present draft law makes conceptual adaptations and harmonisations in order to harmonise national law with the requirements of the EU Packaging Regulation.

In particular, the following points should be highlighted:

The provision of packaging in Germany will only be possible in future if the provisions on fulfilment of extended producer responsibility are complied with. To this end, the current system of the Packaging Act is incorporated into the new Packaging Law Implementing Act, to the extent permitted by the EU Packaging Regulation. Existing exceptions to restrictions may be partially maintained. The known labelling requirements continue to apply for the time being.

The requirements for the appointment of third parties and authorised representatives and for registration are essentially in line with the provisions of the previous Packaging Act. Similarly, the provisions of the previous Packaging Act concerning, inter alia, the obligation to participate in the system, the data reports or the declarations of completeness are largely taken over.

A new requirement under the EU Packaging Regulation is that extended producer responsibility organisations and producers who fulfil their extended producer responsibility obligations individually must be authorised. In order to adapt, the known authorisation rules of the previous Section 18 of the Packaging Act can essentially be adopted for the organisations for packaging (systems) subject to system participation requirements. Approval continues to be granted by the competent Land authority. Established provisions of the Packaging Act, such as for a joint body, for reporting obligations of the systems or for coordination with public waste disposal entities, are also essentially transposed into the Packaging Law Implementing Act.

Automated approval procedures are being introduced by the Central Office for Packaging Registers for producers of packaging not subject to mandatory participation in the system and for other producer responsibility organisations, in order to make Article 47(1) of the EU Packaging Regulation more specific and enforceable.

It also introduces an obligation for extended producer responsibility schemes and deposit and return systems to dedicate a minimum share of their budget to reduction and prevention measures, in line with Article 51(3) of the EU Packaging Regulation. The new scheme provides for the organisation to be the responsibility of economic operators, which is responsible for promoting reduction and prevention measures and is financed by the schemes, industry solutions, other producer responsibility organisations and producers of packaging not subject to mandatory participation in the scheme.

The current provisions of the Packaging Act on the take-back, collection and recovery of packaging can essentially be incorporated into the Packaging Law Implementing Act. The amended recovery requirements compared to the existing Section 16 of the Packaging Act mainly serve to align with the requirements of the EU Packaging Regulation.

The current provisions of the Packaging Act on beverage packaging can essentially be incorporated into the Packaging Law Implementing Act. Until uniformly applicable Europe-wide requirements for minimum recycled content in plastic packaging are presented by the European Commission, the existing rules continue to apply.

As a result of the new requirements of the EU Packaging Regulation, new tasks are assigned to the Central Packaging Register as part of the recast of the Packaging Law Implementing Act. This includes in particular the establishment and implementation of automated authorisation procedures for producers of packaging not subject to mandatory participation in the system, as well as for other producer responsibility organisations.

The rules on an obligation to offer a reusable alternative for single-use plastic food packaging and beverage cups and facilitations for small businesses and vending machines are in line with the well-known provisions of the Packaging Act.

New rules are introduced on the implementation of EU declarations of conformity. In particular, language requirements and means of control by the competent authorities of the Länder are introduced.

III. Executive footprint

The simplification introduced in Section 9(2) with regard to data notifications to the central packaging register is based, inter alia, on a proposal from the Federal Ministry of Economic Affairs and Energy and the Federal Ministry of Agriculture, Food and Community Affairs. This proposal resulted from the practical check on reducing red tape in the food trade carried out by the Federal Ministry of Economic Affairs, the Federal Ministry of Economic Affairs and the Saxony Ministry of Economic Affairs.

IV. Alternatives

Absent. A fundamental revision of national packaging legislation is necessary, as the EU Packaging Regulation has direct effect in the Member States of the European Union and, for reasons of legal clarity, conflicts between national and European legal requirements must be avoided.

V. Legislative power

The provisions of the draft law concern the economy, waste management and criminal law. Under Article 74(1)(1), (11) and (24) of the Basic Law, the areas of economic law, waste management and criminal law under Article 72(2), first sentence, point 5, of the Basic Law fall within the concurrent legislative competence of the Federal Government. A nationwide regulation is necessary to safeguard legal and economic unity in the interest of the state (Article 72(2) of the Basic Law). The EU Packaging Regulation sets out requirements for the entire life cycle of packaging with regard to its environmental sustainability and labelling, which must be met for packaging to be placed on the market. The present draft law contains the nationally required rules on responsibilities and for the implementation of the relevant requirements in Germany. This objective could not be achieved if the Länder were to adopt their own rules or not. An unacceptable fragmentation of the law due to inconsistent rules at Länder level can only be avoided by the nationwide rules adopted here, which are thus necessary in order to preserve legal unity in the interests of the State as a whole.

VI. Compatibility with European Union law and international treaties

The draft law is compatible with European Union law and international agreements concluded by the Federal Republic of Germany.

VII. Legislative consequences

1. Legal and administrative simplification

The Act does not provide for any substantial legal or administrative simplification.

When designing the rules, care was taken to create administrative procedures that were as unbureaucratic and simple as possible by making as much use as possible of existing structures and digitalisation possibilities.

2. Sustainability

The new Packaging Law Implementing Act adapts the provisions of national packaging law to the European provisions of the EU Packaging Regulation. The harmonisation of packaging disposal across Europe will create synergies in both manufacturing and disposal. The Act contributes to the achievement of the UN Sustainable Development Goals (SDGs) and the principles of sustainable development as part of the German Sustainability Strategy (further development in 2021) of the Federal Government as follows:

SDG 7 Affordable and clean energy

Resource conservation: Using resources sparingly and efficiently

7.1.b Primary energy consumption: The regulatory project aims to improve the circularity of valuable resources. In particular, this reduces the need to extract materials for the production of packaging from primary raw materials, such as those based on wood or crude oil. This reduces in particular the consumption of fossil primary energy sources.

SDG 8 Decent work and economic growth

8.1 Resource conservation: Using resources sparingly and efficiently

8.1.a Total raw material productivity: The aim of the regulatory project is to implement EU law provisions of the EU Packaging Regulation, inter alia, to improve the recyclability of packaging, to set minimum recycled content in plastic packaging, to minimise packaging, to prevent packaging waste in order to meet the re-use targets and to update the recycling targets. By increasing the circularity of the different packaging materials, the raw materials used are used in the most efficient way.

8.4 Economic capacity: Increase economic performance in an environmentally and socially responsible manner

8.4.a Gross domestic product per inhabitant: Lasting and sustainable economic growth requires a long-term decoupling of economic growth from environmental pressures. The draft law supports this objective by improving resource efficiency in consumption and production. The new rules strengthen sustainable innovation and technologies in this area.

SDG 9 Industry, Innovation and Infrastructure

Innovation: Building a sustainable future with new solutions

The harmonisation of packaging waste management through the requirements of the EU Packaging Regulation increases the possibilities for Germany's advanced waste management industry to set new standards for sustainable packaging and disposal techniques on the European market with innovative solutions.

SDG 12 Sustainable Consumption and Production

12.2 Sustainable production: Steadily increasing the share of sustainable production

The proposed legislation will contribute to meeting the requirements of the EU Packaging Regulation to improve the recyclability of packaging, to set minimum recycled content in plastic packaging, to minimise packaging, to prevent packaging waste in order to meet re-use targets and to maintain recycling targets. The development and production of

sustainable packaging products will be strengthened to prevent waste and improve circularity.

SDG 13 Climate Action

13.1 Climate action: Reduce greenhouse gases

The proposed regulation will help to strengthen the protection of resources. It also contributes to climate change mitigation, either because the consumption of valuable resources can be avoided altogether or because valuable resources can be better recycled, thus reducing the need to use primary raw materials.

The draft law is also in line with the German Sustainability Strategy of the Federal Government (2021 update) and supports the achievement of its objectives. More specifically, the draft law contributes to the implementation of the principles of sustainable development as part of the German sustainability strategy of the Federal Government as follows:

Principle 1: Consistently apply sustainable development as a guiding principle in all areas and decisions

The draft law makes an important contribution to a more sustainable use of packaging and thus to a more sustainable use of raw materials and a clean environment.

Principle 2: Assuming global responsibility

As a major industrialised nation, Germany can be particularly effective in reducing the consumption of primary, especially non-renewable, resources worldwide. Packaging, which is often used only once and often consists of primary raw materials, is an important starting point.

The draft law strengthens the use of recyclable packaging to promote the circularity of valuable resources. Adapting national packaging legislation to the requirements of the EU Packaging Regulation, which apply uniformly to the European internal market, will encourage innovation in packaging development and recycling infrastructure, thereby creating a positive global spill-over effect on the circularity of raw materials.

Principle 3: Preserve natural livelihoods

The draft regulation strengthens the economical use of non-renewable natural assets. With regard to the harmful effects of packaging waste on ecosystems and their inhabitants on land and water, the proposed regulation is intended to contribute to the long-term preservation of natural resources.

Principle 4: Strengthening sustainable economies

The draft law contributes to decoupling energy and resource consumption from economic growth through better circularity of packaging, prevention and increased recycling of packaging materials.

3. Budgetary expenditure without compliance costs

At the Federal Environment Agency (Umweltbundesamt), there is a need for half a hD (plan) post and related staff expenditure of approximately EUR 120000 per year.

The expenditure of EUR 126252,61 per year is calculated using the BMF's PSC rates of 23 June 2025 as follows: Average senior staff remuneration EUR 87535/2 plus 36.9 %

				costs in				
2.1	§ 5 Absatz 2, 3, 5 und 6 VerpackDG; Delegation of powers to third parties and delegation of powers (amendment)				'minor' (small number of cases)			'minor' (small number of cases)
2.2	§ 6 Absatz 1 Packaging Act; Registration obligation for manufacturers of service packaging (abolition)	Yes			'minor' (small number of cases)			'minor' (small number of cases)
2.3	§ 7 VerpackDG; Obligation to participate in the system (amendment)				'minor' (small number of cases)			'minor' (small number of cases)
2.4	§ 8 Absatz 1 VerpackDG; Industry solutions (modification)	Yes			'minor' (small number of cases)			'minor' (small number of cases)
2.5.	§ 9 Absatz 2 VerpackDG Notification of packaging involved in the system to the central body (amendment)	Yes	—100.000	EUR 12.9 = (20/60 * EUR 38.60/h (WZ: (A-S excluding O)	—1.287			
2.6	§ 14 VerpackDG; Deletion of exemptions for reusable and lead crystal glass packaging (amendment)				'minor' (small number of cases)			'minor' (small number of cases)
2.7	§ 12 Absatz 1 VerpackDG; Prohibition of the placing on the market of very lightweight plastic carrier bags (amendment)				0.0			'minor' (small number of cases)
2.8	§ 19 VerpackDG; Approval of manufacturers of packaging not subject to participation in the system (new)	Yes			'minor' (small number of cases)	60.000	EUR 19.3 = (30/60 * EUR 38.60/h (WZ: (A-S excluding O) EUR 0)	1.158
2.9	§ 22 VerpackDG; Authorisation of other producer responsibility organisations (new)	Yes			'minor' (small number of cases)			'minor' (small number of cases)
2.10	§ 39 Absatz 3 und 6 VerpackDG; extended documentation and notification obligations for	Yes			'minor' (small number of cases)			'minor' (small number of cases)

	manufacturers and subsequent distributors (amendment: ID-ip 2006092915090513)							
2.11	§ 40 Absatz 4 and § 41 Absatz 5 VerpackDG; Publication of information (amendment: ID-ip 2021020310324801)	Yes						'minor' (minor effort per case)
2.12	§ 41 Absatz 4 VerpackDG; Reporting obligations of other producer responsibility organisations (new)	Yes						'minor' (small number of cases)
2.13	§§ 50 bis 53 VerpackDG; Obligation for the packaging register central body to finance the levy by the companies concerned (amendment: ID-ip 2022092815322800_)		60.000 systems, etc.	EUR 25	1.500	60.000 systems, etc.	EUR 55	3.300
2.14	§ 56 Absatz 3 VerpackDG; Reporting obligations of experts and other auditors (new)	Yes						'minor' (small number of cases and minor effort per case)
2.15	§ 56 Absatz 4 Satz 3 VerpackDG; Compulsory training (amendment: ID-ip 2017031710041701)							'minor' (small number of cases)
2.16	§ 59 Absatz 1 VerpackDG Obligation to implement reduction and prevention measures (new)							'minor' (minor effort per case)
2.17	§ 59 Absatz 3 VerpackDG Obligation to draw up documentation (new)	Yes	60.000 systems, manufacturers, etc.	EUR 37.4 = (60/60 * EUR 37.40/h (WZ: (E)	2.244			
2.18	§ 49(2a) KrWG; Information obligations for packaging waste management operators via the electronic registers referred to in Article 35(1) of the EU Waste Framework Directive (amendment)	Yes						'minor' (small number of cases and minor effort per case)
Total (in EUR'000)					2.457			4.458

...of which from information obligations (IP)	957		
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Order No 2.5 ([]): Notification of packaging involved in the system to the central body; § 9 Paragraph 2 VerpackDG

In principle, manufacturers are obliged under § 9 VerpackDG – as hitherto under § 10 VerpackG – to notify the Central Body of the quantity of packaging subject to mandatory participation in the system. Paragraph 2 introduces an exemption from the obligation to notify packaging registers immediately after notification to the central body for those manufacturers who have made available in the previous calendar year in Germany a total quantity of packaging requiring participation in the system of less than 10 tonnes as manufacturer. Instead, those manufacturers may submit a single declaration to the Central Office for Packaging Registers by 1 June of the following calendar year.

According to the ZVSR, in 2024, 200 000 manufacturers established in Germany reported less than 10 tonnes of packaging subject to mandatory participation in the system. The number of notifications required over the course of a year is determined by the contractual arrangements between systems and manufacturers. Smaller manufacturers in particular often have to submit only one annual report. According to the central body, packaging registers are reported by the above-mentioned manufacturers on average one and a half times a year, with the vast majority reporting once or twice a year. It is therefore assumed that 100000 manufacturers will be able to make use of the exemption, saving one notification per year. Assuming that a declaration takes 20 minutes of time, this results in a saving in personnel costs of approximately EUR 1287000 (100000 declarations omitted * 20/60 hours * EUR 38.60/hour average wage in the whole economy).

No 2.8 ([]): Approval of manufacturers of packaging not subject to mandatory participation in the system; § 19 VerpackDG [Packaging Act]

The new rules will require manufacturers of packaging not subject to the obligation to participate in the system to obtain approval from the central body for packaging registers before such packaging is made available for the first time in Germany or, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40, before products packed in such packaging are unpacked. Minor implementation costs are to be expected each year.

On a one-off basis, however, there will be implementing costs for industry as a result of the approval of manufacturers of packaging not subject to mandatory participation in the system that are already active on the market. It is not known how many manufacturers will be affected by the authorisation requirement. There are currently around 60000 producers in Germany in the packaging register who have registered for packaging that is not subject to compulsory participation in the system. According to the number of entries in the packaging register and on the basis of a high under-reporting, according to the experts, in the area of manufacturers of packaging not subject to compulsory participation in the system, it is estimated that 60000 manufacturers are affected once.

A comparable requirement in the database of implementing costs is used to further calculate the one-off implementing costs. The time taken per case is therefore assumed to be 30 minutes (cf. (comparable) requirements 2017031710032101, https://www.ondea.de/SiteGlobals/Functions/Datenbank/Vorgaben/Einzelansicht/Vorgabe_Einzelansicht.html?idVorgabe=137671 and 2021020309141801, https://www.ondea.de/SiteGlobals/Functions/Datenbank/Vorgaben/Einzelansicht/Vorgabe_Einzelansicht.html?idVorgabe=142965).

Item 2.13 ([]): Obligation for the central body for packaging registers to finance the levy by the undertakings concerned; Sections 50 to 53 VerpackDG

As a result of the legal changes and the new tasks of the Central Body for Packaging Registers, in particular under §§ 6, 19, 22, 54 Absatz 1 und § 56 the Packaging Act, there are necessary one-off changes and additional annual costs for the Central Body for Packaging Registers. This concerns in particular the keeping of the register of packaging and experts, new approval and application procedures, legally required training and additional costs in the area of monitoring.

As there is no experience with the new tasks and the underlying case numbers are highly uncertain, the Central Body for Packaging Registers can only make a rough estimate within the meaning of the Guidelines (see the Guidelines, p. 6). This results in an increase of approximately EUR 1500000 in the current implementing costs for industry. This includes around EUR 120000 for the Federal Government for increased expenditure in the course of legal and technical supervision by the Federal Environment Agency. In addition, the Central Office for Packaging Register incurs one-off costs of around EUR 3300000.

For the Federal Government, there is a (planned) need for approximately half a hD unit at the Federal Environment Agency, as the cost of legal and technical supervision via the central packaging register body increases. Accordingly, staff and operating expenditure are incurred. The costs of legal and technical supervision are reimbursed to the Federal Environment Agency by the Central Packaging Register Office (Zentrale Stelle Verpackungsregister), as was already the case under the previous Packaging Act.

The expenditure of EUR 126252,61 per year is calculated using the BMF's PSC rates of 23 June 2025 as follows: Average senior service remuneration EUR 87535/2 plus 36.9 % pension plus EUR 3400 ancillary staff costs plus EUR 17.350 actual administrative expenditure, EUR 6050 investments, EUR 10850 office space and plus 29.4 % overheads.

In accordance with the VerpackDG, these additional costs are financed §§ 50 bis 53 by means of a levy by the schemes, industry solutions and other manufacturers.

Order No 2.16 ([]): Obligation to implement reduction and prevention measures; Section 59(1) VerpackDG

The new rules require schemes and other producer responsibility organisations, as well as producers who individually carry out the fulfilment of their extended producer responsibility, to take measures to reduce and prevent packaging and related waste by taking appropriate measures themselves or by promoting third-party measures.

The measures they implement are the responsibility of the parties concerned. Possible measures range from improved information provision to investment in more resource-efficient practices. It is likely that many companies are already implementing such measures, for example because they expect to benefit from them in terms of competition. It can therefore be assumed that the measures give rise to minor additional implementing costs.

Order No 2.17 ([]): Obligation to draw up documentation; Section 59(3) VerpackDG

The schemes and other producer responsibility organisations, as well as producers who individually carry out the fulfilment of their extended producer responsibility, are obliged to document and maintain measures under § 59(1) VerpackDG once a year for the previous calendar year.

The number of affected parties can be approximated by the number of manufacturers of packaging not subject to participation in the system. The time spent is estimated at 60 minutes per case (obtaining data, making calculations, checking inputs, processing data) using the economy of time table in the guide. With an average wage rate of EUR 37.40 in economic sector E, this results in an annual expenditure of EUR 2.2 million.

Implementing costs for the administration

Insofar as additional administrative costs now arise in connection with the Packaging Law Implementing Act, these additional costs are essentially based directly on Regulation (EU) 2025/40 itself. Reference is made to the European Commission's impact assessment. Only for individual requirements does national law need to be made more specific in order to meet mandatory requirements under EU law or to establish specific competences. The resulting implementing costs are as follows:

Seq. number	Standard (§§); Term of the mandate	Federal Government/ Land	Annual number of cases and unit	Annual cost per case (minutes * hourly wage costs (Hierarchieebene) + material costs in euro)	Annual fulfilment costs (in EUR'000) or 'minor' (justification)	Unique number of cases and unit	One-off cost per case (minutes * hourly wage costs (Hierarchieebene) + material costs in euro)	One-off fulfilment costs (in EUR'000) or 'minor' (justification)
3.1	§ 12 VerpackDG; Monitoring obligations (amendment: ID-ip 2020012107143201)	Land			'minor' (small number of cases)			0.0
3.2	§§ 63, 64, 65 VerpackDG; Measures in case of non-compliance (new)	Country, Bund			'minor' (small number of cases)			'minor' (small number of cases)
3.3	§ 66 VerpackDG; Administrative offences (amendment: ID-ip 2021020813193101)	Land			'minor' (small number of cases)			0.0
3.4	§ 30(6)(11) KrWG; Waste management (amendment)	Land			'minor' (minor effort per case)			'minor' (minor effort per case)
3.5	§ 33(3)(2)(o) KrWG; Waste prevention programmes (amendment)	Land			'minor' (minor effort per case)			'minor' (minor effort per case)

3.6	§ 49(2a) KrWG; Information requirements for packaging waste management operators (new)	Land			'minor' (small number of cases and minor effort per case)		0.0
3.7	Article 3 Amendments to the UStatG	Bund					'minor' (small number of cases and minor effort per case)
Total (in EUR'000)					slightly		slightly
...of which at federal level					0		slightly

The Federal Government initially incurs additional costs, as the cost of legal and technical supervision via the central packaging register body increases. Accordingly, staff and operating expenditure are incurred. The expenditure of EUR 126252,61 per year is calculated using the BMF's PSC rates of 23 June 2025 as follows: Average senior service remuneration EUR 87535/2 plus 36.9 % pension plus EUR 3400 ancillary staff costs plus EUR 17350 actual administrative expenditure, EUR 6050 investments, EUR 10850 office space and plus 29.4 % overheads. These costs are refinanced by industry (see table Implementing costs for industry, No 2.15).

In addition, amendments to the UStatG entail the central one-off updating of references and definitions in the survey software for official statistics and communication by the Federal Statistical Office of the changes to the statistical offices of the Länder and to the reporting agents, which results in minor compliance costs (serial No 3.7).

Any additional needs in terms of material and human resources in the Federal Government are to be financed in full and on a permanent basis within the framework of the current budgetary and financial planning and in the relevant section of the budget.

5. Further costs

Whether and to what extent the new European and national requirements pass on the additional costs in consumer prices depends on a number of factors, including the intensity of competition in the respective markets. No impact on individual prices and on price levels, in particular on the level of consumer prices, is expected.

6. Further legislative consequences

(a) gender policy relevance check

In the context of the relevance assessment to be carried out in accordance with Section 2 of the Joint Rules of Procedure of the Federal Ministries (GGO), taking into account the different living situations of women and men, the Act does not identify any effects that run counter to gender equality policy objectives.

(b) Demography check

The project is not expected to have any demographic impact, including on birth patterns, age structure, immigration, regional distribution of the population or generational balance.

(C) Equivalent living conditions

In accordance with the Guidelines on the implementation of the 'equivalence check' (GL-Check) for federal legislative proposals of 20 April 2020, it was examined whether and what effects the federal legislative proposal has on the equivalence of living conditions of people in federal territory. The project therefore affects the living conditions of people in the different regions in the same way.

(D) Digital check

In accordance with the coalition agreement for the 20th During the legislative term, the draft regulation was subjected to a digitalisation check. In order to reflect a modern digital administration, the administrative procedures related to the registration of producers and the authorisation of producer responsibility organisations will continue to be carried out mainly electronically.

VIII. Time-limit; Evaluation

There can be no question of the implementing law being limited in time, as the rules implementing the EU Packaging Regulation are intended to be permanent.

Article 69 of the EU Packaging Regulation sets out rules for evaluation at EU level. Accordingly, by 12 August 2034, the European Commission shall carry out an evaluation of the EU Packaging Regulation and its contribution to the functioning of the internal market and the improvement of the environmental sustainability of packaging. The evaluation will cover, inter alia, the impact of the EU Packaging Regulation on the agri-food sector and food waste. The Commission shall present a report on the main findings of that evaluation to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The Federal Republic of Germany will assist in this task by providing the Commission, in fulfilment of its obligation under the fourth sentence of Article 69 of the EU Packaging Regulation, with all the information necessary for the preparation of the aforementioned report.

Furthermore, in accordance with the third subparagraph of Article 50(11) of the EU Packaging Regulation, by 1 January 2038, the Commission, in cooperation with the Member States, shall assess the implementation of Article 50 and identify ways to maximise the interoperability of deposit and return systems.

In addition, an evaluation of this law will be carried out at national level after five years. The aim is to evaluate whether the national provisions in this Act implementing the EU Packaging Regulation are practicable for the economic operators, authorities and other stakeholders concerned and whether the rules can be implemented effectively. The aim is also to evaluate whether the environmental objectives set out in Article 1 of the EU Packaging Regulation can be achieved in Germany by the measures taken with this Act and whether other requirements of the EU Packaging Regulation have been sufficiently implemented. The environmental objectives set out in Article 1 of the EU Packaging Regulation include, in particular, preventing or reducing adverse impacts of packaging and packaging waste on the environment based on a high level of environmental protection and contributing to the transition to a circular economy by setting measures in line with the waste hierarchy referred to in Article 4 of the EU Waste Framework Directive, Article 1(2) and (3) of the EU Packaging Regulation.

The criteria may include, for example, positive effects on the number of producers registered with the central body for packaging registers, the development of the recycling rates of the systems and the generation of packaging waste, or positive experiences of the stakeholders concerned with regard to the procedures for implementing the provisions

of this Act. The evaluation can then be based on any available statistical data on the mass of packaging waste generated, recycling rates or the number of registered producers, in particular from the Federal Statistical Office, the Central Unit for Packaging Register or the Federal Environment Agency, as well as on a scientific study, such as the Federal Environment Agency's annual study on the generation and recovery of packaging waste in Germany. It is also possible to involve the economic operators, authorities and other stakeholders concerned. These include, for example, the Federal Environment Agency, the Central Office for Packaging Registers, dual systems or packaging manufacturers. In particular, the effectiveness of the following schemes will be evaluated:

The provisions on authorisation in accordance with § 5 Absatz 2, 3, 5 und 6 are to be evaluated in terms of their effectiveness, in particular with regard to possible further conditions for the authorised representative's intervention for extended producer responsibility. In particular, the reliability of authorised representatives for extended producer responsibility with regard to the fulfilment of the obligations of producers established exclusively abroad can be taken into account as a criterion, whereby assessments and information from the competent enforcement authorities and the Central Body for Packaging Registers can be obtained.

The newly established authorisation procedures for other producer responsibility organisations and producers of non-systematic packaging should also be reviewed. An assessment should be made of whether the new authorisation procedures can be improved and of the market effects of the new authorisation of other producer responsibility organisations. The review can be based, for example, on the results of interviews with the Central Unit for Packaging Registers or with the obligated economic operators.

After § 59 two years from the entry into force of this Act, the Federal Ministry of the Environment, Climate Protection, Nature Conservation and Nuclear Safety shall evaluate the measures taken by obliged entities and the impact of the reduction and prevention measures implemented. The evaluation shall take into account the evolution of the relative share of reusable packaging in the total packaging volume compared to the other Member States of the European Union and the evolution of the share of reusable packaging in the total packaging volume in Germany since the entry into force of this Act, taking into account the prevention objectives to be achieved pursuant to Article 43(1) of Regulation (EU) 2025/40. If shortcomings are identified during the evaluation, a specific minimum amount for reduction and prevention measures for the standard-addressees can be set by law in § 59 paragraph 1.

B. Specific part

Re Artikel 1 (Act implementing Regulation (EU) 2025/40 on packaging)

Re Teil 1 (General provisions)

Re § 1 (scope)

The scope of the Act covers all packaging within the meaning of the EU Packaging Regulation that is made available on federal territory.

On § 2 (relationship with other legislation)

Too Absatz 1

The **first sentence** regulates the supplementary application of the Circular Economy Act. This makes it clear that the EU Packaging Regulation and the Packaging Law Implementing Act lay down separate rules only for the specific area of packaging. The deletion of the amendment previously referred to in the second sentence is a legal amendment which does not alter the applicability of the Circular Economy Act compared to the previous provision in Section 2(2) of the Packaging Act. Both the direct applicability and the corresponding applicability of the provisions of the Circular Economy Act are covered.

Too Absatz 2

The non-affectation clause contained in **paragraph 2** makes it clear that the Packaging Law Implementing Act does not supersede existing laws concerning the aspects referred to therein, but that these rules remain applicable alongside the Packaging Law Implementing Act. This concerns, for example, food or transport legislation which imposes specific requirements concerning the safety, health protection, hygiene or quality of packaging or packaged goods or the transport of packaged goods or packaging waste. The same applies, for example, to provisions from the areas of chemicals and hazardous substances legislation, as well as to labelling requirements from other areas of legislation. However, this applies only in so far as the provisions of the EU Packaging Regulation do not conflict with it.

Too Absatz 3

Paragraph 3 clarifies, as already stated in Section 2(4) of the Packaging Act, that the provisions of the Act against Restraints of Competition are not affected by this Act. Accordingly, for example, cooperation between market participants required by the present law, such as the participation of the schemes in a joint body, or cooperation between market participants enabled by the present law, such as the joint establishment and operation of a collection structure by schemes and other producer responsibility organisations, must not infringe antitrust rules.

Too Absatz 4

The non-affectation clause in **paragraph 4** grants the public authorities – as with the previous Section 2(5) of the Packaging Act – the power to impose conditions aimed at the prevention and recovery of waste when public facilities and land are used by third parties. The wording ‘The power of the Federal Government, the Länder, the districts and the municipalities’ in the previous Section 2(5) of the Packaging Act has, for reasons of legal formality, been replaced by the wording ‘The power of the competent authorities of the Federal Government and the Länder’. This does not entail any substantive changes.

Too Absatz 5

Paragraph 5 declares the Market Surveillance Act applicable.

Re § 3 (supplementary definitions)

In contrast to the current terminology used in the Packaging Act, this Act uses the term 'producer responsibility' and not 'product responsibility'. The term 'producer responsibility' is used in the EU Packaging Regulation, which should not be derogated from in the adaptation of German law. The use of the term 'producer responsibility' does not change the substance of the term 'product responsibility'.

Too Absatz 1

In principle, Article 3 of the EU Packaging Regulation lays down all the definitions. These generally replace the terms established in the Packaging Act. Section 3 contains additional definitions to Article 3 of the EU Packaging Regulation, which are necessary for the national application of the EU Packaging Regulation and for the implementation of this Act.

Too Absatz 2

The definition of beverage packaging is in line with the previous Section 3(2) of the Packaging Act and refers directly to the relevant EU Regulation.

Too Absatz 3

Making available on federal territory gives concrete expression to the concept of making available on the territory of a Member State in accordance with Article 3(1)(11) of the EU Packaging Regulation. Making available on federal territory replaces the concept of placing on the market under Section 3(1)(9) of the Packaging Act.

Too Absatz 4

The definition in **paragraph 4** corresponds essentially to the definition of empty packaging in the current Section 3(6) of the Packaging Act. The addition made makes it clear that in particular permeable tea or coffee bags and impermeable single-serve units for a tea or coffee system which are filled, used and disposed of with the product are now empty packaging. According to the current Annex 1 to the Packaging Act, the packaging referred to in Article 3(1)(1)(f) and (g) of the EU Packaging Regulation was not packaging. After their intended use, since their content has been exhausted in accordance with their intended purpose, they are emptied.

Too Absatz 5

The definition of loaded products containing pollutants is in line with the previous Section 3(7) of the Packaging Act. The list of individual filling products from Annex 2 to the Packaging Act has been taken over in Annex 1 (new).

Too Absatz 6

The definition of 'packaging subject to system Absatz 8 participation' in **paragraph 6** determines which packaging is to be included in a system as defined in. Unlike the previous definition in Section 3(8) of the Packaging Act, the requirement that packaging must be filled with goods is no longer included. The background to this is that the question of whether packaging is filled with products is now taken into account in the definition of manufacturer under Article 3(1), first subparagraph, point (15), of the EU Packaging Regulation.

The definitions of the individual types of packaging in the EU Packaging Regulation differ in parts from the previous definitions in the Packaging Act. It is therefore necessary to

explicitly mention primary production packaging here. The concept of primary production packaging as defined in Article 3(1)(4) of the EU Packaging Regulation was newly introduced by that Regulation. The reference ensures that primary production packaging is also subject to a system participation obligation, provided that the other conditions for the system participation obligation are met. Transport packaging, the majority of which is typically produced by private end-users, is, in particular, e-commerce packaging and other transport packaging used to dispatch goods for which, unlike e-commerce packaging, the conclusion of a contract for purchase with simultaneous physical presence is nevertheless handed over with transport packaging. E-commerce packaging is defined in Article 3(1)(8) of the EU Packaging Regulation as a subcategory of transport packaging. In the previous Packaging Act, mail-order packaging defined in the same way was a subset of sales packaging (see Section 3(1), first sentence, point 1(b) of the Packaging Act). This does not change the substance.

For the sake of clarity, the words ‘typically waste from private end-users’ used to date have been replaced by the words ‘in relation to the overall market for packaging of the same type, typically waste from private households or from comparable sources’. This rewording serves only to clarify the current wording. This does not change the substance of the previous practice. As already stated in the explanatory memorandum to Bundestag Case 18/11274, p. 83, an ‘ex ante assessment of the subsequent sources of waste must be carried out, whereby previous experience with comparable packaging and products can be taken into account’. In this respect, the ‘majority of references to the overall market for packaging of the same type’ serves to clarify the legislature’s intention, already set out in the original statement of reasons, that the decisive criterion is the overall market and that the individual distribution structures of the individual manufacturer are irrelevant. As soon as more than half of a group of similar packaging in relation to the overall market typically generates a majority of waste in private households or at comparable sources of waste, all packaging in that group is considered to be subject to a system participation obligation.

Since service packaging is waste only from the consumer or comparable sources, it is mentioned at the end of the definition, irrespective of the above conditions.

Reference is also made to the explanatory memorandum of Bundestag document 18/11274, p. 83.

Too Absatz 7

Paragraph 7 defines the comparable points of seizure. The definition corresponds in substance to the definition in the previous Section 3(11) sentences 2 and 3 of the Packaging Act. This was part of the previous definition of ‘private final consumer’ under the previous Section 3(11) of the Packaging Act. The reference group of ‘private final consumers’ within the meaning of Section 3(11) of the Packaging Act will henceforth be replaced in the relevant provisions by a direct reference to private households and comparable collection points.

Article 48(1) and (5)(b) of the EU Packaging Regulation also provides for an obligation of separate collection in business premises and public spaces. In addition to the examples listed in the previous Section 3(11) sentences 2 and 3 of the Packaging Act, the comparable seizure points also include other business premises. These include, in particular, administrative areas of companies, such as commerce and industry, with the associated break or rest areas for staff. The comparable seizure sites also continue to include, in particular, public buildings, cultural, sporting and recreational facilities.

The first sentence refers to the definition of ‘hospitality’ in Article 3(1)(35) of the EU Packaging Regulation. This reference does not change the substance. The addition

serves to clarify the text and makes reference to the provisions of the EU Packaging Regulation.

As before, the term 'resting places' covers only serviced resting places.

Too Absatz 8

Paragraph 8 contains a definition of the systems previously defined in Section 3(16) of the Packaging Act. The definition is necessary because different rules apply under this law to extended producer responsibility schemes for producers of packaging subject to mandatory participation in the scheme compared to other producer responsibility organisations.

Schemes are a form of extended producer responsibility organisations that may carry out extended producer responsibility only for packaging subject to an obligation to participate in a producer responsibility organisation (packaging subject to mandatory participation in the scheme). In future, schemes will be defined as producer responsibility organisations within the meaning of point 66 of the first subparagraph of Article 3(1) of the EU Packaging Regulation, which also meet the criteria previously laid down in Section 3(16) of the Packaging Act. The definition has been adapted in line with the terminology now used in the EU Packaging Regulation and this paragraph. According to Article 3(1)(66), a producer responsibility organisation must always organise the fulfilment of the extended producer responsibility obligation for several producers.

Too Absatz 9

Paragraph 9 complements the definition in paragraph 8.

Too Absatz 10

The term 'other producer responsibility organisation' is defined in **paragraph 10** as a producer responsibility organisation within the meaning of point 66 of the first subparagraph of Article 3(1) of the EU Packaging Regulation, as opposed to the term 'scheme' in point 8. The definition is necessary in order to be able to establish, with regard to those producer responsibility organisations, arrangements that differ from the rules applicable to schemes. Schemes referred to in point 8 are not covered by 'other producer responsibility organisations' even if they § 20 do not yet, do not or no longer fulfil the conditions for authorisation of schemes. Other producer responsibility organisations cannot in principle assume extended producer responsibility for packaging subject to mandatory system participation, as only schemes can be entrusted with the fulfilment of extended producer responsibility for such packaging. Another producer responsibility organisation, as defined in Article 3(1)(66) of the EU Packaging Regulation, must organise the fulfilment of the extended producer responsibility obligation for packaging not subject to mandatory participation in the system for several producers, i.e. at least two. Legal entities assuming both the responsibilities of schemes and other producer responsibility organisations require authorisations under both rules, i.e. § 19 both under and § 22. It must be ensured that there is an organisational separation between the two areas of activity, which makes it possible, in particular, to provide evidence of the relevant packaging involved, collected and recovered.

Too Absatz 11

The concept of 'place of seizure' is defined in contrast to the concept of 'comparable places of seizure', which has already been established and is also used in the previous Packaging Act. Waste sites are those places where packaging waste is made available for collection from economic operators that are wasted by other producer responsibility organisations.

Too Absatz 12

The definition corresponds to the one in the current Section 3(17) of the Packaging Act.

Too Absatz 13

The definition corresponds in substance to the definition in the current Section 3(19) of the Packaging Act. The linguistic adaptations merely clarify how material recycling fits into the waste hierarchy. In contrast to the terms 'material recycling' and 'high-quality recycling' in Article 3(1)(40) and (41) of the EU Packaging Regulation, material recycling is more restrictive in that it preserves the chemical structure of the material in the recycling process. The term allows material recycling processes to be explicitly distinguished from other processes.

Too Absatz 14

The definition partly corresponds to the definition in the current Section 3(18) of the Packaging Act. For the sake of consistency with the wording in § 48, the word 'packaging register' has been added to the designation. This does not entail any substantive change.

The central body has already been set up on the basis of the previous Section 24(1) of the Packaging Act. The Central Office for Packaging Registers shall be maintained in accordance with § 48 paragraph 1 and shall be reconstituted in the event of dissolution.

Too Absatz 15

The definition of the financing agreement partly corresponds to the previous legal definition in the previous Section 25(1), second sentence, of the Packaging Act. In addition to the central body's contractual agreements on packaging registers with the systems and operators of industry solutions, the content of this will be expanded § 50 Absatz 1 Satz 2 to include those with the other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system § 51 Absatz 1 Satz 2. With regard to the justification for the additional substantive requirements for the financing agreements, §§ 50 bis 53 please refer to the justification for the.

Too Absatz 16

The definition corresponds to the one in the current Section 3(15) of the Packaging Act.

Too Absatz 17

The definition corresponds in scope to the previous definition of producer in Section 3(14) of the Packaging Act.

Too Absatz 18

The definition corresponds in scope to the previous definition of distributor in Section 3(12) of the Packaging Act.

Too Absatz 19

The definition corresponds to the one in the current Section 3(4a) of the Packaging Act. It is based on the definition of 'single-use plastic product' in Article 3(2) of the EU Single-Use Plastics Directive.

Too Absatz 20

The definition corresponds to the one in the current Section 3(4b) of the Packaging Act.

Re Teil 2 (management of packaging and packaging waste)

Re Kapitel 1 (making packaging available in Germany)

Re § 4 (marking to identify the packaging material)

The provision corresponds to the previous Section 6 of the Packaging Act.

According to Article 70(1)(a) of the EU Packaging Regulation, Article 8(2) of the EU Packaging Directive continues to apply for the time being. therefore § 4 continues to implement these provisions of the EU Packaging Directive and Commission Decision 97/129/EC of 28 January 1997 establishing a labelling system for packaging materials.

In the medium term, Article 12(1) of the EU Packaging Regulation claims priority of application. Accordingly, if the date of application of Article 12(1) of the EU Packaging Regulation is known (from 12 August 2028 or from 24 months from the date of entry into force of the implementing acts referred to in Article 12(6) or (7) of the EU Packaging Regulation, whichever is the later), it will be specified that it will cease § 4 to apply on that date, which is then determined.

On § 5 (Appointment of third parties and delegation of powers)

Too Absatz 1

Paragraph 1 corresponds in substance to the previous Section 35(1) of the Packaging Act. Like its predecessors, the provision serves in particular to make it clear to foreign operators that certain legal obligations can be fulfilled by a mandated third party (see Bundestag document 13/10943, p. 28). Irrespective of the rules at issue, it is already possible under the rules of civil law to commission third parties to perform their obligations. Reference is also made to the explanatory memorandum to the previous legislation, such as Section 35(1) of the Packaging Act, Section 33 of the Packaging Act in its previous version and Section 11 of the Packaging Ordinance in Bundestag documents 19/27634, p. 84; 18/11274 p. 135 and 13/10943 p. 28. For the sake of clarity, the **first sentence** now also explicitly mentions the obliged entities under the EU Packaging Regulation. The **second sentence** corresponds in substance to the previous Section 35(1), second sentence, of the Packaging Act.

Too Absatz 2

Paragraph 2 corresponds in part to the current Section 35(2) of the Packaging Act. Like the previous Section 35(2) of the Packaging Act, paragraph 2 serves to transpose the requirements of the third subparagraph of Article 8a(5) of the EU Waste Framework Directive (see Bundestag document 19/27634, p. 84).

Unlike its predecessor, the first and second sentences of the **first** and **second sentences now require the producers concerned who** are not established in Germany to appoint an authorised representative for extended producer responsibility. The obligation in the **first sentence** serves to supplement the first sentence of Article 45(3) of the EU Packaging Regulation, which requires producers established in another Member State to appoint an authorised representative for extended producer responsibility pursuant to Article 3(1)(20) of the EU Packaging Regulation. The designation as authorised representative for the extended producer responsibility originally includes only the obligations set out in Chapter VIII of the EU Packaging Regulation, in accordance with

Article 3(1), point (20), and Article 45(3) of the EU Packaging Regulation. The **first sentence** obliges the producers covered by the first sentence of Article 45(3) of the EU Packaging Regulation to additionally mandate their authorised representative for extended producer responsibility to carry out their obligations under this Act. This extension ensures a consistent approach and serves the purpose of simplifying the enforcement of national manufacturers' obligations vis-à-vis manufacturers established in another Member State. The appointment of a responsible person on the spot reduces the risk that manufacturers from other Member States completely evade their obligations and the subsequent fines cannot be enforced.

The **second sentence** serves to implement and supplement the opening clause under the second sentence of Article 45(3) of the EU Packaging Regulation. According to the second sentence of Article 45(3) of the EU Packaging Regulation, Member States may provide that producers established in third countries appoint, by written mandate, an authorised representative for the extended producer responsibility when making packaging or packaged products available on the market for the first time in their territory. Use is made of this opening clause. The aim of the scheme is to put manufacturers established in another Member State on an equal footing with manufacturers established in a third country. In accordance with the explanatory memorandum to the first sentence, the aim of the national obligation is to simplify the enforcement of manufacturer's obligations also in relation to packaging from third countries.

Too Absatz 3

Sentences 1 and 2 correspond in substance to the previous Section 35(2) sentences 2 and 3 of the Packaging Act. For justification, see Bundestag document 19/27634, p. 84.

Too Absatz 4

Paragraph 4 regulates the mandate of the authorised representative for extended producer responsibility. The provision corresponds essentially to the previous Section 35(2) sentences 4 and 5 of the Packaging Act. The changes made are in line with the wording and the associated system of entrustment under the second sentence of Article 45(3) of the EU Packaging Regulation. When packaging or packaged products are supplied for the first time, the order must be made by means of a written authorisation in German. Furthermore, the authorised representative for extended producer responsibility pursuant to paragraph 5 in conjunction with point 2 of the first sentence of Section 6(2) must be appointed as part of the registration with the central body for packaging registers, whereby the producer must submit, inter alia, the written mandate. With regard to the procedure for the appointment and appointment of the authorised representative for extended producer responsibility, a lean rule is chosen in the present case. In view of the purpose of the obligation to appoint an authorised representative for extended producer responsibility, which is to make the implementation of the producer obligations of producers established abroad as effective as possible, a formal authorisation procedure for authorised representatives for extended producer responsibility could also be considered.

Too Absatz 5

Paragraph 5 sets out the modalities of the appointment of the authorised representative for the extended producer responsibility. As before, packaging registers are designated to the central body as part of the registration pursuant to § 6 paragraph 1 and point 2 of the first sentence of paragraph 2. This includes the notification of changes pursuant to the second and third sentences of § 6 paragraph 1. Paragraph 4 provides clarification in this regard. In order to ensure that the information available to the central body for packaging registers is up-to-date, any changes and the termination of the commissioning of this information in accordance with the second and third sentences of § 6 paragraph 1 shall be

notified without delay. To date, the Central Body for Packaging Registers has already issued confirmation of designation. The appointment of an authorised representative is one of the master data of the registration. Manufacturers already receive confirmation of the change to the master data.

Too Absatz 6

Paragraph 6 regulates the end of a delegation and designation. Both are to be notified to the Central Office for Packaging Registers and become effective only upon confirmation. However, the authorised representative shall remain responsible, even after the end of the mandate, for fulfilling the obligations arising during the period of its mandate. Information on the authorisation shall be published by the Central Body Packaging Register in accordance with the first sentence of § 6 paragraph 4.

On § 6 (registration; competent authority)

The packaging register already in place in Germany will initially remain in its already established form. In this regard, reference is made to the explanatory memorandum in Bundestag document 18/11274 from page 92 and Bundestag document 19/27634 from page 65. Article 44 of the EU Packaging Regulation, which lays down the obligation to establish a register with certain mandatory content requirements, does not take effect until 18 months after the entry into force of the implementing act pursuant to Article 44(14) of the EU Packaging Regulation. Previously, the EU Packaging Regulation does not regulate a register of packaging producers, so there is no conflict between the EU Packaging Regulation and national law.

The already established packaging register serves to implement Article 8a(5) of the EU Waste Framework Directive as part of the appropriate monitoring and enforcement framework to comply with extended producer responsibility obligations. In this respect, the removal of the register would not be compatible with European law. It is not possible to anticipate the provisions of Article 44 of the EU Packaging Regulation, as the necessary details are laid down in the implementing act pursuant to Article 44(14) of the EU Packaging Regulation and are therefore not yet known.

The existing provisions on the register will be adapted so that they are as consistent as possible with the other provisions of the EU Packaging Regulation, in particular definitions. After the adoption of the implementing act under Article 44(14) of the EU Packaging Regulation, the national register has to be adapted to the then applicable rules of this Implementing Decision and Article 44 of the EU Packaging Regulation within 18 months. The current register will then be replaced by the new register designed in accordance with the EU Packaging Regulation.

Too Absatz 1

The definitions in the Packaging Act are replaced by the definitions in the EU Packaging Regulation. As a result, the scope of the registration rules is changing. It is no longer linked to the producers of packaging filled with goods, but to the producers within the meaning of Article 3(1)(15) of the EU Packaging Regulation. In accordance with the first sentence of Article 44(2) of the EU Packaging Regulation, this definition is restricted to producers who make packaging or packaged products available for the first time or unpack packaged products in the federal territory, depending on Article 3(1)(15) of the EU Packaging Regulation. A producer cannot be a consumer at the same time according to the definitions in Article 3(1)(15) and (22) of the EU Packaging Regulation. The group of addressees thus already corresponds to the group addressed in future in Article 44 of the EU Packaging Regulation. The restriction of the addressees prevents several producers within the meaning of Article 3(1)(15) of the EU Packaging Regulation, originating from different Member States, from having to register for the same packaging or for the same

packaged product. Foreign producers are covered by this obligation to register when they make transport, service or primary production packaging directly available to end users for the first time, in accordance with Article 3(1), point (15)(c) and (d), of the EU Packaging Regulation.

The provision is linked to the making available of packaging by the manufacturer. This also includes when a manufacturer makes a packaged product available, in particular under Article 3(1), point (15)(b) or (d). The making available of packaged products by those manufacturers necessarily entails the making available of packaging. This also applies to other provisions in which manufacturers' obligations are linked to the making available of packaging.

The third sentence makes it clear that the change notifications referred to in the second sentence also include changes and an end to the appointment of an authorised representative for extended producer responsibility, as has been the case up to now.

Too Absatz 2

The first sentence essentially corresponds to the previous provision in the previous Section 9(2), first sentence, of the Packaging Act.

Authorisation by manufacturers established exclusively abroad will in future be § 5 Absatz 2 regulated in, so the references will be adapted. On the basis of the definition in Article 3(1)(19) of the EU Packaging Regulation, which defines 'authorised representative' as a person appointed exclusively by the producer to fulfil his obligations, the term 'authorised representative' cannot be retained in connection with the manufacturer's obligations under the previous § 35(2) of the Packaging Act. It will therefore henceforth be referred to as the authorised representative for the extended producer responsibility in accordance with Article 3(1)(20) of the EU Packaging Regulation. In addition, paragraph 2 refers to the obligation to appoint an authorised representative for extended producer responsibility as an amendment to the previous Section 9(2)(2) of the Packaging Act. The previous Section 35(2) of the Packaging Act did not provide for an obligation to grant authorisation. With regard to the justification for the newly introduced obligation, § 5 Absatz 2 reference is made to the statement of reasons. Producers who are established exclusively abroad and who, intentionally or negligently, do not appoint an authorised representative for the extended producer responsibility to the central body for packaging registers as part of their registration or do not submit the necessary change notification in accordance with the second sentence of paragraph 1, commit § 66 Absatz 1 Nummer 1 und 2 an administrative offence. In point 6, the reference to points 1 to 6 of the § 39 Absatz 1 first sentence has been deleted, as it is unnecessary. This does not entail any substantive changes.

The second sentence corresponds in substance to the first half-sentence of the second sentence of Section 9(2) of the Packaging Act. The third sentence, which provides for a provision equivalent to the second sentence in the event that producers referred to in the § 39 Absatz 1 first sentence § 3 Absatz 10 fulfil their extended producer responsibility exclusively through participation in one or more other producer responsibility organisations, is added.

Too Absatz 3

Paragraph 3 corresponds in substance to the provisions of the previous Section 9(3) of the Packaging Act. The obligation to use the electronic data-processing system provided by the Central Office for Packaging Register also relates to the declarations to be submitted in accordance with the second to fourth sentences of paragraph 2.

Too Absatz 4

Paragraph 4 largely corresponds to the previous provision in the previous Section 9(4) of the Packaging Act. Only the fourth sentence has been added. It provides that the central body may revoke registrations of packaging registers for which all or part of the conditions are not met or no longer met. In that regard, it does not matter whether those conditions were not met from the outset, whether they subsequently ceased to exist or whether they were discharged by legislative amendment. The status of manufacturer is a condition for registration. In particular, it also covers registrations of persons (legal or natural) who were considered producers under the previous Packaging Act and who are no longer producers under the EU Packaging Regulation.

Too Absatz 5

The Central Office for Packaging Registers shall be entitled under **paragraph 5** to revoke the registration if the conditions for registration under the first sentence of paragraph 1 are not met in whole or in part.

Too Absatz 6

For reasons of transparency, the Central Body for Packaging Registers is already now designated as the competent authority for keeping the register pursuant to Article 44 of the EU Packaging Regulation.

Re § 7 (obligation to participate in the system)

§ 7 corresponds, in essence, to the previous Section 7 of the Packaging Act. The legal basis at EU level is now to be found in the opening clause under the second sentence of Article 46(1) of the EU Packaging Regulation.

Unlike the previous provision in the former Packaging Act, the general possibility for manufacturers of service packaging to shift the system participation obligation for such packaging to the pre-distributors under the former Section 7(2) of the Packaging Act is no longer included. The scope of users for the possibility of advance relocation is limited to cases in which, by way of derogation from the definition of manufacturer in Article 3(1)(15) of the EU Packaging Regulation, a distributor is deemed to be a manufacturer on the basis of the provisions of Article 21. The obligation to participate in the system is now being advanced because of the adapted definition of packaging subject to the obligation to participate § 3 Absatz 6 in the system in conjunction with the new definition of producer under Article 3(1)(15)(a) and (c) of the EU Packaging Regulation, which no longer focuses on the packaging in the filled state for each type of packaging. With regard to the details of the differences between the definitions of packaging subject to mandatory participation in the system in the previous Section 3(8) of the Packaging Act and those in this Act, § 3 Absatz 6 reference is made to the explanatory memorandum. The manufacturer of service packaging subject to mandatory participation in the system is the manufacturer of the packaged product, in accordance with Article 3(1)(15)(a) and (c) § 3 Absatz 6 of the EU Packaging Regulation, in conjunction with the manufacturer of the packaging itself and not, as in the case of the sales packaging, the manufacturer of the packaged product. It is no longer necessary to transfer the manufacturer's obligations under the previous Sections 9 to 11 of the Packaging Act in accordance with the previous Section 7(2), third sentence, of the Packaging Act. The group of addressees of the obligations corresponding to the previous Sections 9 to 11 of the Packaging Act corresponds to that of the system participation obligation under the first sentence of paragraph 1.

This result continues to relieve the burden on small and medium-sized enterprises, such as market stalls or snacks (see Bundestag document 18/11274, p. 88).

Micro-enterprises are relieved in addition to the exemption under Article 3(1)(13)(b) of the EU Packaging Regulation, which, under certain conditions, removes them from the definition of producer and the associated obligations.

Bans on certain activities under the previous Section 7(7) of the Packaging Act are now to be found in Section 13.

Too Absatz 1

Paragraph 1 corresponds to the current Section 7(1) of the Packaging Act. However, as a result of the new definitions of the manufacturer and the packaging subject to the obligation to participate in the system, some of the addressees will now change. In addition, in future, participation in the system must take place before it is made available for the first time in Germany. As with other parts of the Act, the wording is linked to 'making available on the territory of the Member State' as defined in Article 3(1), point (11), of Regulation (EU) 2025/40. The 'territory of the Member State' is specifically referred to as the 'federal territory'.

Too Absatz 2

Paragraph 2 corresponds in substance to the provisions of the previous Section 7(2) of the Packaging Act. The circle of users is restricted to cases in which, by way of derogation from the definition of manufacturer in Article 3(1)(1) of the EU Packaging Regulation, a distributor is deemed to be a manufacturer on the basis of the provisions of Article 21. As a result, this is essentially the same as the previous rule. The obligation under the second sentence relates only to packaging, for which operators of industry solutions and producers who individually fulfil their extended producer responsibility also have the status of producer. It thus refers to packaging made available for the first time in the case of Article 3(1), points (15)(a) and (c), of the EU Packaging Regulation, and to packaging in which packaged products are made available for the first time in the case of Article 3(1), points (15)(b) and (d), of the EU Packaging Regulation. See Bundestag document 18/11274, p. 90.

Too Absatz 3

Paragraph 3 corresponds, in essence, to the previous Section 7(3) of the Packaging Act. With regard to the explanatory memorandum, reference is therefore made to the corresponding explanatory memorandum in Bundestag document 18/11274, p. 88.

Too Absatz 4

Paragraph 3 corresponds in substance to the current Section 7(4) of the Packaging Act. With regard to the statement of reasons, reference is therefore made to the corresponding explanatory memorandum to the Act in Bundestag document 18/11274, p. 89. The amendments made are based on the replacement of the rules on the approval of systems under the previous Section 18 of the Packaging Act by the rules on approval under § 20 Article 47 of the EU Packaging Regulation. The withdrawal of the authorisation follows directly from Article 45(5) of the EU Packaging Regulation and Article 45 § 20 (5). The date of notification and effectiveness is set out in § 20 paragraph 5 and the Administrative Procedure Act.

Too Absatz 5

Paragraph 4 corresponds to the current Section 7(5) of the Packaging Act. With regard to the statement of reasons, reference is therefore made to the corresponding explanatory memorandum to the Act in Bundestag document 18/11274, p. 89.

Too Absatz 6

Paragraph 5 corresponds to the current Section 7(6) of the Packaging Act. With regard to the statement of reasons, reference is therefore made to the corresponding explanatory memorandum to the Act in Bundestag document 18/11274, p. 90.

Ad § 8 (Sectoral solutions)

Up Absatz 1 to 3

Paragraph 1 corresponds in substance to the corresponding provision of the previous Section 8(1) of the Packaging Act. Terms have been aligned with the EU Packaging Regulation. For better readability, the original paragraph has been divided into several paragraphs. In addition, reference is made to the explanatory memorandum to Bundestag documents 18/11274, pp. 90 and 19/27634, p. 64.

The fourth sentence fulfils the requirement of Article 47 of the EU Packaging Regulation that producers who fulfil their extended producer responsibility on an individual basis and producer responsibility organisations must apply for an authorisation. As industry solutions, whether or not supported by one or more producers, are structures, the collection and recovery of packaging waste generated as waste in different places, their structure and function are closer to a producer responsibility organisation than to a producer assuming its extended producer responsibility on an individual basis. It is therefore appropriate that industry solutions must § 22 comply with the authorisation requirements of other producer responsibility organisations accordingly.

The scope for industry solutions to become active is limited. Since sectoral solutions may only be used for the collection and recovery of waste at comparable sites, it is not necessary for them to undergo an authorisation procedure in each Land. The requirements laid down in the previous Section 8(1) sentence 2 of the Packaging Act must be demonstrated in addition to the approval requirements set out in Section 19. The demonstration of these requirements is mandatory, as these requirements have been developed specifically for industry solutions. Compliance is necessary to ensure the collection and recovery of packaging waste. The requirements set out in points 1 to 3 and the second sentence of Absatz 3 correspond to the previous requirements which industry solutions had to meet as part of the notification of an industry solution to the central packaging register (§ 8(1) and (2) of the Packaging Act). See the explanatory memorandum in Bundestag document 19/27634, p. 90 et seq.

The requirement for industry solutions to obtain authorisation serves to transpose the requirements of the EU Packaging Regulation into national law in accordance with EU law. Alternatives to the authorisation procedure are not opened up in the EU Packaging Regulation, so the implementation of the authorisation requirements is imperative.

Too Absatz 4

Paragraph 2 gives concrete expression to Article 47(4) of the EU Packaging Regulation. It already requires producers and producer responsibility organisations to notify certain information to the competent authority without undue delay. Paragraph 2 lays down more detailed requirements in this regard and makes it clear that the central body for packaging registers is here the competent authority. Unlike the previous Section 8(2) of the Packaging Act, the start of the sector solution no longer needs to be notified, as this has already been done by means of the authorisation procedure under Section 8(1).

Absatz 5 And 4

Paragraphs 3 and 4 correspond to the provisions of the previous Section 8(3) and (4) of the Packaging Act. With regard to the statement of reasons, see Bundestag documents 18/11274, pp. 91 and 19/27634, p. 64.

Re § 9 (data reports)

The provision corresponds essentially to the previous § 10 of the Packaging Act. It transposes Article 45(1) of the EU Packaging Regulation in conjunction with Article 8a(1) (c) of the EU Waste Framework Directive, which requires Member States to establish reporting systems on products placed on the market that are subject to extended producer responsibility. The reporting obligations, along the lines of the previous Section 10 of the Packaging Act, can therefore still be maintained at present. The register referred to in Article 44(1) of the EU Packaging Regulation is to be established at national level only if the conditions set out therein are met. The reporting obligations, along the lines of the previous Section 10 of the Packaging Act, can therefore be maintained for the time being until the new data reporting system under Article 44(1) of the EU Packaging Regulation applies. Reference is also made to the explanatory memorandum to Bundestag document 18/11274, p. 93 et seq.

Too Absatz 1

Paragraph 1 corresponds in substance to the previous Section 10(1) of the Packaging Act.

Too Absatz 2

Paragraph 2 is new compared to the previous Section 10(1) of the Packaging Act. The latter introduces a quantitative threshold for the reporting obligations to the Central Body for Packaging Registers under paragraph 1. If, in the previous calendar year, a manufacturer has made available for the first time in Germany a total quantity of packaging requiring participation in the system of less than 10 tonnes and, in the case of Article 3(1), point (15)(e), of Regulation (EU) 2025/40, unpacked it, it is exempt from the obligations under the first and second sentences of paragraph 1 concerning ongoing and infra-annual reporting. Instead, producers who do not meet this quantitative threshold are required to submit all the information referred to in the first sentence of paragraph 1 to the Central Office for Packaging Registers by 1 June of the following calendar year for packaging which they have made available in Germany for the first time in a calendar year or which is unpacked in accordance with Article 3(1)(15)(e) of Regulation (EU) No 575/2013 and which is subject to mandatory system participation.

The new rules referred to in paragraph 2 are intended to cut red tape, particularly for small and medium-sized enterprises. The quantity threshold of 10 tonnes is based on that laid down in Article 44(8) of the EU Packaging Regulation.

The new provision inserted in paragraph 2 is the result of a review of the obligations under the previous Packaging Act with regard to ways of reducing the bureaucratic burden on obligated parties, which took place in the context of the drafting of this Act. This was supported in particular by the feedback from the consultation of the Länder and associations and the practical check on the reduction of red tape in the food trade carried out by the Federal Ministry of Economic Affairs, the Federal Ministry of Economic Affairs and the Saxony Ministry of Economic Affairs.

Too Absatz 3

Paragraph 3 corresponds in substance to the current Section 10(2) of the Packaging Act. Only a reference to the new paragraph 2 has been added.

Too Absatz 4

Paragraph 4 corresponds in substance to the current Section 10(3) of the Packaging Act.

Re § 10 (declarations of completeness)

§ 10 corresponds in substance to the previous § 11 of the Packaging Act. It transposes Article 45(1) of the EU Packaging Regulation in conjunction with Article 8a(1)(c) of the EU Waste Framework Directive, requiring Member States to establish reporting systems on products placed on the market that are subject to extended producer responsibility. The reporting obligations, along the lines of the previous Section 11 of the Packaging Act, can therefore be maintained for the time being until the new data reporting system under Article 44 of the EU Packaging Regulation applies. Reference is also made to the explanatory memorandum to Bundestag document 18/11274, p. 93 et seq.

Too Absatz 1

Paragraph 1 corresponds in substance to the previous Section 11(1) of the Packaging Act. The list of relevant packaging categories is adapted to the new terminology of the EU Packaging Regulation. Under the EU Packaging Regulation, service packaging and e-commerce packaging, for example, which have hitherto been included under the term 'dispatch packaging', are not covered by the term 'sales packaging', unlike in the Packaging Act. E-commerce packaging is a subcategory of transport packaging under the EU Packaging Regulation. They are therefore now listed in addition (see also the explanatory memorandum to the definition of 'packaging subject to system participation').

Too Absatz 2

Paragraph 2 corresponds in substance to the current Section 11(2) of the Packaging Act.

In order to supplement service packaging and e-commerce packaging in **point 2** of the **first sentence**, reference is made to the justification for paragraph 1. Instead of the private final consumer, point 2 refers to packaging typically produced as waste at comparable production points or by consumers in private households. This does not entail any substantive change.

Too Absatz 3

Paragraph 3 corresponds to the current Section 11(3) of the Packaging Act.

Too Absatz 4

The thresholds referred to in the **first sentence** may in any event continue to apply until the new reporting obligations under Article 44 of the EU Packaging Regulation apply. For the sake of clarity, the individual thresholds have been divided into numbers. This does not entail any substantive change.

The **second sentence** merely clarifies that the Central Body for Packaging Registers or the competent Land authority may require a declaration of completeness at any time, irrespective of the thresholds referred to in the first sentence. The manufacturer must comply with this request within a reasonable period set by the Central Packaging Register or the Land authority. As the legislature has already intended, it is not necessary to prove either that the threshold has been lower or that it has been exceeded.

On § 11 (exemptions from the obligation to participate in the system)

Section 11 corresponds in substance to the previous Section 12(2) of the Packaging Act. Due to the structural changes in this Act compared to the previous Packaging Act, §§ 7 bis 10 reference is no longer made to the relevant section, but to the specific provisions in the. The exemption in the current Section 12(1) of the Packaging Act has been incorporated into **point 4** in an amended form. As a result of this amendment,

manufacturers whose packaging is demonstrably supplied exclusively abroad to the end user are now also § 9 required to register under. The aim is to align with the authorisation rules.

The term 'final consumer' is replaced by the term 'final consumer' on the basis of the now applicable definition in Article 3(1)(23) of the EU Packaging Regulation.

Too Nummer 1

The content of **point 1** is essentially the same as that of the previous Section 12(2)(1) of the Packaging Act. The concept of reusable packaging and the corresponding definition under the previous Section 3(3) of the Packaging Act are not included in this Act because of the concept of reusable packaging in accordance with, for example, the heading in Article 11(1) of the EU Packaging Regulation. Accordingly, the term in point 1 will now be replaced by the term 'reusable packaging'. As the definition of reusable packaging, unlike the definition of reusable packaging, does not require the existence of sufficient take-back and reuse logistics with an incentive system, point 1 requires the existence of a system for re-use within the meaning of Article 3(1)(31) of the EU Packaging Regulation.

Too Nummer 2

Point 2 corresponds in substance to the current Section 12(2)(2) of the Packaging Act.

Too Nummer 3

Point 3 corresponds in substance to the current Section 12(2)(3) of the Packaging Act.

Too Nummer 4

Point 4 lays down an exception for packaging which is demonstrably not supplied to the final consumer in Germany, in line with the previous Section 12(1) of the Packaging Act. These are still exempt from the rules on packaging subject to mandatory participation in the system. An exemption from the registration requirement will no longer apply in order to ensure consistency with the authorisation schemes.

Re Kapitel 2 (restriction on the provision and other activities in relation to packaging in federal territory)

Re § 12 (restrictions on the supply of certain packaging)

Too Absatz 1

Paragraph 1 corresponds in substance to the current Section 5(2) of the Packaging Act. This former Section 5(2) of the Packaging Act transposed the obligation under Article 4(1a) of the EU Packaging Directive. This is replaced by the opening clause in Article 34(1) of the EU Packaging Regulation. The first sentence is an implementation of this opening clause and corresponds in substance to the first sentence of Section 5(2) of the Packaging Act. In support of the first sentence, reference is therefore made essentially and mutatis mutandis to the explanatory memorandum to the previous Section 5(2) of the Packaging Act in Bundestag document 19/16503, p. 14 et seq.

Various definitions relevant to the scheme can now be found directly in the EU Packaging Regulation. For example, the concept of plastic carrier bags is regulated in Article 3(55), the concept of lightweight plastic carrier bags is regulated in Article 3(56) and the concept of very lightweight plastic carrier bags is regulated in Article 3(57) of the EU Packaging Regulation.

The rule previously laid down in the second sentence of Section 5(2) of the Packaging Act is initially still permissible at national level on the basis of the opening clause under Article 34(4) of the EU Packaging Regulation.

From 1 January 2030, the placing on the market of very lightweight plastic carrier bags is prohibited throughout Europe under Article 25 in conjunction with point 6 of Annex V to the EU Packaging Regulation. However, the above-mentioned legislation exempts very lightweight plastic carrier bags that are required for hygiene reasons or are intended as sales packaging for loose food, provided that this contributes to the prevention of food waste. In view of this provision, which is directly applicable from 1 January 2030, pursuant to Article 25 in conjunction with point 6 of Annex V to the EU Packaging Regulation, the purely national provision will then become obsolete and be deleted.

Too Absatz 2

The content of **paragraph 2** corresponds to the previous Section 5(3) of the Packaging Act. The restrictions on placing on the market under Section 3 of the Single-Use Plastics Prohibition Ordinance constitute a national transposition of Article 5 of the EU Single-Use Plastics Directive (see Bundestag document 19/27634, p. 62). This continues to apply and, within its scope of application, takes precedence in principle over the provisions of the EU Packaging Regulation in the event of a conflict (see recital 180 of the EU Packaging Regulation).

Too Absatz 3

The content of **paragraph 3** corresponds to the previous Section 4(1) of the Packaging Act. This also incorporates the essential requirements for the manufacture and composition of packaging set out in Article 9(1) and (2) in conjunction with point 1 of Annex II to the EU Packaging Directive (cf. Bundestag document 18/11274, p. 86), which, in accordance with Article 70(1)(b) of the EU Packaging Regulation, must be complied with by 31 December 2013. Shall continue to apply from 1 December 2029. In addition, Article 10(2) of the EU Packaging Regulation now applies. It lays down the obligation to comply with certain performance criteria for packaging and prohibits features that are only intended to increase the perceived volume of the product.

However, the current Section 4(2) to (4) of the Packaging Act has not been taken over. Points 2 and 4 were essentially intended to transpose the EU Packaging Directive (see Bundestag document 18/11274, p. 86), which was repealed by Article 70(1) of the EU Packaging Regulation. The provision of the previous Section 4(3) of the Packaging Act cannot be incorporated into this Act either, as it is replaced by the directly applicable provision in Article 5(1) of the EU Regulation.

On § 13 (prohibition of certain activities in relation to packaging)

Too Absatz 1

The **second sentence of paragraph 1** corresponds to the provisions of the previous Packaging Act in the first sentence of Section 9(5). The **second sentence** corresponds to the previous Section 7(7), first sentence, of the Packaging Act. The prohibition relates to the making available of packaging. Depending on the connecting factor in Article 3(1)(15) of the EU Packaging Regulation, this may concern filled or unfilled packaging. Only the term 'shipping packaging' has been replaced by 'e-commerce packaging' according to the new definition in the EU Packaging Regulation. This does not entail any substantive change. See Bundestag documents 18/11274, pp. 93 and 19/27643, pp. 63 and 67.

Too Absatz 2

Paragraph 2 makes it clear that approval is subject to the § 19 condition that packaging be made available for the first time in federal territory § 11 Nummer 4to, § 39 Absatz 1 Satz 1 and packaging that § 46 is in accordance with. If a manufacturer is not approved and nevertheless makes packaging available for the first time in Germany, he is guilty of an administrative offence. The authorisation requirement shall only cease to apply where the producer has delegated its extended producer responsibility obligations to another producer responsibility organisation. This must be § 22 approved in accordance with. Reference § 68 Absatz 10 is made to the transitional provision in.

Too Absatz 3

The **first and second sentences of paragraph 3** correspond to parts of the previous provisions of the Packaging Act in § 7(7) and § 9(5). See Bundestag documents 18/11274, pp. 93 and 19/27643, pp. 63 and 67.

Too Absatz 4

The **first sentence of paragraph 4 corresponds** in substance to the previous provisions in the third sentence of Section 7(7) and the second sentence of Section 9(5) of the Packaging Act. See Bundestag document 19/27643, p. 67.

The provision is necessary because the provisions of point (a) of the first subparagraph of Article 45(4) in conjunction with paragraphs 7 to 9 of the EU Packaging Regulation will only apply at a later stage. This date depends on the application of the registration obligation under Article 44 of the EU Packaging Regulation, which is governed by Article 44(1) of the EU Packaging Regulation in conjunction with the first subparagraph of paragraph 14.

Fulfilment service providers are not defined in the EU Packaging Regulation, but Article 3(1)(71) of the EU Packaging Regulation refers them to Regulation (EU) 2019/1020 (Market Surveillance Regulation). The definition of fulfilment service providers in Article 3(11) of the Market Surveillance Regulation referred to therein largely corresponds to the previous definition in Section 3(14c) of the Packaging Act; there is little change in the scope of application in this respect.

The **second sentence** refers to the provisions of EU law that providers of online platforms allowing consumers to conclude distance contracts with producers and fulfilment service providers must comply with.

Article 30(1), point (d), of Regulation (EU) 2022/2065 (Digital Services Act) applies in relation to providers of online platforms, as the rules set out in Article 45(4), first subparagraph, point (a), and (6) of the EU Packaging Regulation will only apply at a later stage, see the explanatory memorandum to the first sentence.

The register kept by the Central Packaging Register is a similar public register within the meaning of Article 30(1)(d) of the Digital Services Act. Thus, pursuant to Article 30(1) of the Digital Services Act, providers of online platforms are required to ensure that producers can only use those online platforms to promote and offer their products to consumers located in the Union if, prior to the use of their services, they have received information for registration in the register maintained by the Central Body of Packaging Registers, in particular the registration number. The other obligations and legal consequences contained in Section 30 of the Digital Services Act also apply. In particular, pursuant to Article 2, first subparagraph, of the Digital Services Act, providers of such online platforms must make their best efforts to assess the reliability and completeness of the information received from producers wishing to use their online platform pursuant to

Article 30(1) of the Digital Services Act. Where there are indications or other reasons to believe that the registration information received is incorrect, incomplete or not up-to-date, providers of online platforms shall request the producer to remedy the situation without undue delay. If they fail to do so, providers of the online platform shall expeditiously suspend their services in relation to the offering of products to consumers located in the Union for the manufacturers concerned (Article 30(3), second subparagraph, of the Digital Services Act).

Furthermore, pursuant to Article 45(4)(b) of the EU Packaging Regulation, the provider of such online platform must verify the self-certification of the producer confirming that it only offers packaging for which the extended producer responsibility requirements referred to in paragraphs 1, 2 and 3 of Article 45 of the EU Packaging Regulation are fulfilled in the Member State where the consumer is located. Compliance with the requirements under paragraphs 1 and 2 shall normally be achieved by means of certification of compliance with the system participation obligation under § 7 this Act, but may also be achieved differently depending on the type of packaging, for example by means of proof of compliance with the deposit and return obligations under § 46. Compliance with the requirements of Article 45(3) concerns only foreign producers. They shall also certify the appointment of an authorised representative for the extended producer responsibility in accordance with Article 45(3) of Regulation (EU) 2025/40 or with § 5 Absatz 2 this Act. By virtue of the reference in Article 45(4) of the EU Packaging Regulation to Article 30(1)(e) of the Digital Services Act, the other obligations and legal consequences contained in Article 30(2) to (7) are also applicable here.

Fulfilment service providers are subject to the obligation under Article 45(7) in conjunction with Article 45(4)(b) of the EU Packaging Regulation, with the legal consequences set out in paragraphs 8 and 9 of this Article.

The Central Unit for Packaging Registers already provides online platforms and fulfilment service providers with the possibility to cross-check register data on a daily basis. The **third sentence** is intended to ensure that this continues in the future. For the sake of clarity, this has been supplemented accordingly in the role of the central body in Section 44(2)(1).

On § 14 (exemption from Article 5(4) of Regulation (EU) 2025/40 for plastic crates and pallets containing heavy metals)

In so far as is still necessary or permissible at national level, these **§§ 14 bis 18** take over the provisions of the current Section 5(1), second sentence, points 2 and 4, and Annexes 3 and 4 to the Packaging Act. The provisions of Annexes 3 and 4 to the previous Packaging Act were incorporated into the regulatory part on the basis of new provisions on the legal formality of laws. This does not entail any substantive changes.

The current national ban on restrictions under the first sentence of Section 5(1) of the Packaging Act is now regulated at European level in Article 5(4) in conjunction with Article 15(1), also in conjunction with Article 15(12) or Article 21, or with Article 18(1) of the EU Packaging Regulation, which is directly applicable in the Member States.

The restrictions on the placing on the market of packaging and packaging components due to their concentration of lead, cadmium, mercury and chromium VI pursuant to the previous Section 5(1) sentence 1 of the Packaging Act are replaced by the restriction pursuant to Article 5(1), (4) and (8) in conjunction with Article 15(1), also in conjunction with Article 15(12) or Article 21, or with Article 18(1) of the EU Packaging Regulation. The current exceptions to these restrictions under the second sentence of Section 5(1) of the Packaging Act can only be partially maintained.

These **§§ 14 und 17** correspond in substance to the provisions of the previous Section 5(1)(2) and (4) of the Packaging Act. In any event, they may remain in force for the time being, since the underlying Decisions 2001/171/EC and 2009/292/EC supplementing the EU Packaging Directive remain in force and continue to apply until repealed by delegated acts adopted by the European Commission pursuant to Article 5(8) of the EU Packaging Regulation, in accordance with Article 70(3) of the EU Packaging Regulation. These §§ 14 now transpose the requirements of Decision 2009/292/EC at national level. These now §§ 17 und 18 implement the requirements of Decision 2001/171/EC.

However, the current exemptions for reusable packaging and packaging made of lead crystal glass under the former Section 5(1)(1) and (3) of the Packaging Act cannot be transposed into this Act. The exemption for reusable packaging under the previous Section 5(1) sentence 2 point 1 of the Packaging Act cannot be maintained due to the exhaustive application of Article 5(1), (4) and (8) in conjunction with Article 15(1) or Article 18(1) of the EU Packaging Regulation. This was based on a national decision (see Bundestag document 13/10943 p. 28 and 18/11274 p. 86).

The exemptions under the previous Section 5(1)(2) to (4) of the Packaging Act were based on the transposition of Article 11 of the EU Packaging Directive (Bundestag document 18/11274, p. 86). The EU Packaging Directive will be repealed from the date of application of the EU Packaging Regulation, i.e. 12 August 2026, in accordance with Articles 70(1) and 71(1) of the EU Packaging Regulation. From that date, Article 15(1) in conjunction with Article 5(1), (4) and (8) of the EU Packaging Regulation will apply directly and exhaustively in the Member States with regard to the restriction and the associated exemptions – unless special rules are laid down for the content of the previous § 5(1)(2) and (4) of the Packaging Act (see above).

§ 14 adopts, with the necessary adaptations pursuant to the EU Packaging Regulation, the content and conditions of the current Section 5(1)(2) and Annex 3, points 1 and 3, of the current Packaging Act.

‘Closed and controlled product circuits’ are, as under point 2 of Annex 3 to the previous Packaging Act, circuits in which products circulate on the basis of a controlled distribution and re-use system and in which the secondary raw materials come only from units in circulation, the addition of substances which do not come from the circuit is limited to the minimum technically possible, and from which the units may be removed only by means of a procedure approved for that purpose in order to achieve the highest possible return rate.

As under point 2 of Annex 3 to the previous Packaging Act, ‘conscious addition’ within the meaning of § 14 point 5 is the intended use of a substance in the formulation of a packaging or packaging component with the aim of obtaining a specific characteristic, appearance or quality through its presence in the packaging or packaging component. The use of secondary raw materials, some of which may contain metals subject to concentration limits, in the manufacture of new packaging materials is not to be regarded as ‘intentional addition’.

‘Accidental presence’ shall continue to mean the unintentional presence of a substance in a packaging or packaging component;

On § 15 (system requirements for the return and disposal of plastic crates and pallets containing heavy metals)

§ 15 corresponds in substance to point 4 of Annex 3 to the previous Packaging Act.

Re § 16 (declaration of conformity and annual report for plastic crates and pallets containing heavy metals)

§ 16 corresponds in substance to point 5 of Annex 3 to the previous Packaging Act.

On § 17 (derogation from Article 5(4) of Regulation (EU) 2025/40 for certain glass packaging)

These §§ 17 und 18 correspond in substance to the current Section 5(1)(4) and Annex 4 to the current Packaging Act. This does not entail any changes to the previous obligations under Section 5(1)(4) in conjunction with Annex 4 to the previous Packaging Act. For further details, § 14 please refer to the explanatory memorandum.

For the purposes of § 17 Nummer 2 point 1 of Annex 4 in conjunction with point 2 of Annex 3 to the previous Packaging Act, 'conscious addition' means the intended use of a substance in the formulation of a packaging or packaging component with the aim of obtaining a specific characteristic, appearance or quality through its presence in the packaging or packaging component. Shall not be considered as "deliberate addition" where secondary raw materials, some of which may contain metals subject to concentration limits, are used in the manufacture of new packaging materials.

Re § 18 (control of compliance with the heavy metal limit value for glass packaging)

§ 18 corresponds in substance to point 3 of Annex 4 to the current Packaging Act.

Re Kapitel 3 (Approval)

Re § 19 (Approval of manufacturers)

§ 19 in implementation of Article 47(1) of the EU Packaging Regulation, regulates the approval of manufacturers of packaging not subject to mandatory participation in the system. Where the requirements and details of the authorisation procedure differ from those of other producer responsibility organisations in the authorisation procedure § 22 provided for, the discretion granted by the second sentence of Article 47(2) of the EU Packaging Regulation is used. The approval and registration of a manufacturer may be carried out independently of each other, but they may be combined as soon as the provisions of this Act become fully effective. However, the existence of both registration and authorisation is a prerequisite for making packaging available on the market. By analogy with registration, the authorisation must also be published on the website of the Central Packaging Register.

Too Absatz 1

Under the **first sentence of paragraph 1**, manufacturers of packaging or packaged products that are not subject to the obligation to participate in the system, as the case may be under Article 3(1)(15) of the EU Packaging Regulation, are required to obtain approval from the Central Office for Packaging Registers before the packaging register is made available for the first time in Germany. Since, in the case of point 15(e) of the first subparagraph of Article 3(1) of the EU Packaging Regulation, where there is no manufacturer within the meaning of points 15(a) to (d) of the first subparagraph of Article 3(1) of the EU Packaging Regulation, the person who unpacks packaged products without himself being the end user may also be the manufacturer, the act subject to authorisation must in that case be unpacking and not the first making available on federal territory. This situation occurs, for example, when an importer unpacks packaged products in transport packaging and the transport packaging is not reused and disposed of. As for the authorisation of other producer responsibility organisations, the Central Body for

Packaging Registers is responsible for the authorisation of producers, see the explanatory memorandum to § 22 Absatz 1.

However, according to the **second sentence**, an authorisation is not required where a producer has assigned its extended producer responsibility to another producer responsibility organisation § 22 authorised in accordance with the second sentence on its behalf. Approval is not required only if this transfer covers all packaging provided or unpacked by the manufacturer on federal territory and the manufacturer has designated the other organisation of the central packaging register. This is in line with Article 47(1) of Regulation (EU) 2025/40, which requires the producer to apply for an authorisation only in the case of individual fulfilment of extended producer responsibility obligations, and the entrusted producer responsibility organisation in the case of collective fulfilment of those obligations. It is possible that producers of packaging not subject to mandatory participation in the system delegate extended producer responsibility for certain packaging to another producer responsibility organisation and fulfil their obligations for other packaging individually. The individual fulfilment of extended producer responsibility shall always be subject to an application for authorisation.

Too Absatz 2

Paragraph 2 lays down the conditions under which authorisation is granted. In implementation of the fourth sentence of Article 47(2) of the EU Packaging Regulation, the time limit for processing the application for authorisation is in principle limited to four weeks. This is because approval must be obtained before packaging is made available in Germany or, in the cases referred to in point 15(e) of the first subparagraph of Article 3(1) of the EU Packaging Regulation, before packaged products are unpacked. In order to avoid, as far as possible, delays for manufacturers in one of these actions, the time limit is therefore as short as possible, but still sufficient to enable, where necessary, the Central Body for Packaging Registers to examine the individual case in accordance with the first sentence of paragraph 5. Sentence 2 authorises the Central Body for Packaging Registers to request the documents it needs to check the approval requirements. The third sentence makes it clear that the applicant must be informed by the Central Packaging Register that all the documents required for the examination of the authorisation have been received in full. Once all documents have been received, the approval period referred to in the first sentence starts to run.

Too Nummer 1

Point 1 transposes Article 47(3)(a) of the EU Packaging Regulation in conjunction with Article 8a(3)(a) and (b) of the EU Waste Framework Directive. The first sentence lays down the conditions for admission. A prerequisite for approval is that producers within the scope of § 39 Absatz 1 Satz 1 the § 39 meet the requirements of, that is to say, in particular, take back and recover, free of charge, used, discarded packaging of the same type, form and size as that which they made available for the first time in federal territory at the place of actual delivery or in its immediate vicinity. For manufacturers within the meaning of Article 3(1)(15)(e) of the EU Packaging Regulation, i.e. a distributor, importer or producer who unpacks packaged products without being an end user, the obligations apply by analogy to the packaging he receives. According to the first sentence, approval is also required for manufacturers within § 46 the scope of § 46 the, i.e. in particular to ensure depositing, labelling and participation in a nationwide uniform deposit-refund system.

The **second sentence** clarifies that an economic operator fulfils the manufacturer criterion and requires approval even if it unpacks packaged products and is not another economic operator within the meaning of Article 3(1), first subparagraph, points (15)(a) to (d), of the EU Packaging Regulation.

Nummern 2 And 3

Points 2 and 3 transpose Article 47(3)(a) of the EU Packaging Regulation in conjunction with Article 8a(3)(c) and (d) of the EU Waste Framework Directive. Producers already had to comply with these requirements under the previous Section 15(3) of the Packaging Act, but now it becomes a requirement for approval in the context of the transposition of the EU Packaging Directive. See the explanatory memorandum in Bundestag document 19/27634, p. 71.

Too Nummer 4

Point 4 transposes Article 47(3)(e) of the EU Packaging Regulation in conjunction with paragraph 6 of that Article. Manufacturers must ensure that the recovery of the packaging they make available for the first time in Germany is guaranteed by an appropriate guarantee. This applies both in the event that they fail to comply with their obligations despite having adequate financial resources and in the event that the manufacturer is insolvent or ceases to operate. The financial guarantee must cover the relevant costs. It may vary depending on the packaging material. When establishing the security, the Central Office for Packaging Registers may take into account, inter alia, past market prices for the packaging material. Accordingly, in the case of packaging materials for which the market value of the packaging waste concerned is regularly positive, the line shall be set at zero euro.

Too Nummer 5

Point 5 transposes Article 47(3)(d) of the EU Packaging Regulation. Manufacturers must ensure pre-treatment and high-quality recycling. Contractual arrangements are sufficient for this accreditation criterion.

Too Nummer 6

The financing agreement, as a requirement for approval under **point 6**, ensures that the costs incurred by the central body for packaging registers as a result of the installation of the digital infrastructure and the processing of manufacturers' applications for approval are covered by the applicants. In particular, it must be ensured that the costs incurred by the Central Body for Packaging Registers as a result of the approval of manufacturers are not borne by the systems which ensure the financing of the Central Body for Packaging Registers with regard to all aspects of packaging subject to the system contribution. The financing agreements shall reflect extended producer responsibility. They are also to be understood as the form and specificity of Article 40(2) of the EU Packaging Regulation. The tasks of the central body for packaging registers are financed continuously for each calendar year. Payments must therefore be made annually. Through the financing agreements with the Central Unit for Packaging Registers, the producers of packaging not subject to mandatory participation in the system, together with the other producer responsibility organisations, schemes and operators of industry solutions, shall refinance the implementation of the compositional surveys of collected mixed municipal waste referred to in Article 45(2), point (b), of Regulation (EU) 2025/40, which the Central Unit for Packaging Registers shall reimburse § 54 Absatz 2 Nummer 6 to the Federal Environment Agency in accordance with. The second sentence allows the Central Body for Packaging Registers to request electronically from manufacturers the documents required for the granting of approval.

Too Absatz 3

Paragraph 3 authorises the central body to require packaging registers to be sent by digital means only if any additional documents are required. The second sentence

requires the Central Packaging Register Office to inform applicants of the complete receipt of all the necessary documents and the start of the approval period.

Too Absatz 4

Paragraph 4 specifies the requirement laid down in paragraph 2(4) with regard to the costs to be covered by the guarantee. The Central Office for Packaging Registers can proceed on the § 54 Absatz 1 Nummer 13 basis of details regarding the form of this guarantee. In particular, it should be borne in mind that the market value for various of the packaging concerned is generally positive. The market situation must be taken into account in the design.

Too Absatz 5

Paragraph 5 makes it clear that only an electronic approval procedure is permissible and that this may be specified in more detail by the Central Body for Packaging Registers, both in the form of the forms used and by specifying the procedure. Any change notifications must also be made by means of the electronic data-processing system. A purely electronic approval procedure via the website of the Central Packaging Register Unit serves to reduce red tape and is essential for the planned automation of the approval procedure.

Too Absatz 6

Paragraph 6 contains a fiction of authorisation, according to which authorisation is deemed to have been granted after the expiry of the four-week decision period provided for in the first sentence. This is a fiction of authorisation within the meaning of the first sentence of Paragraph 42(1) of the *Verwaltungsverfahrensgesetz* (Law on administrative procedure). The provisions of the second sentence of Section 42a(1), the second to fourth sentences of Section 42a(2) and Section 42a(3) shall be declared applicable *mutatis mutandis*.

Too Absatz 7

Paragraph 7 refers to § 20 Absatz 3. *Ibidem*, the procedures for the adoption of ancillary provisions are laid down. By way of derogation from § 19 the wording of the central body for packaging registers § 20 Absatz 3, the competent authority for approvals is the competent authority. Please refer to the corresponding grounds.

Re § 20 (Approval of systems)

§ 20 regulates the approval of systems in implementation of Article 47(1) of the EU Packaging Regulation. According § 20 to, a scheme applies to the competent authority or authorities for an authorisation to fulfil extended producer responsibility. Manufacturers of packaging subject to mandatory participation in the system shall participate § 7 in a system in accordance with. It is therefore a collective fulfilment of extended producer responsibility obligations, which means that the producer responsibility organisation, in this case the schemes, is subject to authorisation instead of the producer. In contrast to the terms used in the previous legislation in the Packaging Act, this refers to authorisation rather than authorisation, in line with the EU Packaging Regulation. However, the change of this term does not entail any substantive changes. The rules on approval are based on the previous rules in Section 18 of the Packaging Act, which previously regulated the approval of the systems. See Bundestag documents 18/11274, p. 102 et seq. and 19/27634, p. 73 et seq.

Too Absatz 1

The **first sentence of subparagraph 1** provides that the operation of a system is subject to authorisation, in accordance with the rule previously contained in the first sentence of Paragraph 18(1) of the Packaging Law. The approval is linked to the operation of the system in order to make Article 47(1) of the EU Packaging Regulation more specific and enforceable. The **second sentence** provides for the public announcement of the approval of a system in accordance with the provisions of the third sentence of Section 18(1) of the Packaging Act, which previously applied to systems. The effectiveness of the authorisation also depends on that date. Public disclosure of the authorisation is necessary to allow manufacturers to access the system to participate in their packaging. The effectiveness of the notification enables the systems to start operating immediately and is therefore in the interest of economic operators. In the case of approvals of changes, immediate effect is in the interest of manufacturers who have already involved packaging in the system concerned.

Too Absatz 2

Paragraph 2 lays down, in accordance with the previous provision in the second sentence of Paragraph 18(1) of the Packaging Law, the conditions under which approval of a system must be granted on application.

In implementation of the fourth sentence of Article 47(2) of the EU Packaging Regulation, an 18-week time limit for processing the application for authorisation is added, which starts to run from the submission of complete application documents, that is to say, specifically, the receipt of all the information and documents necessary for processing the application. That period is to be regarded as a reasonable period within the meaning of the first sentence of Paragraph 75 of the Verwaltungsgerichtsordnung (Code of Administrative Court Procedure). If the competent authority does not decide on the application within that period, the applicant may bring an action for failure to act in accordance with Section 75 of the Code of Administrative Procedure. In this respect, the competent authority informs the applicant of the complete receipt of the documents and the start of the approval period. By way of derogation from the wording of the German version of the EU Packaging Regulation, the time limit for granting authorisation is 18 weeks instead of 18 months. The 18 months referred to are a translation error in the German version of the EU Packaging Regulation, which is not continued in the adaptation of German law – in line with the wording of the other language versions of the EU Packaging Regulation.

The approval conditions previously laid down in the second sentence of Section 18(1) of the Packaging Act have been adapted on the basis of the requirements of Article 47(3) of Regulation (EU) 2025/40. The provisions in continue to § 20 Absatz 2 Nummer 2, 4 und 7 correspond to the current points 2, 4 and 5 of Section 18(1), second sentence, of the Packaging Act. In this regard, reference is made to the explanatory memorandum in Bundestag document 18/11274, page 103 et seq. and Bundestag document 19/27634, page 74 et seq. The financing arrangements shall reflect extended producer responsibility and shall also finance, inter alia, the necessary mechanisms of the competitive system of the schemes. They are also to be understood as giving concrete expression to Article 40(2) of the EU Packaging Regulation.

Too Nummer 1

Point 1, like the requirement in the previous Section 18(1) sentence 2 point 1 of the Packaging Act, contains the requirement for a system to be set up nationwide. In particular, the collection structures required by Article 47(3)(b) of the EU Packaging Regulation must be in place and the arrangements necessary for that purpose must have been made with operators, authorities or third parties carrying out waste management on

behalf of the waste management system. These collection structures and related arrangements shall ensure collection free of charge from private households and comparable collection points. This addition to the requirement compared to the previous one takes into account the requirements of Article 47(3)(b) and (c) of the EU Packaging Regulation.

Too Nummer 3

Point 3 aligns the current Section 18(1) sentence 2 point 3 of the Packaging Act with the requirement contained in Article 47(3)(d) of the EU Packaging Regulation. According to that provision, the authorisation procedure must ensure that the necessary sorting and recycling capacities are in place to ensure that the collected packaging waste undergoes pre-treatment and high-quality recycling. Pre-treatment means, in particular, sorting, but may also include, for example, the removal of pollutants or varnishes. The concept of high-quality recycling is legally defined in Article 3(1), first subparagraph, point (41), of the EU Packaging Regulation. Evidence may include appropriate contracts with sorting facilities and recycling companies.

Too Nummer 5

In implementation of Article 47(3)(a) of the EU Packaging Regulation in conjunction with Article 8a(3)(d) of the EU Waste Framework Directive, **point 5** introduces a new authorisation requirement compared to the previous § 18(1) sentence 2 of the Packaging Act. According to that provision, approval is subject to the condition that the system has put in place appropriate self-regulatory measures to assess its financial management. Already in the previous Packaging Act, the systems for assessing financial management in implementation of the EU law requirement in Article 8a(3)(d)(i) of the EU Waste Framework Directive were required under Section 18(5), second sentence, of the Packaging Act (see Bundestag document 19/27634, p. 74 et seq.). Due to the reference to Article 8a(3)(a) to (d) of the EU Waste Framework Directive by Article 47(3)(a) of the EU Packaging Regulation, these requirements are now also reviewed as part of the authorisation procedure.

When reviewing the authorisation requirement under point 5, the support to the systems referred to in Article 8a(3)(d) of the EU Waste Framework Directive through regular independent audits to assess the financial management or data quality reported may be taken as an indication that an appropriate self-control mechanism is in place.

Too Nummer 6

Point 6 transposes Article 47(3)(e) in conjunction with Article 47(6) of the EU Packaging Regulation. According to that provision, a further condition for admission is that the applicant system has provided adequate and insolvent security in accordance with paragraph 4. This obligation, which was already contained in the previous Section 18(4) of the Packaging Act, is now also laid down as a condition for the approval of a system, unlike in the previous Packaging Act.

In individual cases, provision may be made under the second sentence for an extension of the time limit for granting authorisation.

Too Absatz 3

Paragraph 3 corresponds in substance to the current Section 18(2) of the Packaging Act. It clarifies that the scheme applies without prejudice to the directly applicable rule in the second sentence of Article 47(4) of the EU Packaging Regulation, according to which the authorisation may be amended on the basis of changes notified by the producer responsibility organisation. The provision now contained in paragraph 4 is maintained in

the exercise of the discretion conferred by the first sentence of Article 47(2) of the EU Packaging Regulation. The possibility for the authorising authority to subsequently attach ancillary provisions to the authorisation is the more lenient means than the withdrawal of the authorisation. Possible ancillary provisions include the subsequent adjustment of the insolvency-proof collateral pursuant to paragraph 3(6). In the event of non-compliance with ancillary provisions, this may lead to the withdrawal of the authorisation if the fulfilment of the underlying conditions for authorisation is no longer ensured otherwise. In order to enable any necessary ancillary provisions to be examined, the competent authority must be able to request appropriate documentation. This is made possible by the second sentence.

Reference is also made to the explanatory memorandum in Bundestag document 18/11274, p. 103.

Too Absatz 4

Paragraph 4 corresponds to the previous provision in the previous Section 18(4) of the Packaging Act and has only been slightly adapted linguistically. According to Article 47(3) (e) in conjunction with Article 47(6) of the EU Packaging Regulation, Member States shall ensure that producers and producer responsibility organisations provide a guarantee in case of insolvency or other cessation of operations. The term 'guarantee' used in the EU Packaging Regulation is not further defined in the EU Packaging Regulation. It does not correspond to the guarantee within the meaning of Section 443 of the Civil Code, since, in the case of the guarantee under the EU Packaging Regulation, it refers to the guarantee of financial resources by, for example, a bank guarantee, a deposit or the like. Here, the possibility provided for in Article 47(6) of the EU Packaging Regulation for Member States to lay down additional requirements for the guarantee is used to specify the term in accordance with the guarantee provided under the previous legislation. Reference is also made to the explanatory memorandum in Bundestag document 18/11274, p. 103.

The guarantee specified in paragraph 6 shall be distinguished from the proof of financial standing referred to in paragraph 3. The guarantee transposes the requirement of Article 47(3)(e) in conjunction with paragraph 6 of the EU Packaging Regulation. Proof of financial standing serves to implement Article 8a(3)(c) of the EU Waste Framework Directive. The purpose of the guarantee is to enable public waste disposal entities and public authorities to assume the obligations of a system that ceases to perform them due to insolvency or for other reasons, without having to spend public funds. This guarantee shall be lodged only once. The proof of financial standing, on the other hand, is recurrent, i.e. every 12 months, proof that the scheme has the financial means to fulfil the extended producer responsibility obligations.

Too Absatz 5

Paragraph 5 corresponds to the current Section 18(5) of the Packaging Act. Please refer to the explanatory memorandum in Bundestag document 19/27634, page 74 et seq.

On § 21 (the financial capacity of the systems)

The provision corresponds essentially to the previous Section 18(1a) of the Packaging Act. For the sake of clarity, the paragraph has been moved to a separate § and split into several paragraphs. In addition to the previous provision, it is made clear that the security to cover insolvency must be lodged in accordance with point 7 of the first sentence in conjunction with paragraph 6, irrespective of proof of financial standing. The list of criteria on the basis of which financial capacity is not fulfilled is not exhaustive. For example, outstanding payments to the Central Office for Packaging Registers may also call into question financial standing. It is also clarified that the annual accounts of the system and, in addition, any consolidated financial statements must be submitted, as well as the

balance sheet and profit and loss account of the system, as must be available when the consolidated financial statements are drawn up. The provision on the presentation of a balance sheet is therefore unnecessary.

The authority is explicitly entitled to request further documentation from the system. The auditor's audit report contains important assessments by the auditor of the situation of the company that go beyond the certificate. A provisioning review of systems can provide insights into the costs of disposal and thus the actual profitability of a system. Experience in practice has shown that the large provisioning of decommissioning services schemes is an important factor in assessing profitability. Undertakings have permitted discretion to establish provisions. A reserve mirror can provide insights into the background to changes and the use of discretion. The amendments aim at a sound verification of the financial capacity of the systems and are necessary to ensure the smooth disposal of packaging waste generated by private households and comparable waste collection sites on a permanent basis.

In addition, the system may require the submission of other appropriate documents from a bank, a public savings bank, an auditor or a sworn auditor; however, a corresponding request to the bank, the public savings bank, the auditor or the certified accountant himself is inadmissible. Suitable documents of an auditor or a sworn auditor may be, inter alia, the hand files, in which case the first sentence of Section 51b(3) of the Auditing Regulations may have to be complied with. Reference is also made to the explanatory memorandum in Bundestag document 19/27634, page 74.

On § 22 (authorisation of other producer responsibility organisations)

§ 22 lays down the conditions under which the authorisation of another producer responsibility organisation must be granted on application. These may include, in particular, commercial take-back schemes. By way of derogation from the rules of the previous scheme, under which commercial take-back systems do not require authorisation, the EU Packaging Regulation provides that all producer responsibility organisations must be authorised and must comply with certain requirements under the authorisation. This provision transposes these requirements of EU law to the extent that they are not already transposed elsewhere in this Act, as is the case for systems. Unlike schemes, other producer responsibility organisations deal with commercial and industrial waste. The collection of packaging not subject to mandatory participation in the system imposes different requirements than those applicable to packaging subject to mandatory participation in the system.

A functioning system has been established in Germany for the collection and recovery of packaging previously covered by Section 15 of the Packaging Act. This is based in particular on the fact that the packaging waste disposed of is usually valuable. In this respect, a large number of producers fulfil their producer responsibility individually. In parallel, individual collective take-back schemes have been established. The functioning of this system is demonstrated, inter alia, by the fact that the recycling targets laid down in Article 52(1)(c) and (d) of the EU Packaging Regulation only for 2030 are already being met in Germany at this stage when commercial packaging is taken back (previously Section 15 of the Packaging Act).

The requirement in the EU Packaging Regulation that all collective collection systems for packaging must be approved as producer responsibility organisations is a novelty for the disposal of packaging under the current Section 15 of the Packaging Act. Since the disposal of this packaging is generally ensured due to its generally positive market value, and since the introduction of extended producer responsibility obligations economic disposal structures have been established with the Packaging Ordinance and the Packaging Act, the requirement of the EU Packaging Ordinance for approval without causing system breaks should be developed. Against this background, and taking into

account that the recycling targets for this packaging are currently already met, it can be assumed that the requirements listed in Article 47(3)(a) to (d) of the EU Packaging Regulation are already met in principle.

The Central Packaging Register Unit will be responsible for approving other producer responsibility organisations. In contrast to the authorisation scheme of the schemes in, this § 20 is to avoid the need for other producer responsibility organisations to be authorised in all Länder. This will reduce the administrative burden associated with authorisation procedures. In order to take account of the existing structures and functioning disposal procedures and to make it possible to submit applications with little red tape and process them quickly, it is sufficient for individual approval requirements to be confirmed by means of a notification or self-declaration. The authorisation of other producer responsibility organisations can be automated, digital and low-bureaucratic on this basis. To this end, the Central Office for Packaging Registers is empowered to issue administrative regulations, procedural instructions and to make extensive use of electronic data-processing systems and automatic devices. Authorisation should be granted largely on the basis of information and explanations provided by applicants, thereby enabling authorisation to be granted quickly in a procedure that is less bureaucratic.

Other producer responsibility organisations differ in their tasks from the schemes under § 20. Aspects such as comprehensive set-up or coordination with public authorities and public waste disposal operators are of secondary importance, as these other organisations, unlike the schemes, can only assume extended producer responsibility for packaging produced by commercial and industrial end-users who are not comparable sources of waste. Close coordination with the public waste managers is therefore not as necessary for collection as it is for the systems. It is also possible for other producer responsibility organisations to limit their services to specific formats or materials.

In addition to the rules of the authorisation procedure, there is an obligation for authorised other producer responsibility organisations to immediately notify the Central Body of Packaging Register of any changes in accordance with Article 47(4) of the EU Packaging Regulation. Such notifications may, after examination, lead to the withdrawal of approvals.

Competence is attributed to the Federal Government on the basis of the first sentence of Article 87(3) of the Basic Law (Grundgesetz, GG). Since the Federal Government is entitled to legislate under Article 74(1)(24) of the Basic Law, it can also assume administrative competence in this matter under the conditions of the first sentence of Article 87(3) of the Basic Law. The fact that forms of organisation under private law such as foundations, as the Central Office for Packaging Registers entrusted § 54 Absatz 1 with public authority tasks, are not mentioned in the first sentence of Article 87(3) of the Basic Law, is irrelevant in this regard. This is because the first sentence of Article 87(3) of the Basic Law applies *mutatis mutandis* to the performance of tasks by bodies governed by private law.

Processing of the approval procedures by the Central Packaging Register Unit does not raise any concerns with regard to the requirement of impartial administrative action arising from the principle of the rule of law. It is true that the schemes and other producer responsibility organisations finance the central body packaging registers through the financing agreements § 20 and § 22 envisaged agreements. However, there is no incentive for the Central Office for Packaging Register to make the decision on the approval of an applicant referred to in the first sentence of paragraph 1 dependent on a possible lack of funding in the event of a negative decision. If the applicant in question were not to be authorised, the producers concerned would have to assume their producer responsibility by other means. In doing so, they would also ensure the financing of the central body packaging registers, either indirectly through the financing agreement of another producer responsibility organisation to which the producer delegates its extended

producer responsibility, or directly through the financing agreement that the producer fulfilling its obligations individually concludes with the central body packaging registers.

Too Absatz 1

The **first sentence of paragraph 1** provides that the establishment of another producer responsibility organisation is subject to authorisation. The authorisation is linked to the operation of the other producer responsibility organisation in order to make Article 47(1) of the EU Packaging Regulation more specific and enforceable. The **second sentence** provides for the public announcement of the authorisation of another producer responsibility organisation. The effectiveness of the authorisation also depends on that date. The **third sentence** allows the Central Body for Packaging Registers to publish the approved other producer responsibility organisations on its website. Such an overview may make it easier for producers to find an authorised other producer responsibility organisation.

Too Absatz 2

Paragraph 2 lays down the conditions under which the authorisation of another producer responsibility organisation is to be granted on application.

Due to the automated procedure, the maximum possible period of 18 weeks for authorisation under the EU Packaging Regulation is not to be fully exploited. Instead, a maximum period of three months is provided for these procedures. That period is to be regarded as a reasonable period within the meaning of the first sentence of Paragraph 75 of the Verwaltungsgerichtsordnung (Code of Administrative Court Procedure). If the competent authority does not decide on the application within that period, the applicant may bring an action for failure to act in accordance with Section 75 of the Code of Administrative Procedure. In this respect, the Central Packaging Register Unit informs the applicant of the complete receipt of the documents and the start of the approval period.

Too Nummer 1

Points 1 and 2 transpose Article 47(3)(a) of the EU Packaging Regulation in conjunction with Article 8a(3)(a) and (b) of the EU Waste Framework Directive.

The clearly defined geographical, packaging and material coverage required under **point 1** shall ensure that other producer responsibility organisations can only assume producer responsibility in relation to the collection and recovery services they offer. In so doing, they may not limit collection and management to packaging waste for which it is most profitable. For example, it is necessary to ensure that packaging waste for which another producer responsibility organisation has taken over the producer responsibility is also collected at remote points of production. The same applies to packaging materials, which are particularly expensive to recover. Also with regard to packaging made from these materials, a producer responsibility organisation shall ensure after § 41 Absatz 1 collection and, if it has extended producer responsibility on their behalf § 42 Absatz 5, § 41 re-use or recover it in accordance with the requirements of. Reference is made to recital 25 of Directive (EU) 2018/851 amending the EU Waste Framework Directive.

Too Nummer 2

The provision of waste collection systems on an appropriate scale, as provided for in **point 2**, may be achieved by means of both a hauling and a jumping system. A waste collection system shall be provided to the extent necessary if it is reasonably possible for the points of production to hand over the packaging waste to the other producer responsibility organisation. An unreasonable burden may be assumed in the case of a jumping system, for example, if so few collection points are installed that the transfer of

waste to waste collection points is regularly associated with longer trips. In the case of a hauling system, there may be an unreasonable burden, for example, in the case of rare collections, which require packaging waste to be stored for longer periods of time.

Too Nummer 3

Point 3 transposes Article 47(3)(c) of the EU Packaging Regulation. Another producer responsibility organisation shall, as part of the authorisation, confirm that it has established, to the extent necessary for the organisation, the necessary arrangements for waste management. Such arrangements may concern, inter alia, the collection structure or recycling.

Too Nummer 4

Point 4 transposes Article 47(3)(e) in conjunction with Article 47(6) of the EU Packaging Regulation. According to this provision, authorisation is subject to the condition that the applicant other organisation has provided adequate and insolvency-proof security in accordance with paragraph 4.

Too Nummer 5

The requirement set out in **point 5** to § 50 Absatz 1 Satz 2 conclude a financing agreement accordingly is intended to finance the authorisation procedures of the other producer responsibility organisations, including the costs of establishing and maintaining and updating the necessary IT systems at and by the Central Body for Packaging Registers. In connection with the financing of the tasks arising from, in particular, ensuring that the costs § 22 incurred by the central body for packaging registers as a result of the approval of other producer responsibility organisations are not borne by the systems which ensure the financing of the central body for packaging registers with regard to all aspects of packaging subject to the system contribution. The financing agreements shall reflect extended producer responsibility. They are also to be understood as the form and specificity of Article 40(2) of the EU Packaging Regulation.

Too Nummer 6

Point 6 § 20 refers to requirements set out in. With regard to the reference to the requirement laid down in point 3 of § 20 paragraph 2, reference is made to the explanatory memorandum to that point.

The reference to § 20 paragraph 2(4) serves to transpose Article 8a(3)(c) of the EU Waste Framework Directive. Further verification of compliance with these requirements, as § 20 carried out in the case of the systems, is initially dispensed with. In particular, the failure of such an organisation does not normally result in a loss of revenue for the public authorities. By including the criterion of financial standing as a requirement for authorisation, Article 47(4) of the EU Packaging Regulation applies in the event of a change in financial standing. Accordingly, the other organisation must immediately inform the authorising body, in this case the Central Packaging Register, of any changes to the information contained in the application for authorisation. This information authorises the Central Unit for Packaging Registers to re-examine the approval.

The reference to § 20 paragraph 2(5) ensures that the requirements of Article 47(3)(a) of the EU Packaging Regulation are implemented in conjunction with Article 8a(3)(d)(i) of the EU Waste Framework Directive. This requires Member States to ensure that organisations implementing extended producer responsibility obligations on behalf of producers put in place an appropriate self-control mechanism to assess, inter alia, their financial management. Due to the possible heterogeneity of the individual other producer responsibility organisations, it is neither appropriate nor appropriate to prescribe in detail

the form of these self-control mechanisms. On the contrary, in view of the many possible, different forms of organisation of other producer responsibility organisations, the rules adopted leave it to their own responsibility to design the necessary self-control mechanisms on the basis of the existing provisions of commercial and company law.

The **second sentence** authorises the Central Office for Packaging Registers to request from applicants the documents necessary for checking the conditions for approval. Authorisation is required to request documents and documents relevant to the authorisation, in addition to the automated procedure, if the Central Body for Packaging Registers considers it necessary. He cites, by way of example, the documents of a bank, a public savings bank, an auditor or a sworn auditor in connection with the verification of financial standing.

Too Absatz 3

Paragraph 3 transposes Article 47(3)(e) in conjunction with paragraph 6 of the EU Packaging Regulation. The insolvency-proof security to be provided by the other producer responsibility organisations shall serve as a safeguard for third parties involved in the event that the other producer responsibility organisation fails to properly fulfil its obligations, incurs costs beyond the time of any cessation of operations or becomes insolvent. Those costs may be incurred both by the producers involved and by other economic operators with whom the other producer responsibility organisation has concluded waste management contracts, such as undertakings that collect or recover waste on behalf of the other producer responsibility organisation. The amount of the guarantee may vary depending on the packaging material. When establishing the security, the Central Office for Packaging Registers may take into account, inter alia, past market prices for packaging materials. Other matters affecting adequacy may also be taken into account.

For the interpretation of the term 'guarantee' used in Article 47(6) of the EU Packaging Regulation, § 20 Absatz 4 please refer to the explanatory memorandum.

Too Absatz 4

Paragraph 4 refers to § 20 Absatz 3. The rules laid down therein shall apply mutatis mutandis to the authorisations of other producer responsibility organisations. Please refer to the corresponding grounds.

Re § 23 (withdrawal of authorisation)

§ 23 adds further elements to the grounds for recall laid down in Article 47(5) of the EU Packaging Regulation.

Too Absatz 1

Paragraph 1 sets out the conditions under which a manufacturer's authorisation may be § 19 revoked or when it is to be revoked. If a manufacturer fails to comply with its collection and take- § 39 Absatz 1 und 2 back obligations or no longer meets the approval requirements under the § 19 Absatz 2 first sentence, the approval may be withdrawn. Approval must be withdrawn in the case of individual manufacturer approvals if a manufacturer ceases to operate or if the manufacturer fails to meet its payment under the financing agreement with the Central Packaging Register within the time limit. This provision ensures the financing of the Central Office for Packaging Registers, which must be in place.

Too Absatz 2

Paragraph 2 supplements the requirements for revocation under Article 47(5) of the EU Packaging Regulation with the previous rules on revocation of system approvals under the former Section 18(3) of the Packaging Act. Please refer to the explanatory memorandum in Bundestag document 18/11274, p. 103.

Too Absatz 3

Paragraph 3 sets out the conditions under which an authorisation of another producer responsibility organisation may be § 22 revoked or when it is to be revoked. If another producer responsibility organisation § 39 Absatz 1 und 2 fails to comply with collection and take-back obligations or if the authorisation requirements referred to in the § 19 Absatz 2 first sentence are no longer met. Approval must be withdrawn if the Central Office for Packaging Registers finds that the establishment has ceased to exist.

Too Absatz 4

Paragraph 4 clarifies that the competent authority shall make public the withdrawal of the authorisation.

Re Kapitel 4 (Obligations of the systems)

Re § 24 (Joint Body of Systems)

Too Absatz 1

The **first sentence** contains the obligation for the schemes to participate in a joint body and thus corresponds to the previous § 19(1) sentence 1 of the Packaging Act and its predecessor § 6(7) sentence 1 of the (national) Packaging Ordinance. In particular, the requirements of Article 45(1) of the EU Packaging Regulation, in conjunction with Article 8a(1)(a) and (3)(c) and Article 46(1) of the EU Waste Framework Directive, are implemented through the receipt of the Joint Body and the obligation for the systems to participate in it. According to Article 45(1) of the EU Packaging Regulation, producers have extended producer responsibility under Articles 8 and 8a of the EU Waste Framework Directive. They may delegate them to an authorised producer responsibility organisation in accordance with Article 46(1) of the EU Packaging Regulation. With regard to extended producer responsibility schemes, Member States shall ensure the precise definition of the roles and responsibilities of all relevant actors involved, in accordance with Article 8a(1)(a) of the EU Waste Framework Directive. In addition, according to Article 8a(3)(c) of the EU Waste Framework Directive, Member States shall take the necessary measures to ensure that producers of products or organisations implementing extended producer responsibility obligations on their behalf have the necessary financial means or financial and organisational means to fulfil their extended producer responsibility obligations.

Producers of packaging subject to mandatory system participation transfer their extended producer responsibility within the meaning of Article 45(1) of the EU Packaging Regulation in conjunction with Article 8a(1)(a) and (3)(c) of the EU Waste Framework Directive to the schemes in accordance with the second sentence of Article 46(1) of the EU Packaging Regulation. The establishment of the Joint Body will ensure the precise definition of the roles and (financial) responsibilities of all relevant actors involved under the extended producer responsibility scheme for packaging subject to mandatory system participation, in line with Article 8a(1)(a) of the EU Waste Framework Directive.

The reason for setting up a joint body, when it was introduced by the first sentence of Section 6(7) of the (national) Packaging Ordinance, was that, in the case of a larger

number of system operators operating on the market, coordination was necessary with a view to determining the proportionally attributable packaging quantities of several systems in the territory of a public waste disposal entity, allocating the agreed ancillary charges and coordinating calls for tenders in a competitively neutral manner (see Bundestag document 16/7954, p. 21). In accordance with paragraph 2(2) and (3) (new), the allocation of the agreed ancillary charges and the competitively neutral coordination of tenders for the award of aggregated services remain within their remit.

The establishment of a joint body for the systems is still necessary – despite the establishment of a central body for packaging registers – as the joint body is required to carry out the necessary coordination and accounting tasks between the systems, which would not correspond to the predominantly public policy remit of the central body for packaging registers (see Bundestag document 18/11274, p. 104).

In order to protect the functioning of the Joint Body, the second sentence of Paragraph 19(1) of the Packaging Law and the third sentence of Paragraph 6(7) of the Packaging Regulation **provide** that approval is to expire § 20 automatically if a system does not participate in the Joint Body within three months of the approval being granted. Since the participation must be permanent, a refusal to continue working in the Joint Body also leads to the expiry of the accreditation.

The second sentence is a measure laying down the requirements and details of the authorisation procedure and is therefore an implementation of the first sentence of Article 47(2) and (3)(a) in conjunction with Article 40(2) of the EU Packaging Regulation and Article 8a(3)(c) of the EU Waste Framework Directive. Participation in the Joint Body as an authorisation requirement ensures that the schemes have the financial and organisational means to fulfil their extended producer responsibility obligations, as required by Article 47(3)(a) of the EU Packaging Regulation in conjunction with Article 8a(3)(c) of the EU Waste Framework Directive. In particular, without participation in the Joint Body, the schemes concerned would not be involved in the allocation of disposal costs, the designation of bidders or the designation of common representatives. Reliable organisation and financing of the comprehensive collection, sorting and recovery of packaging subject to mandatory participation in the system would therefore no longer be guaranteed.

Too Absatz 2

Absatz 2 regulates the tasks of the Joint Body and corresponds in substance to Section 19(2) of the Packaging Act. Reference is therefore made to page 104 of the explanatory memorandum to the Act in Bundestag document 18/11274. By carrying out its tasks, the Joint Body shall ensure that producers of packaging subject to mandatory participation in the system can fulfil their extended producer responsibility through the systems set out in the first sentence of Article 46(1) and Article 45(1) of the EU Packaging Regulation in conjunction with Articles 8 and 8a of the EU Waste Framework Directive. In particular, Article 8a(1)(a) of the EU Waste Framework Directive defines the responsibility of the systems by determining their financial and territorial responsibility for collection, sorting and recovery. It thus ensures, in accordance with Article 8a(3)(c) of the EU Waste Framework Directive, that the systems have the necessary financial and organisational means to fulfil their obligations.

In addition, the systems may agree to carry out other system coordination tasks within the organisational framework of the Joint Body.

Too Nummer 1

According to **point 1**, the Joint Body must allocate the disposal costs between the different systems (so-called clearing).

Too Nummer 2

Under **point 2**, the Joint Body must allocate the ancillary charges agreed § 31 Absatz 2 with the public waste disposal entities to the individual systems.

Too Nummer 3

Point 3 includes, in particular, the designation of the bidders for each collection area.

Too Nummer 4

In accordance with **point 4**, the Joint Unit may § 36 specify details of the electronic tendering platform and the tendering procedure in accordance with.

Too Nummer 5

In accordance with **paragraph 5**, the Joint Body shall designate the common representative referred to in § 31 Absatz 1 Satz 1.

Too Nummer 6

Point 6 requires the Joint Body to § 25 Absatz 4 appoint system auditors in accordance with. These provide a monitoring framework, in accordance with Article 8a(5) of the EU Waste Framework Directive, to ensure that producers and schemes as organisations fulfil their extended producer responsibility obligations.

Too Nummer 7

Point 7 requires the Joint Body to identify the information measures § 40 Absatz 3 required and to allocate the costs of those measures between the systems.

Too Absatz 3

Paragraph 3 corresponds to the previous § 19(3) of the Packaging Act and its predecessor § 6(7) sentences 4 and 5 of the Packaging Ordinance. The reference to the rules on the protection of personal data in the first sentence of Section 19(3) of the Packaging Act has been deleted as these rules (in particular the EU General Data Protection Regulation) must be complied with anyway.

Re § 25 (reporting obligations of the systems)

§ 25 corresponds, in essence, to the previous Section 20 of the Packaging Act. The rules included serve to implement Article 45(1) of the EU Packaging Regulation in conjunction with Article 8a(1)(c) of the EU Waste Framework Directive, which requires Member States to establish reporting systems on products placed on the market that are subject to extended producer responsibility. The reporting obligations, along the lines of the previous Section 20 of the Packaging Act, can therefore be maintained for the time being until the new data reporting system under Article 44 of the EU Packaging Regulation applies. Reference is also made to the explanatory memorandum to Bundestag document 18/11274, p. 105 et seq.

Too Absatz 1

Paragraph 1 corresponds in substance to the previous Section 20(1) of the Packaging Act. Only the second sentence of Section 20(1) has been deleted, as the fourth sentence of Section 16(3) of the Packaging Act, to which reference is made, has also been deleted

on the basis of the definition of grouping in Article 3(1)(24) of the EU Packaging Regulation.

Up Absatz 2 to 4

Paragraphs 2 to 4 correspond to paragraphs 2 to 4 of the current Section 20 of the Packaging Act. See the explanatory memorandum to Bundestag document 18/11274, p. 105 et seq.

Too Absatz 5

Paragraph 5 corresponds essentially to the current Section 20(5) of the Packaging Act and continues to implement the obligation under Article 8a(3)(c) of the EU Waste Framework Directive (see Bundestag document 19/27634, p. 75). This is because the obligation to transpose Article 8a(3)(c) of the EU Waste Framework Directive by the Member States remains under Article 47(2) and (3)(a) of the EU Packaging Regulation.

The obligation to provide further documents required for the assessment of the individual case under sentence 3 is exclusively directed against the systems. Such documents may be, inter alia, the hand files of an auditor or a sworn auditor, in which case the first sentence of Section 51b(3) of the Auditing Regulations may have to be complied with.

Re § 26 (ecological design of participation fees)

§ 26 corresponds, in essence, to the previous Section 21 of the Packaging Act. With regard to the statement of reasons, reference is therefore made to the explanatory memorandum to the Act in Bundestag documents 18/11274, pp. 107 and 19/27634, p. 75.

The linguistic adaptations in subparagraph 1 compared to the previous Section 21(1) of the Packaging Act serve to make the text easier to understand.

However, the provisions of the previous Section 21(4) of the Packaging Act are not taken over. The deadline of 1 January 2022 contained therein has now passed and the required evaluation has been carried out.

A further adaptation of the rules § 26 contained in is likely to be necessary at a later stage in order to implement the requirements of Article 6(8) of the EU Packaging Regulation. According to Article 6(8) of the EU Packaging Regulation, 18 months after the entry into force of the delegated acts adopted pursuant to Article 6(4) of the EU Packaging Regulation and the implementing acts adopted pursuant to Article 6(5) of the EU Packaging Regulation, the financial contributions paid by producers to comply with their extended producer responsibility obligations shall be modulated in accordance with the recyclability performance grades to increase the recyclability of packaging. The delegated acts under Article 6(4) and the implementing acts under Article 6(5) of the EU Packaging Regulation are not yet available. The European Commission shall adopt the relevant delegated acts in accordance with Article 6(4) of the EU Packaging Regulation by 1 January 2028. Those implementing acts shall be adopted by 1 January 2030, in accordance with Article 6(5) of the EU Packaging Regulation.

Too Absatz 1

Paragraph 1 corresponds to the current Section 21(1) of the Packaging Act.

Too Absatz 2

Paragraph 2 corresponds to the current Section 21(2) of the Packaging Act.

Too Absatz 3

The European Commission shall adopt delegated acts in accordance with Article 6(4)(a) to (c) of the EU Packaging Regulation by 1 January 2028 specifying, inter alia, the criteria for recyclability performance grades and how to measure recyclability. Together, they are therefore likely to replace the minimum standard in terms of content. With the application of these delegated acts, a national minimum standard is therefore unnecessary. Until a comprehensive and uniform EU standard on the assessment of the recyclability of packaging is in place, the minimum standard will continue to be used for the assessment of recyclability. However, in order to limit the burden and costs of the national minimum standard in view of the expected EU standard, it is not intended to further update it as of the date of application of the first of the delegated acts under Article 6(4)(a) to (c) of the EU Packaging Regulation.

Re Kapitel 5 (arrangement of packaging waste collection)

On § 27 (alignment between systems and public waste disposal entities)

The provisions largely §§ 27 bis 31 correspond to the previous Section 22 of the Packaging Act. Please refer to Bundestag document 18/11274 from page 108 onwards. For reasons of legal formality, the original paragraph has been split into several paragraphs. This is intended to improve readability for practitioners. Substantive changes do not result from this new structure.

In, the word 'mandatory' § 27 Absatz 1 Satz 5 has been deleted for legal-formal reasons. This does not entail any substantive changes. The framework shall be respected in the same way as before this deletion;

On § 28 (shared use of the collection infrastructure; Collection of materials)

Please refer to the explanatory memorandum to § 27.

Re § 29 (framework requirement)

Please refer to the explanatory memorandum to § 27.

Re § 30 (Calculation of charges)

Please refer to the explanatory memorandum to § 27.

On § 31 (Further obligations of the systems under the voting arrangements)

Please refer to the explanatory memorandum to § 27.

On § 32 (Invitation to tender for groupage services; Tender leader)

The provisions of the previous Section 23 of the Packaging Act continue to apply in substance. For reasons of legal formality, the original Section has been split into several sections, so these provisions are now in §§ 32 bis 37 the. This is intended to improve readability for practitioners. Substantive changes do not result from this new structure. It also adapts references to other standards. See Bundestag document 18/11274 from page 117.

Ad § 33 (Conduct of the tender procedure)

Please refer to the justification for § 32.

On § 34 (award of the contract, conclusion of the contract)

Please refer to the justification for § 32.

On § 35 (appeal, arbitration)

Please refer to the justification for § 32.

On § 36 (Electronic Tendering Platform)

Please refer to the justification for § 32.

Re § 37 (Applicability of the Law against Restraints of Competition and the Public Procurement Regulation)

Please refer to the justification for § 32.

On Kapitel 6 (withdrawal, collection and recovery of packaging)

On § 38 (separate collection)

§ 38 corresponds in substance to the previous Section 13 of the Packaging Act.

According to the first sentence of Article 48(1) of the EU Packaging Regulation, Member States shall ensure that systems and infrastructure are in place for the return and separate collection of all packaging waste from end users to ensure that it is treated in accordance with Articles 4, 10 and 13 of the EU Waste Framework Directive and to facilitate its preparation for re-use and high-quality recycling. The collection and take-back systems and infrastructure to be put in place include separate collection in public spaces, commercial premises and residential areas, in accordance with Article 48(5)(b) of the EU Packaging Regulation.

These § 38 § 40 relate specifically to emptied packaging produced as waste in private households or at comparable production sites. In addition, this law contains §§ 39 und 46 further provisions transposing Article 48 of the EU Packaging Regulation. Packaging waste generated as waste by other end-users who are not private households or comparable sources of waste is recorded under this heading.

The collection and return systems § 40 and associated infrastructure established on the basis of § 38, § 39, and § 46 comprehensively ensure, jointly within the meaning of Article 48(1) and (5) of the EU Packaging Regulation, comprehensive take-back and separate collection of all packaging waste from end users. These already existed on the basis of the previous Sections 13, 14, 15 and 31 of the Packaging Act. Packaging waste generated by consumers in private households or at comparable collection points shall be collected in accordance with, § 38 and § 40 separately from, and taken back from the systems. The comparable seizure points are defined in Section 3(7). These include both business premises and public buildings. Commercial and industrial packaging waste shall be taken back and collected separately in accordance with the rules laid down by § 39 producers or other producer responsibility organisations. Certain single-use beverage packaging filled with beverages is subject to a deposit and return obligation under § 46. With regard to the specific form taken, § 46 reference is made to the respective justifications for § 38 § 39, § 40 and.

The collection and return systems and related infrastructure referred to in § 38, § 39, § 40 and § 46 ensure, as is currently the case, that packaging waste generated by the end user is treated in accordance with Articles 4, 10 and 13 of the EU Waste Framework Directive and facilitates preparation for re-use and high-quality recycling. To facilitate high-quality

recycling, Article 48(2), first sentence, of the EU Packaging Regulation requires Member States to ensure that comprehensive collection and sorting systems and infrastructures are in place to facilitate recycling and ensure the availability of plastic raw materials for recycling. Packaging waste § 46 collected § 40 and returned in accordance with § 38§ 39, and shall be sent as a priority for preparation for re-use § 42 Absatz 1 und 2 or recycling, in particular by reference to or paragraph 5 in accordance with the waste hierarchy set out in Article 4 of the EU Waste Framework Directive. For packaging taken back by the systems, quotas for reuse and recycling § 42 Absatz 2 remain mandatory. The level of quota varies depending on the type of material. In order to be able to meet the recovery targets and to facilitate high-quality recycling, collection and take-back systems and the associated infrastructure for comprehensive collection and sorting will continue to be set up and operated in accordance with the first sentence of Article 48(2) of the EU Packaging Regulation, facilitating recycling and ensuring the availability of plastic raw materials for recycling.

Single-use beverage packaging subject to § 46the deposit obligation must be § 42 Absatz 5 sent for § 46 Absatz 3 recovery in accordance with the requirements of the. They are usually recycled to very high quality due to the good sorting in the deposit system. Single-use beverage packaging subject to a deposit shall be collected separately from the rest of packaging and municipal waste, often also sorted by material type, ensuring that the packaging was only used for packaging food, namely beverages.

The§ 38,§ 39, § 40 and also § 46 serve, among other provisions, to implement Article 48(7) of the EU Packaging Regulation. It requires Member States to take measures to promote the recycling of packaging waste that meets the quality standards for the use of recycled materials in relevant sectors. Quality standards for the use of recycled materials have so far been very limited in Germany. For example, at EU level, Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with food. One measure to promote this is, in particular, the deposit and return obligation referred to above§ 46. At national level, reference should also be made to DIN SPEC 91446 on the 'classification of plastic recyclates by data quality levels for use and (internet-based) trade'. In view of possible future quality standards, the minimum recycled content in certain plastic beverage bottles § 45 and the future requirements on recycled content under Article 7 of the EU Packaging Regulation, the availability of high-quality recycled content is promoted at national level through various measures. Such measures include, for example, the obligation to participate § 7in the system, the collection and return systems and the associated infrastructure referred to above, the recovery requirements § 42 and the information requirements of the systems pursuant to § 40 paragraph 3.

The packaging separately collected from consumers and comparable collection points and taken back through the systems will then be treated in accordance with § 40 and § 42 in line with Articles 4, 10 and 13 of the EU Waste Framework Directive.

Re § 39 (Return and recovery obligations of manufacturers and distributors)

§ 39 corresponds in substance to the previous provision in Section 15 of the Packaging Act. In this respect, reference is made to the explanatory memorandum to Bundestag document 19/27634. In particular, the terms have been aligned with the terms used in the EU Packaging Regulation. Subsequent adjustments to the paragraph will be necessary in the future when the provisions of the EU Packaging Regulation on the national register referred to in Article 44 become applicable. This concerns in particular the fourth to sixth sentences of paragraph 3 and the fifth sentence of paragraph 5.

Too Absatz 1

The changes compared to the previous Section 15(1) of the Packaging Act are essentially based on the new terminology under the EU Packaging Regulation.

Unlike under the previous Packaging Act, packaging for dispatch to the end user, such as e-commerce packaging, is no longer covered by the concept of sales packaging under Article 3(1)(8) of the EU Packaging Regulation. They are a subset of transport packaging under the EU Packaging Regulation. E-commerce packaging covers all transport packaging intended for the transport of products by means of distance sales to end-users.

E-commerce packaging is typically delivered through so-called courier and express parcel services. Data from these companies show that in 2023.57 % of all broadcasts fell into Business-to-Consumer (B2C) distribution. 37 % of the broadcasts are business-to-business (B2B) broadcasts. The remaining 4 % is due to consumer-to-consumer broadcasts. E-commerce packaging typically sends smaller products (individual products or several small products in one consignment). On this basis, it can be assumed that a significant part of the B2B consignments are addressed to comparable collection points. By way of derogation, in the case of commercial and industrial sites, it is to be assumed that, because of the size of the site and the associated greater need for and consumption of products, deliveries are generally made by freight forwarders. Freight goods are mostly delivered in the product packaging, possibly with the support of transport packaging, but without additional e-commerce packaging. Against this background, it can be assumed that e-commerce packaging within the meaning of the EU Packaging Regulation is generally produced by the consumer or comparable sources of supply. The exemption of e-commerce packaging from the obligations of the, as set out in point 1 of § 39 paragraph 1, § 39 preserves the previous system whereby shipping packaging, or now e-commerce packaging, is § 7 subject to the system participation obligation.

There are therefore no significant changes to the previous rules.

Absatz 2 And 3

Paragraphs 2 and 3 correspond, in essence, to Paragraph 15(2) and (3) of the Packaging Law. The term 'distribution' is aligned with the definitions used in the EU Packaging Regulation and replaced by 'distance selling'. In accordance with Article 1(1)(b) (i) of Directive (EU) 2015/1535, distance selling means 'without simultaneous physical presence'. It therefore covers B2B and B2C transactions which take place without the simultaneous physical presence of the parties to the contract, such as online sales (see Article 3(1)(8) of the EU Packaging Regulation).

With regard to the definition of producer in Article 3(1)(15) of the EU Packaging Regulation, it has been clarified that the recovery and documentation obligations also apply in so far as producers under point (e) of that definition unpack packaged products. Producers who transfer all or part of their extended producer responsibility to another producer responsibility organisation shall notify the central body of packaging registers without undue delay. The immediate notification shall be required in particular as regards the amount of payments under the financing agreement resulting from the number of producers involved in any other producer responsibility organisation. The provision corresponds to the obligation of other producer responsibility organisations in to inform the § 41 Absatz 4 central body for packaging registers without delay of the conclusion of a contract with a producer, so that there is mutual confirmation of the entrustment of the other producer responsibility organisation. In addition, terminology has been aligned with the EU Packaging Regulation.

Too Absatz 4

Paragraph 4 corresponds in part to the previous provision in Section 15 of the Packaging Act. The obligation to provide a guarantee to be used in case the producer does not comply with the extended producer responsibility obligations has been added. The provision is closely linked to the obligation under Article 47(6) of the EU Packaging Regulation and allows implementation with as little red tape as possible. The lodging of the guarantee is also a condition for admission under § 19. The form of the guarantee is determined by the Central Office for Packaging Registers for the approval procedures. In the third sentence, a clarification has been added as to what aspects must be covered by the existing obligation to set up self-regulation mechanisms for assessing the financial management of manufacturers. These aspects were already covered by the obligation; the addition serves only to clarify the points to be taken into account in particular.

Too Absatz 5

Paragraph 5 corresponds to the previous provision in Section 15(5) of the Packaging Act.

Too Absatz 6

Paragraph 6 clarifies that producers may delegate the obligations set out in paragraphs 1 to 4 to other producer responsibility organisations, with the exception of the documentation obligations and self-control mechanisms set out in the third to sixth sentences of paragraph 3. In particular, the possibility of transferring obligations does not apply to documentation obligations. This obligation remains with the manufacturer. Where necessary, it shall ensure the necessary data exchange through appropriate arrangements with another producer responsibility organisation.

Re § 40 (Obligations of separate collection, recovery and information systems)

§ 40 in terms of its structure, essentially corresponds to the previous Section 14 of the Packaging Act. In implementation of the separate collection requirements under Article 48(1) and (5)(b) of the EU Packaging Regulation, the obligations of separate collection, recovery and information systems are laid down (see the explanatory memorandum for further details § 38).

Too Absatz 1

In terms of its structure, **paragraph 1** corresponds essentially to the current Section 14(1) of the Packaging Act. Other packaging generated as waste by the end user shall be taken back § 39 or taken § 46 back and collected.

Too Absatz 2

Paragraph 2 corresponds in substance to the current Section 14(2) of the Packaging Act.

Too Absatz 3

Paragraph 3 corresponds in substance to the current Section 14(3) of the Packaging Act and, like this, serves to transpose Article 10 of the EU Single-Use Plastics Directive. With regard to the statement of reasons, we would therefore refer you to Bundestag document 19/27634, p. 68 et seq.

In addition to the obligations laid down herein, the systems are subject to the information requirements laid down in Article 55 of the EU Packaging Regulation. The provision in point 1 is also necessary in addition to Article 55(1)(e) of the EU Packaging Regulation in order to transpose Article 10 of the EU Single-Use Plastics Directive, as the latter does

not contain any explicit reference to the marine environment. Article 10(b) of the EU Single-Use Plastics Directive is therefore more specific. According to recital 180 of the EU Packaging Regulation, the EU Single-Use Plastics Directive is 'lex specialis' over the EU Packaging Regulation and should prevail over the EU Packaging Regulation within its scope in case of conflict.

Too Absatz 4

Paragraph 4 corresponds in substance to the current Section 14(4) of the Packaging Act and, like this, serves to transpose Article 8a(3)(e) and (8) of the EU Waste Framework Directive. We would therefore refer you to Bundestag document 19/27634, p. 69 et seq. For the sake of clarity, reference is now also made to the information requirements applicable to the systems referred to in Article 46(4). It also imposes on the systems the obligations set out in Article 55(1) and (2) of the EU Packaging Regulation. Unlike Article 46(4) of the EU Packaging Regulation, Article 55(1) contains an opening clause regarding the choice of the obliged entity. The obligation to provide the information referred to in Article 55(1) and (2) of the EU Packaging Regulation is incumbent on the schemes referred to in **the first sentence** and on § 41 Absatz 5 the other producer responsibility organisations in Germany.

In the **second sentence**, a reference to the obligations under Articles 46(4) and 55(1) and (2) of the EU Packaging Regulation is added. The wording of Article 46(4) of the EU Packaging Regulation, according to which the information referred to is to be published in addition to that referred to in Article 8a(3)(e) of the EU Waste Framework Directive, expands the content of the list of information set out therein. Article 55(1) of the EU Packaging Regulation extends in the same way the list of information requirements in Article 8a(2) of the EU Waste Framework Directive. Consequently, the requirement under Article 8a(8) of the EU Waste Framework Directive that the provision of information to the public under Article 8a does not affect the confidentiality of commercially sensitive information under relevant Union and national law applies equally to the information to be provided under Articles 46(4) and 55(1) of the EU Packaging Regulation.

Re § 41 (obligations of other producer responsibility organisations)

§ 41 addresses the obligations of other producer responsibility organisations. Some of the obligations are based on the obligations of the collection, recovery and information § 40 systems. These obligations are explained in Bundestag documents 18/11274, pp. 96 et seq. and pp. 101 et seq. and 19/27634, pp. 69 et seq. and pp. 72 et seq.

Too Absatz 1

The **first sentence of paragraph 1** regulates the collection of the remaining emptied packaging by the other producer responsibility organisations. Other producer responsibility organisations shall be required to provide a collection structure for all packaging for which they have extended producer responsibility. By analogy with collection by the systems, collection can take place at or near the source sites. It must be free of charge for waste sites which do not themselves qualify as producers, since the costs of collection and recovery under the extended producer responsibility scheme are to be covered by producers through payments to other producer responsibility organisations. The **second sentence** allows for derogations from the first sentence as regards the costs and the place of delivery in the event that the place where the damage occurred is also a producer within the meaning of the definition of producer in the EU Packaging Regulation. The **third sentence** makes it clear that the collection systems must be capable of receiving the packaging waste generated at the places where it is generated, for which the other organisation has extended producer responsibility, in the event of regular emptying. This may require special collection structures and collection rhythms and, where appropriate, must be agreed on a case-by-case basis with the locations where the waste

is produced. The **fourth sentence** distinguishes the scope of operation of other producer responsibility organisations from that of the schemes. Other producer responsibility organisations shall not be allowed to collect waste subject to mandatory participation in the system from private households and comparable sources of waste.

Too Absatz 2

Paragraph 2 requires other producer responsibility organisations to re-use or recover the covered packaging in accordance with the requirements § 42 Absatz 5 of the. This means that packaging waste must be reused as a matter of priority and sent for preparation for re-use or recycling.

Too Absatz 3

Paragraph 3 specifies the documentation obligations of other producer responsibility organisations with regard to the recovery of the packaging covered. The proof shall be provided from the date of approval. The calculation shall be based on the quantities involved in the other producer responsibility organisation. The documentation must break down which materials have been sent for recovery and in what form. Paper, cardboard and cardboard shall be listed together as one type of material. Internal mechanisms shall be put in place to assess the accuracy and completeness of the evidence. If involved manufacturers or the competent Land authorities request the documentation, it must be provided.

Too Absatz 4

Paragraph 4 requires other producer responsibility organisations to notify packaging registers to the central body without delay. The notification shall only include the information referred to in paragraph 4 and shall explicitly not require information on the types and quantities of packaging involved. The immediate notification shall be required in particular with regard to the amount of the payments under the financing agreement resulting from the number of manufacturers involved. The provision corresponds to the obligation for producers to inform § 39 Absatz 3 the central packaging register without delay of the appointment of another producer responsibility organisation, so that there is mutual confirmation of the appointment of the other producer responsibility organisation.

Too Absatz 5

Paragraph 4 transposes Article 8a(3)(e) and (8) of the EU Waste Framework Directive.

In addition to the information requirements under the EU Waste Framework Directive, other producer responsibility organisations must also comply with the information requirements under Articles 46(4) and 55(1) of the EU Packaging Regulation.

Under **point 1 of the first sentence**, information on ownership and membership is to be published. Since the Packaging Law Implementing Act gives other producer responsibility organisations § 3 Absatz 10 the choice of whether to establish themselves as a private-law legal entity or a partnership with legal personality, the reference to 'ownership or membership' ensures that relevant information is published regardless of the form of organisation. The term 'membership' also covers forms of organisation which do not own but have members, such as associations. However, information on which producers with packaging are involved in the other producer responsibility organisation shall not be published.

Under **point 2 of the first sentence**, information on the fees to be paid by manufacturers is to be published. Other producer responsibility organisations can choose whether to

report prices in relation to individual packaging (per unit) or in relation to a certain unit of mass (e.g. per tonne).

The publication of the information referred to in **point 3** does not impose any substantive requirements for the selection procedure in implementation of the European requirements, but merely requires publication of the selection procedure, including the selection criteria, on which an organisation's decision on a recovery facility is based. The aim here too is to improve transparency with regard to the overall regime.

The **second sentence** makes it clear that any information to be published pursuant to the first sentence of paragraph 4 which contains a trade secret need not be published. This provision transposes Article 8a(8) of the EU Waste Framework Directive. Article 8a(8) of the EU Waste Framework Directive clarifies that the relevant EU and national rules on the confidentiality of commercially sensitive information remain unaffected. In order to implement this requirement, information constituting trade secrets does not need to be published. According to the legal definition in Section 2(1) of the Trade Secrets Act, a trade secret is 'information which, neither in its entirety nor in the precise configuration and composition of its components, is generally known among or readily accessible to persons within the circles that normally deal with this type of information, and therefore has economic value, and which is subject, under the circumstances, to reasonable measures of confidentiality by its legitimate holder and for which there is a legitimate interest in secrecy'. This definition also covers those secrets that have hitherto been included in the concept of trade secrets under German law, if this information meets the conditions laid down in Section 2(1)(a) to (c) of the Trade Secrets Act. Business secrets can therefore be both technical and commercial knowledge. For further reasons, see Bundestag document 19/4724, p. 24 et seq. This typically includes, for example, customer and supplier lists and cost information.

Re § 42 (recovery requirements)

This provision implements Article 52(1) of the EU Packaging Regulation. Changes compared to Section 16 of the Packaging Act mainly serve to align with the requirements of the EU Packaging Regulation.

Too Absatz 1

Absatz 1 corresponds to the previous Section 16(1) of the Packaging Act.

Too Absatz 2

Absatz 2 largely in line with the current Section 16(2) of the Packaging Act.

The deletion of preparing for re-use for quota compliance aligns with the EU Packaging Regulation. In practice, preparation for re-use also played little role in quota compliance. Paragraph 1 nevertheless makes it clear that packaging waste should continue to be sent for preparation for re-use and recycling in line with the waste hierarchy.

The quota interface, which, unlike Article 53(3) of the EU Packaging Regulation, applies when entering the first recycling process, is maintained. This means that the rates set here are based on the input to recycling and not on the output from recycling. They shall be measured at the appropriate height. The quota requirements are partially increased compared to the previous requirements contained in Section 16(2) of the Packaging Act, and are partially maintained. The basis is the experience gained from the implementation of the Packaging Act, the findings of the review pursuant to Section 16(7) of the Packaging Act and the commissioned research project, as well as the conclusions of the Federal Environment Agency. It should be borne in mind that for some manufacturers

Article 44(8) of the EU Packaging Regulation will apply, for example with regard to liquid packaging board.

In the case of composite packaging as referred to in points 5 and 6 of the first sentence of paragraph 2 and other packaging composed of more than one material, the recycling of the main packaging material shall continue to be ensured in particular, unless the recycling of another packaging material better meets the objectives of the circular economy. The total mass of the packaging shall be included in the calculation of the rate of the relevant main packaging material in accordance with paragraph 2, both in the case of recycling of the main material type and in the case of recycling of another material.

When calculating rates for the plastic material type, a distinction must be made between a general input rate for recycling in point 6 of the first sentence of paragraph 2 and a material input rate for recycling in the second sentence. This recycling rate for plastic packaging replaces the recovery rate in the current second sentence of Section 16(2) of the Packaging Act. This serves, inter alia, to align with the EU Packaging Regulation. In addition, a recovery rate has become unnecessary, as the recovery quantities are far above the target value and include energy recovery, which does not require any other statutory driver. At the same time, the term 'material recycling rate' (§ 3 Absatz 13see) corresponds to the previous material recovery rate and therefore serves to clarify the concept. Plastic fractions which are not of sufficient quality for material recycling or for which material applications cannot be sufficiently developed should preferably be sent for so-called chemical recycling. The overall recycling rate under point 6 of the first sentence of paragraph 2 is used for this purpose. This is made clear in the third sentence of paragraph 2.

The changed quotas will apply as of 1 January 2028, so that they can feed into the contracts of the systems in a timely manner. In addition, there is § 68 Absatz 6 a transitional provision for 2026 to ensure that, for example, the change in the allocation of the total mass of composite packaging to the main material type does not occur during the year.

Too Absatz 3

Absatz 3 largely in line with the current Section 16(3) of the Packaging Act. The former fourth sentence has not been taken over, as it is obsolete due to the new definition of composite packaging in the EU Packaging Regulation.

Too Absatz 4

Absatz 4 largely in line with the current Section 16(4) of the Packaging Act. The gradual increase in quotas is based on experience from the implementation of the Packaging Act, findings from the review pursuant to Section 16(7) of the Packaging Act and the commissioned research project, and conclusions of the Federal Environment Agency.

Too Absatz 5

Absatz 5 corresponds in substance to the previous Section 16(5) of the Packaging Act. The requirements for recovery are aligned with the general requirements for systems in the first sentence of paragraph 1. In addition, the collection of other producer responsibility organisations shall § 41 Absatz 1 be completed in accordance with.

Too Absatz 6

The new EU Waste Shipment Regulation requires a rewording of **Absatz 6**. With the exception of the quota interface, paragraph 5 corresponds to Article 53(11) of the EU Packaging Regulation.

Re § 43 (quantity flow statement)

Section 43 largely corresponds to the current Section 17 of the Packaging Act. Amendments are intended to align with the revision of the current Section 16 of the Packaging Act in § 42. The title has also been adjusted. Reference is also made to the explanatory memorandum to the Act in Bundestag documents 18/11274, pp. 101 and 19/27634, p. 72.

Re Kapitel 7 (beverage packaging)

Re § 44 (promotion of reusable beverage packaging)

The provision largely corresponds to the previous Section 1(3) of the Packaging Act. Article 31 of the EU Packaging Regulation requires reporting on re-use targets from reporting year 2030 onwards. This is based on reports from economic operators in accordance with Article 29(1)-(8) of the EU Packaging Regulation. Depending on the specific design of related provisions in national law, the necessity of the obligation to obtain data laid down here may be reviewed in the future. The term 'reusable beverage packaging' is replaced by 'reusable beverage packaging' in line with the definitions in the EU Packaging Regulation. Beverage packaging is § 3 Absatz 2 defined in. Like other types of packaging, beverage packaging is considered reusable if it meets the requirements of Article 11(1) of the EU Packaging Regulation. The term 'multi-use promotion' is replaced by 'promotion of reuse of packaging' in line with the definition in Article 3(1)(27) of the EU Packaging Regulation.

On § 45 (minimum recycled content in single-use plastic beverage bottles)

This provision corresponds in substance to the previous § 30a of the Packaging Act.

In the medium term, Article 7(1) of the EU Packaging Regulation takes precedence. Accordingly, if the date of application of Article 7(1) of the EU Packaging Regulation is known (from 1 January 2030 or three years after the entry into force of the implementing act referred to in Article 7(8) of the EU Packaging Regulation, whichever is the later), it will be specified that it will cease § 45 to apply on that date.

In addition, the EU Packaging Regulation defines single-use plastic beverage bottles in Article 3(1)(54). This needs to be aligned § 45 linguistically.

Most of the exemptions in the current Section 30a(3) of the Packaging Act apply directly pursuant to Article 3(1)(54) of the EU Packaging Regulation in conjunction with Part F of the Annex to the EU Single-Use Plastics Directive. At the same time, the definition in the EU Packaging Regulation is exhaustive. Therefore, this paragraph is deleted in its entirety.

Too Absatz 1

Absatz 1 corresponds in substance to the provision of the previous Section 30a(1), first sentence, of the Packaging Act and serves to transpose Article 6(5)(a) and (b) of Directive (EU) 2019/904. The transposition requirement applies as long as the rule is not repealed on the basis of the amendment order provided for in Article 67(2) of Regulation (EU) 2025/40. The point of reference for calculating the average is the making available on the territory of the Federal Republic of Germany. This is in line with the wording in the EU Packaging Regulation. At the same time, making available in Germany is still to be understood as placing on the market in accordance with Article 3(6) and the first sentence of Article 6(5) of the Single-Use Plastics Directive.

Too Absatz 2

Paragraph 2 corresponds in substance to the provisions of the previous Section 30a(1), second sentence, of the Packaging Act.

Too Absatz 3

Absatz 3 corresponds in substance to the previous Section 30a(2) of the Packaging Act.

On § 46 (movement and take-back obligations for single-use beverage packaging)

Too Absatz 1

The term 'final consumer' used in the second and fourth sentences of § 31(1) of the current Packaging Act is replaced in the second and fourth sentences by the term 'final consumer' within the meaning of Article 3(1)(23) of the EU Packaging Regulation. In addition, the point of reference for placing the product on the market is replaced by making it available on the national territory.

The term 'manufacturer' used until now has been replaced by the newly introduced term 'Erstinverkehrrr'. The term 'distributor' used so far has been replaced by the term 'distributor'. This is intended to ensure that the persons subject to the single-use deposit system remain the same as in the previous legal situation. This avoids unnecessary switching burdens and protects an established system. Article 50 of the EU Packaging Regulation only obliges Member States to set up deposit and return systems, but does not specify the specific addressees for these schemes. In this respect, Member States are free to define the obliged entities of the deposit and return system independently. The other obligations of manufacturers are not affected by the transfer of the obligations of the single-use deposit to first-time distributors and distributors.

The requirement in the third sentence for uniform labelling of single-use packaging for beverages serves to implement the first sentence of the fourth subparagraph of Article 12(1) of the EU Packaging Regulation. According to this rule, packaging covered by deposit and return systems under Article 50(1) of the EU Packaging Regulation will be labelled with a clear and unambiguous label. The third sentence specifies this requirement. The marking shall not only be clear and unambiguous but shall be indelible, clearly legible and in a conspicuous place.

The first sentence of the fourth subparagraph of Article 12(1) of the EU Packaging Regulation applies, as single-use beverage packaging is subject to a deposit and return system under Article 50(1) of the EU Packaging Regulation.

Article 3(1)(62) of the EU Packaging Regulation defines a deposit and return system as a system where the end user, when purchasing a packaged or filled product covered by that system, is required to pay a deposit which is refunded when the deposit bearing packaging is returned through one of the collection systems set up by the national authorities for that purpose. The present provision requires a deposit of EUR 0.25 to be charged on every submission of packaging covered by the deposit and return system. This deposit is refunded when the packaging is returned to one of the distributors required by law. The uniform deposit system referred to in the fourth sentence makes this decentralised return system possible through the settlement of deposit refund claims between producers and distributors. The administrative approval of the collection system, which is ensured by the obligation on distributors, exists a fortiori where the law – as in the present case by § 46 Absatz 2, or previously by Paragraph 31(2) of the Packaging Law – provides for and authorises that collection system as the only possible. Consequently, the deposit and return system established in Germany is a deposit and return system under Article 3(1)(62) of the EU Packaging Regulation.

It is also a deposit and return system established before the entry into force of the EU Packaging Regulation, to which the second subparagraph of Article 50(11) of the EU Packaging Regulation applies, provided that the collection target pursuant to the first subparagraph of Article 50(1) is also achieved in the future. This is because the deposit and return system regulated in the fourth sentence of Section 29(1) of the previous Packaging Act already existed well before the entry into force of the EU Packaging Regulation on 11 February 2025. The deposit and return system was introduced in its consolidated form in 2005 and has continued since then, with various changes in detail.

Producers within the meaning of the first sentence shall be § 19 required to be authorised and shall fulfil their extended producer responsibility on an individual basis and not through an entrusted extended producer responsibility organisation.

Too Absatz 2

Here too, the term 'final consumer' is replaced by the term 'final consumer'. In addition, the term 'final distributor' is replaced by the term 'final distributor' in Article 3(1)(21) of the EU Packaging Regulation. The term 'distribution' is aligned with the definitions used in the EU Packaging Regulation and replaced by 'distance selling'. In accordance with Article 1(1)(b)(i) of Directive (EU) 2015/1535, distance selling means 'without simultaneous physical presence'. It therefore covers B2B and B2C transactions which take place without the simultaneous physical presence of the parties to the contract, such as online sales (see Article 3(1)(8) of the EU Packaging Regulation).

Too Absatz 3

In **paragraph 3**, only the references to other provisions are adapted.

Too Absatz 4

The first sentence of **subparagraph 4**, like the previous first sentence of Paragraph 31(4) of the Packaging Act, provides for exemptions from subparagraphs 1 to 3. In the first sentence, point 1, the words 'scope of this Act' shall be replaced by 'territory' and 'final consumer' shall be replaced by 'final consumer'. Several references in other regulatory texts are updated in point 7 of the first sentence. The Packaging Law Implementing Act – like the Packaging Act previously – is based on the provisions of food law on different beverages and foodstuffs. Therefore, various references are made in food legislation and these references are updated accordingly.

The amendment to point 7(c) of the first sentence adds non-alcoholic and alcohol-reduced wine-like drinks and mixed drinks. These are already covered by the definition of wine-like beverages via § 10(7) of the Ordinance on Certain Alcoholic Beverages (AGeV), so this is a clarification.

The reference in point 7(g) of the first sentence has been adapted to reflect the current state of regulation of milk and milk products. This does not change the substance.

The amendments to point 7(h) and (i) of the first sentence are intended to make it clear for practical purposes that the name of the beverage permitted under food labelling law is decisive. In this way, it is clear to the consumer, like the enforcement authorities, from the name of the beverage whether the beverage is subject to an exemption from the deposit and return obligation.

Point 7(j) of the first sentence of Section 31(4) of the Packaging Act has hitherto referred to dietetic beverages within the meaning of the Dietary Regulation of 28 April 2005 (BGBl. I, p. 1161). The Dietary Regulation was replaced by European Regulation (EU) No 609/2013. The definition of single-use plastic beverage bottles in Article 1(3)(54) of the EU

Packaging Regulation refers to Part F of the Annex to the EU Single-Use Plastics Directive. According to that provision, beverage bottles intended and used for liquid food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 are not covered by the single-use plastic products defined therein. Consequently, beverage bottles for these purposes are not considered to be single-use plastic beverage bottles within the meaning of the EU Packaging Regulation. In order to create greater consistency between the deposit and return regime and European law, the derogation in paragraph 4(7)(j) is adapted accordingly.

A new point (k) has been added to provide for an exemption for non-alcoholic spirit drinks alternatives. Drinks, which act as non-alcoholic or very low-alcohol alternatives to spirit drinks, are increasingly becoming established on the market. The design and presentation of these beverages are often very similar to comparable spirit drinks. However, as these alternative products are often made from water and other ingredients, they have so far been subject to the deposit obligation. This is not appropriate in view of the quantity produced and the type of use. The aim of the scheme is to achieve an effective demarcation vis-à-vis soft drinks. An indication of the existence of an alcohol-free or alcohol-reduced alternative to a beverage under heading 2208 of the Combined Nomenclature within the meaning of Section 1(2)(1)(a) in conjunction with Section 1(4) of the Alcohol Tax Act is, in particular, the presentation pursuant to Article 7(4)(b) of Regulation (EU) No 1169/2011. In addition, the descriptive name of the beverage must indicate a beverage falling under heading 2208 of the Combined Nomenclature within the meaning of Section 1(2)(1)(a) in conjunction with Section 1(4) of the Alcohol Tax Act. The taste and smell of the drink may also be used as criteria for determining whether the alternative is non-alcoholic or alcohol-reduced. The presentation referred to in Article 7(4), point (b), of Regulation (EU) No 1169/2011 shall include the form, appearance or packaging, the packaging materials used, the way they are arranged and the setting within which they are presented. When packaging and packaging materials are used, particular account must be taken of the bottle shape, which, in the case of the alternative spirit drinks, is generally based on, or even entirely similar to, comparable spirit drinks. The framework of the presentation is usually in the context of spirits containing alcohol in the relevant section of the point of sale and not with soft drinks subject to a deposit.

In accordance with the second sentence, the exemption provided for in point 7 of the first sentence of paragraph 4 shall not apply to beverages packaged in single-use plastic bottles and beverage cans. The previous provision contained a transitional arrangement which did not bring certain parts of the scheme into force until 1 January 2024. This transitional provision, which has become redundant, has been removed.

Too Absatz 5

The provision previously contained in the fourth sentence of Section 1(3) of the Packaging Act was added to paragraph 5. In implementation of the fourth subparagraph of Article 9(1) of Directive (EU) 2019/904, it was added that the separate collection rates for single-use plastic beverage bottles do not apply in the case of Section 9(3)(1) of the Circular Economy Act. It corresponds in substance to point (a) of Article 10(3) of Directive 2008/98/EC, as referred to in the fourth subparagraph of Article 9(1) of Directive (EU) 2019/904, and the date from which the scheme took effect on 1 January 2025 has been deleted as it has now been reached. This does not entail any substantive changes.

Re § 47 (Whistleblowing obligations)

No substantive changes have been made. Only the term 'final distributor' is replaced by the term 'final distributor' under Article 3(1)(21) of the EU Packaging Regulation and the term 'final consumer' is replaced by the term 'final consumer' under Article 3(1)(23) of the EU Packaging Regulation. Reusable beverage packaging is used instead of reusable

beverage packaging and should be understood in the sense of Article 11 of the EU Packaging Regulation.

The term 'distribution' is aligned with the definitions used in the EU Packaging Regulation and replaced by 'distance selling'. In accordance with Article 1(1)(b)(i) of Directive (EU) 2015/1535, distance selling means 'without simultaneous physical presence'. It therefore covers B2B and B2C transactions which take place without the simultaneous physical presence of the parties to the contract, such as online sales (see Article 3(1)(8) of the EU Packaging Regulation).

On the other hand, the obligation to use the 'multiple-use' character remains, since the term has already become established in everyday language. A change to another term could lead to confusion among consumers, thereby undermining the achievement of the purpose of the obligation to provide information. An amendment could take place after the adoption of the implementing act pursuant to Article 12(6) of the EU Packaging Regulation on the basis of the third sentence of Article 12(2) of the EU Packaging Regulation.

Re Kapitel 8 (Central Packaging Register Office)

On § 48 (establishment and legal form; Foundation statutes)

§ 48 corresponds, in essence, to the previous Section 24 of the Packaging Act. The legal basis under EU law for the establishment of the Central Packaging Register Office is now to be found in the second sentence of Article 46(2) of the EU Packaging Regulation. Accordingly, Member States shall appoint or entrust the competent authority with the appointment of an independent third party to monitor the compliance of producer responsibility organisations with the extended producer responsibility obligations in a coordinated manner. The Central Unit for Packaging Registers already monitors the coordinated fulfilment of the systems' obligations, e.g. by checking the quantity flow statements or the system messages. From now on, it also carries out tasks in relation to other producer responsibility organisations. It is also, inter alia, the competent authority for the authorisation under Article 47 of the EU Packaging Regulation of producers of non-systematic packaging, other producer responsibility organisations and industry solutions. In addition, the Central Unit for Packaging Registers is part of the monitoring and enforcement framework under Article 8a(5) of the EU Waste Framework Directive.

Too Absatz 1

Paragraph 1 continues to provide the basis for the inspection by the Central Office for Packaging Registers. The Central Packaging Register Office was set up in 2017 on the basis of the previous Section 24(1) of the Packaging Act. It became operational on 1 January 2019. The central packaging register body remains in place in accordance with the first sentence. There are no plans to reconstruct the central packaging register. The Central Office for Packaging Registers is to be reconstructed only in accordance with the second sentence in the event of dissolution in accordance with the previous Central Office for Packaging Registers. The addressees referred to in the second sentence differ slightly from those referred to in the previous Section 24(1) of the Packaging Act due to the new definitions in the EU Packaging Regulation. The terms which differ from the previous Section 24(1) of the Packaging Act nevertheless serve to align the groups of addressees. The term 'producer' has been added, as the term 'distributor' is now defined differently in Article 3(1)(18) of the EU Packaging Regulation than in the previous Section 3(12) of the Packaging Act. Without the addition made, it would no longer be addressed, for example, who, pursuant to Article 3(1)(13)(a) of the EU Packaging Regulation, manufactures empty sales packaging under his own name and makes it available in Germany. The person concerned would be the manufacturer of the empty sales packaging. According to the new definition of distributor under Article 3(1)(18) of the EU Packaging Regulation, the person who is already a producer cannot also be a distributor at the same time. The term

'manufacturer' applies to sales packaging under Article 3(1)(15)(b) and (d) of the EU Packaging Regulation only in relation to the packaged product and is therefore also not relevant.

Up Absatz 2 to 4

The changes in **paragraphs 2 to 4** are consequential adjustments to the changes in paragraph 1 and the change in the name of the competent Federal Ministry.

Re § 49 (organisation)

§ 49 corresponds in part to the provision in the current Section 28 of the Packaging Act; reference is therefore made to Bundestag document 18/11274 from page 130 onwards.

Too Absatz 1

Paragraph 1 corresponds to the provision in the current Section 28(1) of the Packaging Act.

Too Absatz 2

In **paragraph 2**, the additional task of the Board of Trustees to § 51 Absatz 6 decide on the borrowing of loans has been added. In the composition of the Board of Trustees, two representatives from the group of manufacturers of non-systematic packaging were added. The central body for packaging registers receives additional tasks relating to packaging that is not subject to mandatory participation in the system and is also financed by the manufacturers of packaging that is not subject to mandatory participation in the system in relation to these tasks. These new tasks and new financial contributions will also be reflected in the composition of the Board of Trustees. Manufacturers affected by the new tasks will also be involved in the design of the central packaging register and in the internal decision-making processes. The weighting of manufacturers of different types of packaging reflects the different focus of the work of the central packaging register. Even with the new tasks added, the vast majority of the tasks of the central body for packaging registers concern packaging subject to compulsory participation in the system, which is why it is appropriate for the Board of Trustees to weigh this up. In the event that the organisation for financing reduction and prevention measures is not established or the funds collected have not been distributed in accordance with their intended purpose within five years, the Central Packaging Register Unit shall distribute the funds to charitable corporations in order to promote the It is inherent in this that a decision is made as to which entities should receive the funds. To this end, the Board of Trustees proposes appropriate entities to the Board of Directors.

Too Absatz 3

Paragraph 3 corresponds to Section 28(3) of the Packaging Act.

Too Absatz 4

The Management Board shall also include, in addition, two representatives from the group of producers of packaging not subject to mandatory participation in the system and one representative from the other producer responsibility organisations. As with the reorganisation of the Board of Trustees under paragraph 2, the aim here is also to include the manufacturers and organisations now more affected in the internal organisation of the central packaging register.

Too Absatz 5

Paragraph 5 corresponds to the current Section 28(5) of the Packaging Act. The work of the advisory board on collection, sorting and recovery is limited in content to the area of packaging subject to the obligation to participate in the system. Accordingly, unlike for the other bodies of the Central Packaging Register, no representatives of other producer responsibility organisations are required here.

Too Absatz 6

Paragraph 6 corresponds to the current Section 28(6) of the Packaging Act.

On § 50 (funding from schemes and operators of industry solutions)

The obligation to conclude financing agreements with the Central Packaging Register Unit will be extended § 51 to other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system. The definition of the Financing Agreement can now be found in § 3 Absatz 15. The financing of the central packaging register by the systems and operators of sectoral solutions changes little compared to the previous Section 25 of the Packaging Act; the basic functioning of the financing in this area remains unchanged. In particular, the allocation of costs within the group of systems and operators of industry solutions on the basis of their respective market shares remains valid. Unlike in the past, certain costs of the central body for packaging registers, the so-called general costs under § 53, are now co-financed by the other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system, in addition to the systems and operators of industry solutions. Please § 51 refer to the explanatory memorandum for the specific requirements for financing agreements applicable to other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system.

Too Absatz 1

Paragraph 1 largely corresponds to the current Section 25(1) of the Packaging Act. In addition to the construction costs, extension costs of the central packaging register will also be financed in future. This concerns costs arising not from the (first) establishment of the central packaging register, but from an extension or modification of its tasks.

Too Absatz 2

Paragraph 2 largely corresponds to the current Section 25(2) of the Packaging Act. In addition, a distinction is now made between the estimated costs of carrying out tasks that can only be attributed to packaging subject to system participation and the estimated share of its overheads in accordance with § 53. The background is the addition of a further group of economic operators, consisting of the other producer responsibility organisations and producers of packaging not subject to compulsory participation in the system, who must henceforth participate in § 51 Absatz 1 Satz 1 the financing of the central body for packaging registers. Which costs are passed on to which economic operators depends on which packaging – which is subject to a system participation obligation or is not subject to a system participation obligation – can be attributed to them.

The surcharges to be paid by the schemes and operators of industry solutions are part of a high-level common surcharge, which additionally consists of the surcharges of the other producer responsibility organisations and the producers of packaging that is not subject to mandatory participation in the scheme. See in this respect § 52.

Too Absatz 3

The **first and second sentences of paragraph 3** correspond to the current Section 25(3) of the Packaging Act.

According to the new **third sentence**, in addition to the costs referred to in the second sentence of paragraph 2, the central body for packaging registers must also include the expenditure necessary for initial investments in the calculation of the surcharge referred to in paragraph 2 and thus also in the subsequent calculation referred to in paragraph 4, in so far as this is necessary due to the addition of statutory tasks, general advances, in particular technological advances, or to the maintenance of the information technology security of the central body for packaging registers. The scheme allows the Central Office for Packaging Registers, in particular, to incur expenditure necessary for the performance of new tasks and to refinance them through the levy under the financing agreements. The surcharge and the subsequent calculation shall be calculated for necessary expenditure in the same way as for costs under the second sentence of paragraph 2.

Too Absatz 4

Paragraph 4 corresponds to the current Section 25(4) of the Packaging Act.

Too Absatz 5

Paragraph 5 largely corresponds to the current Section 25(5) of the Packaging Act. The concept of total levy revenue § 52, together with the reference to the fact that the levies to be paid by the schemes and operators of industry solutions and by the other producer responsibility organisations and producers of packaging not subject to mandatory participation under § 51 paragraph 2 are shares of a common total levy, which must be approved by the Federal Environment Agency. After calculating the total levy revenue, the Central Body for Packaging Registers shall distribute the estimated costs among the contractors referred to in the first sentence of § 50 paragraph 1 and the first sentence of § 51 paragraph 1 in accordance with the legal requirements. The new requirements form part of and complement the current financing system. Financing by other producer responsibility organisations and producers of packaging not subject to mandatory participation is therefore not a parallel, separable mechanism.

The addition to the second sentence is a consequential amendment to include the necessary expenditure for initial investment in accordance with paragraph 4. These are included in the obligation to approve the levy revenue and the subsequent calculation at the Federal Environment Agency.

Too Absatz 6

Paragraph 6 corresponds to the current Section 25(6) of the Packaging Act.

On § 51 (Funding by other producer responsibility organisations and by producers of packaging not subject to mandatory participation in the system)

In addition to the already existing levies paid by the schemes and operators of industry solutions, an extension of the existing financing mechanism for those producers and organisations will be established due to the new tasks of the Central Body for Packaging Registers, in particular concerning the authorisation of producers of packaging not subject to mandatory participation in the scheme and other producer responsibility organisations. This shows that the central body for packaging registers also carries out important tasks for these stakeholders and that the resulting costs cannot be charged solely to the systems and operators of industry solutions, but must be borne by the aforementioned stakeholders in the spirit of extended producer responsibility.

Too Absatz 1

Paragraph 1 establishes the obligation for other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system, in particular packaging to § 39 Absatz 1 Satz 1 and single-use § 46 beverage packaging, to participate in the financing of the central body for packaging registers by concluding financing agreements. If a producer has transferred all its packaging to one or more other producer responsibility organisations, it does not need to enter into a financing agreement itself. However, if a producer takes over the extended producer responsibility obligations himself for at least part of its packaging, it must also conclude its own financing agreement. Financing agreements shall be concluded electronically, by means of simple electronic confirmation, in order to reduce the administrative burden both for the Central Unit for Packaging Registers and for the economic operators concerned.

Too Absatz 2

The **first sentence** corresponds to a large extent § 50 Absatz 2 Satz 1. Although all the economic operators § 51 Absatz 1 Satz 1 referred to in § 50 Absatz 1 Satz 1 and participate in the overall levy to finance the central body, packaging registers are subject to § 50 Absatz 2 Satz 1 § 51 Absatz 2 Satz 1 their own and sometimes divergent requirements. While, for example, in the case of the surcharges, the amounts overpaid are, where appropriate, repaid § 50 after the conclusion and approval of the subsequent calculation, no repayment is made in the case of the surcharge under that provision. If the actual costs are lower than the forecasted costs, the excess amounts shall either be used to build up a reserve in accordance with paragraph 5 or offset against the contributions of the following two calculation periods. This difference from the levies § 50 Absatz 2 is mainly due to the fact that the payment is made by a large number of producers and other producer responsibility organisations and will therefore be relatively small in each case. Accordingly, a possible repayment would also be low, so that the administrative burden of a repayment and the associated costs, which in turn would have to be borne by producers and other producer responsibility organisations, would be disproportionate to the amounts actually repaid.

Other producer responsibility organisations and producers of packaging not subject to mandatory participation in the system shall not be entitled to reimbursement of the surcharge if they cease operations during the year. The reasons for excluding recovery are, in particular, the fact that the central body for packaging registers incurred expenditure in relation to the economic operator concerned even if it left the market during the year, in order to avoid circumvention of the financing obligation and to avoid cross-subsidisation, even temporary, by the systems and operators of industry solutions in the event of cost over-compensation. Furthermore, the multiplicity of contractors would involve a disproportionate amount of effort. These substantive reasons do § 50 Absatz 1 Satz 1 not apply to economic operators. In particular, a suspension of the operation of a system or an operator of an industry solution during the course of a year may be taken into account in the calculation of market share.

Too Absatz 3

The central body for packaging registers calculates, for each manufacturer of packaging registers not subject to compulsory participation in the system, the share to be borne of the costs incurred by the central body for packaging registers not subject to compulsory participation in the system and the associated overhead costs (for overhead costs, see justification for § 52). These shall be distributed among the approved manufacturers. Each producer has the same share. This is appropriate because the expenditure incurred by the Central Body for Packaging Registers is independent of the size of the manufacturers or the quantity of packaging made available in each case.

Where a producer has engaged its packaging with another producer responsibility organisation in the relevant calendar year, thereby assuming extended producer responsibility obligations on its behalf, the other producer responsibility organisation shall pay the amount attributable to that producer to the central packaging register. The number of producer payments to be made by another producer responsibility organisation shall be equal to the number of producers that have participated in packaging with it in the relevant calendar year. Where a producer has participated in packaging with several other producer responsibility organisations, each of those organisations shall pay a producer contribution on its behalf. Where a producer has partially participated in its packaging with one or more other producer responsibility organisations and partially fulfils the extended producer responsibility obligations itself, both the organisation or organisations and the producer itself shall each pay a producer contribution. It does not matter whether the holding relates to the entire calendar year or covers only parts of the year. The costs incurred by the central body for packaging registers, in particular for verification and management, increase when a producer is involved in several other producer responsibility organisations, irrespective of the period of time covered by that involvement of the packaging. Against this background, it is appropriate for the number of producer payments to increase. At the same time, it provides an incentive for producers and other producer responsibility organisations to enter into long-term contracts, in particular to ensure the long-term and predictable management and recovery of packaging waste.

Too Absatz 4

Paragraph 4, in conjunction with § 50 Absatz 5, provides that the obligation of the central body packaging registers to carry out a post-calculation also extends to the total levy under § 52, i.e. also to the levies to be paid by the other producer responsibility organisations and producers of packaging not subject to compulsory participation in the system. Unlike the systems and operators of industry solutions, there is no repayment from any possible over-recovery of costs. Instead, the purpose of the subsequent calculation here is to evaluate the amount of the payment, so that it can subsequently be reduced or increased, and to determine whether there is any over-recovery of costs, which can be reduced over the following two calculation rooms or used as reserves under the conditions laid down in paragraph 5.

Too Absatz 5

The Central Office for Packaging Registers may, in accordance with **paragraph 5**, establish reserves for the purposes specified in points 1 to 3. The purpose of this is to enable the Central Office for Packaging Registers to build up reserves for foreseeable and unforeseen expenditure. This ensures the stable continuity, continued functioning and safety of the central packaging register. For the purpose of this reserve, the central body for packaging registers may include a top-up of a maximum of 10 % of the payment revenue in the calculation of the payments made by producers and other producer responsibility organisations. The amount of the reserve is limited, so that the central body for packaging registers can fulfil the aforementioned functions by means of the reserve, but at the same time producers and other producer responsibility organisations are not overburdened. Any amounts remaining as a result of this limitation are to be reduced by the payment in the following calculation period.

Too Absatz 6

The central body for packaging registers must carry out significant reorganisations and investments, in particular with regard to the area of responsibility relating to packaging that is not subject to compulsory participation in the system. In order to finance these, it is necessary for the Central Office for Packaging Registers to be able to take out loans and, if necessary, secure them by obtaining a guarantee or other security interests. It also covers investments made necessary by the entry into force of Article 44 of the EU

Packaging Regulation. In order to repay the loans, provision is made for them to be repaid through the payment of non-systematic packaging producers and other producer responsibility organisations. In order to ensure that this repayment does not fall exclusively on producers and organisations operating in the first year following the start of the loan repayment, the repayment shall be spread over at least three calendar years. Producers and organisations benefit in the long term from the investments made and are also responsible for bearing these costs in the spirit of extended producer responsibility. According to Section 46(2), the Board of Trustees of the Central Packaging Register also decides whether to take out loans. When taking out the loans, the Central Office for Packaging Registers must act economically and economically in order to avoid placing an excessive burden on the economic operators concerned. The Federal Environment Agency must give its prior approval for taking out a loan, otherwise the loan agreement will be invalid. This also serves to ensure that excessive burdens do not arise.

Re § 52 (total levy and calculation period)

The provision makes it clear that the surcharges are successively § 50 Absatz 2 and § 51 Absatz 2 each part of a single overall surcharge. This overall levy covers the costs of the entire business of the central packaging register. Therefore, in accordance with paragraph 2, a single calculation period of no more than one financial year is to be used.

On § 53 (overheads)

Certain costs incurred by the central body for packaging registers do not relate directly to the tasks of the central body for packaging registers associated with packaging subject to mandatory participation in the system, nor to the tasks associated with packaging not subject to mandatory participation in the system. However, these overheads must also be borne by the manufacturers of packaging as a whole. Therefore, overheads are allocated in accordance with the requirements of this paragraph.

Too Absatz 1

Paragraph 1 first describes overheads in general terms.

Too Absatz 2

Common costs shall be shared between the schemes, the operators of industry solutions, the other producer responsibility organisations and the producers of non-systematic packaging.

Too Absatz 3

Overheads also include the costs of operating the register of producers and the costs of carrying out compositional surveys of municipal waste in accordance with Article 45(2)(b) of the EU Packaging Regulation. It also requires schemes and other producer responsibility organisations to set their participation fees at a level that covers the costs of the compositional surveys of municipal waste that they pay to the central unit for packaging registers through overheads. Article 45(2)(b) of the EU Packaging Regulation provides that manufacturers' financial contributions must cover those costs. This is ensured by the present provision. The overhead costs are indirectly borne by both producers of packaging subject to system participation and packaging not subject to system participation. Packaging not subject to compulsory participation in the system may also be generated in mixed municipal waste, so that the distribution of costs among all packaging manufacturers is appropriate. In accordance with Section 43(2), second sentence, point 10, the central body for packaging registers shall, as a next step, reimburse the Federal Environment Agency for the costs incurred in the context of the compositional surveys of collected mixed municipal waste pursuant to Article 45(2), point

(b), of Regulation (EU) 2025/40. More details on the transposition of Article 45(2)(b) of the EU Packaging Regulation can be found in the explanatory memorandum to § 43(2), second sentence, point 10.

Too Absatz 4

Paragraph 4 governs the apportionment of overheads between the various persons liable for payment. The systems and operators of sectoral solutions, on the one hand, and producers of packaging that is not subject to the obligation to participate in the system, in particular packaging to § 39 Absatz 1 Satz 1 and from § 46 the packaging subject to the deposit obligation and other producer responsibility organisations, on the other hand, shall each be regarded as one group. The overheads are divided between these two groups by the Central Packaging Register Office. The apportionment shall be carried out in a proportionate manner and in accordance with objective criteria. It is based on the ratio of the costs incurred by the central body for packaging registers for the tasks clearly assigned to each of the two groups.

Too Absatz 5

The criteria for apportioning overheads shall be drawn up by the Central Office for Packaging Registers and reviewed regularly, and at least every three years, and adjusted if necessary. Both the initial establishment and the amendment of the criteria must be approved in advance by the Federal Environment Agency.

Re § 54 (tasks)

The provision is structured in accordance with the provisions of the previous Section 26 of the Packaging Act. The tasks have been adapted to the new tasks arising from the EU Packaging Regulation.

Too Absatz 1

The first sentence contains a statutory entrustment of the central packaging register with the public authority tasks listed in the second sentence (for the reasons for this loan-to-value model, see Bundestag document 18/11274 from page 123). In this respect, the Central Office for Packaging Registers therefore acts as an authority. Under Section 47(1), it is subject to the legal and technical supervision of the Federal Environment Agency.

The second sentence lists in detail the individual public authority tasks in points 1 to 47. This defines the scope of the public authority's activities in very specific terms. Large parts of the responsibilities of the Central Packaging Register Office correspond to the tasks already completed by the Central Packaging Register Office under the Packaging Act. In this respect, we would refer you to Bundestag document 18/11274 from page 128 onwards. In particular, tasks related to the authorisation of other producer responsibility organisations and

Too Nummer 1

The task corresponds to that under point 1 of the second sentence of Section 26(1) of the Packaging Act. The task of revoking § 6 Absatz 4 Satz 4 registrations has been added.

Too Nummer 2

The task corresponds to that under Section 26(1) sentence 2 point 17 of the Packaging Act.

Too Nummer 3

The task corresponds to that under Section 26(1) sentence 2 point 18 of the Packaging Act.

Too Nummer 4

This point already stipulates that the Central Body for Packaging Registers is the competent authority for the register under Article 44 of the EU Packaging Regulation.

Too Nummer 5

The task corresponds to that under point 2 of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 6

The task corresponds to that under point 3 of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 7

The task corresponds to that under Section 26(1) sentence 2 point 4 of the Packaging Act.

Too Nummer 8

The task corresponds to that under point 5 of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 9

The task corresponds to that under Section 26(1) sentence 2 point 6 of the Packaging Act.

Too Nummer 10

The new task relates to the approval of manufacturers of packaging not subject to mandatory participation in the system in accordance with § 19.

Too Nummer 11

The newly added task relates to the approval of producers of non-systematic packaging to § 19 and from other producer responsibility organisations under § 22.

Too Nummer 12

The newly added task relates to the approval of producers of non-systematic packaging to § 19 and from other producer responsibility organisations under § 22.

Too Nummer 13

The newly added task relates to the approval of producers of non-systematic packaging to § 19 and from other producer responsibility organisations under § 22.

Too Nummer 14

Partly in line with Section 26(1) sentence 2 point 19 of the Packaging Act. The security under the former Section 8(5) has been § 22 Absatz 4 replaced by the security under. The corresponding role of the Central Packaging Register Office can be found in point 12.

Too Nummer 15

The newly added task relates to the authorisation of producers of packaging not subject to mandatory participation in the system § 19 and the authorisation of other producer responsibility organisations under § 22.

Too Nummer 16

The task corresponds to that under point 7a of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 17

The task corresponds to that under § 26(1) sentence 2 point 8 of the Packaging Act.

Too Nummer 18

The task corresponds to that laid down in point 9 of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 19

The task corresponds to that under point 8a of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 20

Largely in line with Section 26(1), second sentence, point 22, with the addition of the possibility of issuing and publishing procedural instructions on the approval of producers of packaging not subject to mandatory participation in the system and other producer responsibility organisations.

Too Nummer 21

The task corresponds to that under Section 26(1) sentence 2 point 12 of the Packaging Act.

Too Nummer 22

The task corresponds to that under Section 26(1) sentence 2 point 13 of the Packaging Act.

Too Nummer 23

The task corresponds to that under Section 26(1) sentence 2 point 14 of the Packaging Act.

Too Nummer 24

The task corresponds to that under Section 26(1) sentence 2 point 15 of the Packaging Act.

Too Nummer 25

The task corresponds to that under Section 26(1) sentence 2 point 16 of the Packaging Act.

Too Nummer 26

The newly added task concerns the authorisation of other producer responsibility organisations under § 22.

Too Nummer 27

The newly added task concerns the authorisation of producers of packaging not subject to mandatory participation in the system to § 19 and from other producer responsibility organisations § 22.

Too Nummer 28

The task corresponds to that under § 26(1) sentence 2 point 10 of the Packaging Act.

Too Nummer 29

The task corresponds to that under Section 26(1) sentence 2 point 10a of the Packaging Act.

Too Nummer 30

The task corresponds to that under Section 26(1) sentence 2 point 11 of the Packaging Act.

Too Nummer 31

Corresponds largely to point 6a of the second sentence of Section 26(1) of the Packaging Act; the corresponding tasks in relation to other producer responsibility organisations have been added.

Too Nummer 32

The task corresponds to that under Section 26(1) sentence 2 point 7 of the Packaging Act.

Too Nummer 33

The task corresponds to that under Section 26(1), second sentence, point 23 of the Packaging Act.

Too Nummer 34

Largely in line with Section 26(1) No 24 of the Packaging Act, however, reference is no longer made to the term 'reusable packaging' within the meaning of Section 3(3) of the Packaging Act, but to 'reusable packaging' within the meaning of Article 11(1) of the EU Packaging Regulation.

Too Nummer 35

The task corresponds to that under point 25 of the second sentence of Section 26(1) of the Packaging Act.

Too Nummer 36

The task corresponds to that under Section 26(1) sentence 2 point 26 of the Packaging Act.

Too Nummer 37

This task concerns the register of inspectors pursuant § 56to. The corresponding task was previously regulated in Section 26(1), second sentence, point 27 of the Packaging Act.

Too Nummer 38

This task concerns the register of inspectors pursuant § 56to. The corresponding task was previously regulated in Section 26(1), second sentence, point 27 of the Packaging Act.

Too Nummer 39

The task corresponds to that under Section 26(1), second sentence, point 28 of the Packaging Act.

Too Nummer 40

This task concerns the register of inspectors pursuant § 56to. The corresponding task was previously regulated in Section 26(1), second sentence, point 27 of the Packaging Act.

Too Nummer 41

Largely in line with Section 26(1) sentence 2 point 20 of the Packaging Act. Corresponding tasks regarding the registration data of producers and other producer responsibility organisations have been added.

Too Nummer 42

The task corresponds to that under Section 26(1), second sentence, point 21 of the Packaging Act.

Too Nummer 43

The task corresponds to that under Section 26(1), second sentence, point 29 of the Packaging Act.

Too Nummer 44

The task corresponds to that under Section 26(1) sentence 2 point 29a of the Packaging Act.

Too Nummer 45

The task corresponds to that under § 26(1) sentence 2 point 30 of the Packaging Act.

Too Nummer 46

The task corresponds to that under Section 26(1), second sentence, point 31 of the Packaging Act.

Too Nummer 47

The task corresponds to that under Section 26(1), second sentence, point 32 of the Packaging Act. The ancillary competence contained therein allows the Central Body for Packaging Registers to carry out activities for which no express legal basis is provided, but which are necessary for the proper performance of its tasks. This presupposes a necessary link with another task expressly assigned to it in paragraph 1. The provision

cannot be used as a basis for authorisation if the law expressly provides that the Central Packaging Register is not to carry out a particular activity or if this follows from the interpretation of a provision. Even measures that are particularly fundamental rights-intensive cannot be based on ancillary competence. Whether an activity can be based on point 46 is subject to legal and technical supervision by the Federal Environment Agency pursuant to § 57 Absatz 1.

Too Absatz 2

Paragraph 2 lays down the tasks that the central body for packaging registers carries out under its own responsibility.

Too Nummer 1

Largely in line with Section 26(2), second sentence, point 1. Tasks on the register under Article 44 of the EU Packaging Regulation and on the authorisation of producers, other producer responsibility organisations, experts and auditors have been added.

Too Nummer 2

The task corresponds to that under point 2 of the second sentence of Section 26(2) of the Packaging Act.

Too Nummer 3

The task largely corresponds to that under Section 26(2), second sentence, point 3 of the Packaging Act. It shall be extended to include the financing agreements with the other producer responsibility organisations and producers not subject to mandatory participation in the packaging system.

Too Nummer 4

Largely in line with Section 26(2) sentence 2 point 4 of the Packaging Act. However, the task has been extended to producers and other producer responsibility organisations.

Too Nummer 5

This task has been added to reflect the possibility to build up § 51 Absatz 5 reserves.

Too Nummer 5

This task has been added to reflect the possibility of § 51 Absatz 6 taking out loans and obtaining security interests.

Too Nummer 7

This task has been added to reflect the distribution of overhead costs of the central packaging register.

Too Nummer 6

Point 6, together with §§ 50 bis 53 the requirement in Article 45(2), point (b), of the EU Packaging Regulation, that the financial contributions paid by producers shall cover the costs of carrying out compositional surveys of collected mixed municipal waste referred to in Article 45(2), point (b), of Regulation (EU) 2025/40.

The costs of an analysis carried out by the central packaging register over four years are to be apportioned to manufacturers each year for 25 % on the basis of the total projected costs, so that the manufacturers on the market pay for the current analyses. For domestic reasons and in order to avoid unnecessary administrative burdens, the central packaging register should be reimbursed to the Federal Environment Agency once every four years for the total amount, once the actual costs incurred for waste analyses have been finally established.

In future, the overhead costs of the central packaging register will be refinanced both by packaging subject to the system participation requirement and by packaging not subject to the system participation requirement. Including the costs of waste analysis should not entail any significant additional costs; inclusion in the overhead costs also appears to be the most efficient way, as no additional payment channels are created from the refinancing debtors to the Federal Environment Agency.

Since all packaging that is not subject to compulsory participation in the system can theoretically also be generated as municipal waste, the producers concerned, if necessary through the other producer responsibility organisations commissioned by them, are also liable for funding.

Too Nummer 7

Largely in line with Section 26(2)(5) of the Packaging Act, but the required frequency of training has been increased to twice a year.

Too Nummer 8

Largely in line with Section 26(2)(6) of the Packaging Act, but the possibility of also interacting with authorities and bodies from other Member States of the European Union has been added.

Too Nummer 9

The task corresponds to that under Section 26(2) sentence 2 point 7 of the Packaging Act.

Too Absatz 3

This paragraph largely corresponds to Section 26(3) of the Packaging Act. Rules on industry solutions, producers and other producer responsibility organisations have been added to fully reflect the new tasks of the central body for packaging registers.

On § 55 (automation)

The provision authorises the Central Office for Packaging Registers to issue the administrative acts referred to therein in an automated manner in accordance with Section 35a of the Administrative Procedure Act. A case-by-case examination remains possible for the Central Body for Packaging Registers. In light of Article 22(2)(b) of the EU General Data Protection Regulation, the automated adoption of administrative acts is only possible if there is no specific reason for an individual assessment of the case by a natural person. The automation of authorisation procedures takes place against the background of the low financial risk associated with the disposal of commercial packaging waste and the already high recycling rate. This rule ensures a low-bureaucratic and digital implementation.

On § 56 (registration of experts and other auditors)

Too Absatz 1

The **first sentence of paragraph 1** corresponds in substance to the current Section 27(1) of the Packaging Act and is redrafted linguistically for the sake of clarity. As already stated in the explanatory memorandum to § 27(1) (see Bundestag document 18/11274, p. 129), entry in the register of examiners is an application procedure. The § 56 Absatz 1 first sentence is now worded in such a way that this is clear from the legal text. The **second sentence** states that the application must be submitted exclusively by electronic means. This also serves to clarify matters and is in line with previous practice. The Central Packaging Register Unit provides the relevant electronic forms for submitting applications. According to the **third sentence**, by way of derogation from the previous rules, proof of entitlement is § 3 Absatz 16 Nummer 1 bis 4 not to be provided only at the request of the Central Body for Packaging Registers. The evidence must be submitted as part of the application. This also serves to simplify and speed up the procedures for inclusion in the register of auditors.

Too Absatz 2

Paragraph 2 shall be adapted accordingly to paragraph 1.

Too Absatz 3

Paragraph 3 requires the registrants referred to in paragraphs 1 and 2 to inform the Central Body for Packaging Registers if they no longer carry out their inspection activities or if their entitlement to be entered in the register of inspectors is lost. At the same time, the Central Body for Packaging Registers is required to review and, if necessary, update the auditor's register in order to ensure that it is up to date. In so doing, it may actively reach out to registrants and request information as to whether the authorisation to carry out the examination continues to exist or whether the activity continues to be carried out in principle. Such contact may be made, for example, by e-mail or by requesting confirmations in the login section of the Register of Auditors. The rules are necessary to ensure the quality of the register of auditors and to provide manufacturers with an overview of current, registered experts and auditors. The additional burden on manufacturers caused by, for example, contacting out-of-work experts, auditors or examiners should be avoided.

Too Absatz 4

Paragraph 4 requires registrants under that provision to comply with the provisions of the test guidelines. This obligation was previously laid down in point 28 of the second sentence of Section 26(1) of the Packaging Act. As the provision addresses the obligations of registered experts, examiners, it has been moved to these paragraphs. This does not change the substance. By way of derogation from the previous rules, the Central Body for Packaging Registers is required to provide training on test guidelines, software systems and data formats at least every six months. This strengthening of the training offer is appropriate, as proof of participation in the training pursuant to sentence 3 must now be provided within six months of entry in the examiner register. The obligation to attend the training will be extended to all registrants. The purpose of this system is to ensure the quality of the checks on the declarations of completeness of the registrants referred to in paragraph 2. Experience since the establishment of the register of inspectors and the checks pursuant to the Packaging Act has shown that checks by the persons registered pursuant to paragraph 2 were sometimes carried out without knowledge of the test guidelines. The introduction of the obligation to provide training will improve the overall quality of audits. The obligation to attend this training at least every five years is also extended to registered auditors, tax advisors and sworn accountants, in

line with the extension of the general obligation to attend the training. The strengthening of the training offer, combined with the mandatory training for all registrants, is intended to improve the overall quality of the audit results.

Too Absatz 5

Paragraph 5 specifies the activities or other legal relationships with which work as a registered expert, registered expert, auditor or reviewer is incompatible. Points 1 to 5 contain a list of different extended producer responsibility activities for packaging subject to mandatory system participation that are incompatible with the entitlement to verify the evidence to be provided by producers or producer responsibility organisations. This clear separation prevents conflicts of interest and ensures independent verification of the evidence provided by producers, schemes, industry solutions and other producer responsibility organisations. It thus serves to secure the entire extended producer responsibility scheme for packaging subject to mandatory participation in the system.

Too Absatz 6

Paragraph 6 combines the powers of the Central Body for Packaging Registers to remove the registrants referred to in paragraphs 1 and 2 from the register of inspectors. The **first sentence** contains various grounds for removing a registrant from the register. **Points 1, 3 and 4** of the first sentence serve to keep the register of auditors up to date. The Central Body for Packaging Registers is now to remove from the register of inspectors those registrants who do not comply with their obligations or whose authorisation to carry out checks no longer exists. This makes it possible to provide an up-to-date and valid auditor register. This avoids burdens on manufacturers and systems. **Point 2** corresponds to the previous provision in Section 27(4) of the Packaging Act. In this regard, reference is made to the explanatory memorandum in Bundestag document 18/11274, p. 130. Under **point 5**, the Central Body is to remove registered experts and inspectors from the register if they do not comply with the incompatibility rules referred to in paragraph 5. In this respect, this authorisation is the consequence of the requirement laid down in paragraph 5 in the event that the Central Body for Packaging Registers becomes aware of an incompatibility. The **second sentence** lays down the conditions under which the central body may again grant an application for registration of a person removed from the register of auditors pursuant to the first sentence. According to the **third sentence**, the time-limit for removing a registered expert, a registered expert, an auditor from the auditor register is extended from three to up to five years. This adaptation of the period of removal from the auditor's register is intended to ensure the quality of the examinations.

On § 57 (supervision and financial control)

§ 57 corresponds to the previous Section 29 of the Packaging Act. With regard to the statement of reasons, reference is made to the explanatory memorandum to the Act in Bundestag document 18/11274, p. 131.

§ 58 (Partial disqualification of the opposition proceedings and suspensive effect of the action for annulment; Appeal Authority)

§ 58 corresponds, in essence, to the previous Section 30 of the Packaging Act. Only the term 'action to set a transaction aside' was extended to a more general 'action'. The provisions of the first sentence therefore also apply in respect of other forms of action, for example an action for an injunction. With regard to the statement of reasons, reference is made to the explanatory memorandum to the Act in Bundestag document 18/11274, p. 132.

On Kapitel 9 (Prevention of packaging and packaging waste)

Re § 59 (obligation to finance prevention measures)

Too Absatz 1

Paragraph 1 lays down the obligation to take reduction and prevention measures for packaging and packaging waste in transposition of Article 51(3) of Regulation (EU) 2025/40, without predetermining the exact measures for which the money is to be spent by those addressees.

Too Absatz 2

Paragraph 2 provides examples of such measures. In particular, it allows for measures that increase the use of reusable packaging that contributes to the reduction of the material use of reusable packaging, as well as educational measures to prevent packaging waste through reuse and refill, which may include educational measures on non-packaging purchases due to the definition of 'refill' in Article 3(1), point (33), of Regulation (EU) 2025/40. In addition, point 4 mentions the eligibility of the free distribution of tap water in catering establishments, which also serves the implementation of Article 43(6) of the EU Packaging Regulation. However, further measures to reduce and prevent packaging and packaging waste are also possible.

The second sentence clarifies that the use of funds under paragraph 1 can be done both by investing in measures and processes to prevent packaging and packaging waste through re-use and refill, and by promoting third-party measures that serve this purpose. For example, obliged entities under paragraph 1 shall be enabled to fulfil their obligation by investing in the development of reusable infrastructure for the products they place on the market. Eligible third-party actions may include, for example, financial support for non-profit organisations' information campaigns on re-use and refill.

The persons obliged under the first and second sentences of paragraph 1 may cooperate and act jointly in the implementation of the funds in accordance with the requirements of antitrust law. This may be useful, for example, when it comes to improving existing or building new reusable systems.

Too Absatz 3

Under **paragraph 3**, the use of the funds referred to in paragraphs 1 and 2 must be documented and presented to the competent Land authority upon request and without delay. Under paragraph 1, obliged entities which do not comply with such a request, do not comply fully or do not comply with it on time are acting in an administratively unlawful manner under § 66(1) No 28.

On § 60 (Reusable alternative for single-use plastic food packaging and beverage cups)

§ 60 corresponds in substance to the provisions of § 33 of the Packaging Act. The second sentence of paragraph 1 has been added. This clarifies that the obligation to offer reusable packaging also applies to caps and lids for single-use beverage cups. The addition serves to transpose the first subparagraph of Article 4(1) in conjunction with point 1 of Part A of the Annex to the EU Single-Use Plastics Directive. This explicitly extends the consumption § 60 reduction obligation implemented to 'beverage cups, including their caps and lids'. The clarification is based on the judgment of the Landgericht Berlin (Regional Court, Berlin) of 4 June 2024, ref.: 102 O 58/23. According to that judgment, lids of disposable beverage cups were not covered by the obligation to offer reusable packaging laid down in the first sentence of Paragraph 33(1) of the Packaging Law.

In addition, the terminology has been aligned with the EU Packaging Regulation where necessary. The term 'reusable packaging' has been replaced by the term 'reusable packaging', which is defined in Article 11 of the EU Packaging Regulation. The terms derived directly from the EU Single-Use Plastics Directive have been retained as they serve to § 60 implement the EU Single-Use Plastics Directive. As the reduction targets set out in Article 4 of the EU Single-Use Plastics Directive are still to be achieved, it is necessary to maintain the scheme until the entry into force of the similar scheme under Article 33 of the EU Packaging Regulation. Reference is also made to the explanatory memorandum in Bundestag document 19/27634, p. 81 et seq.

The expiry of the scheme due to the entry into force of Article 34 of the EU Packaging Regulation on 12 February 2028 is laid down in Artikel 4 this Act.

Re § 61 (facilitation for small businesses and vending machines)

§ 61 largely in line with the provisions of Section 34 of the Packaging Act. The terminology § 60 has been adapted accordingly. The term 'reusable container' has been replaced by 'reusable container' for the sake of consistency. The requirements of Article 11(1) of the EU Packaging Regulation apply only to packaging and are therefore not relevant for the containers brought by the end users. Please refer to the explanatory memorandum § 60 and the explanatory memorandum in Bundestag document 19/27634, p. 81 et seq. The expiry of the scheme due to the entry into force of Article 34 of the EU Packaging Regulation on 12 February 2027 is defined in Artikel 4 the legislative procedure.

The new paragraph 3 has been added to ensure that final distributors are not exposed to undue liability risks due to their obligation under paragraphs 1 and 2. Any liability shall be limited to intentional fault and gross negligence. This applies both to the end user whose bag is filled and to third parties who, for example, receive food or beverages from the same final distributor. The hygiene rules in force must be observed.

Re Teil 3 (conformity assessment)

Re § 62 (Language of EU declarations of conformity)

The provision serves to implement the second sentence of Article 39(2) of the EU Packaging Regulation.

As an EU declaration of conformity is generally drawn up not only for the German market, an English version may also be sufficient. However, it shall be translated into German at the request of the competent authorities. This applies only to packaging which is also made available on the German market, but not to packaging intended exclusively for export.

The provisions on the official language contained in the administrative procedural laws of the Federal Government and the Länder shall remain unaffected.

Article 39(5) of the EU Packaging Regulation provides that competent authorities shall endeavour to check the accuracy of at least part of the EU declarations of conformity per year and, where appropriate, take the necessary measures. In accordance with the division of competences under the Basic Law pursuant to Articles 30 and 83 of the Basic Law, the Länder are responsible for enforcing the rules under the EU Packaging Regulation and under this Act, unless other competences are expressly regulated.

Re § 63 (information in the event of non-conformity of a packaging)

The provision regulates the situation where a market surveillance authority finds that packaging is non-compliant. Under Article 58(3) and (5), second subparagraph, of the EU

Packaging Regulation, it is obliged to inform the European Commission and the other Member States thereof and of the measures ordered against the economic operator. The information is provided via the Federal Institute for Occupational Safety and Health (Bundesanstalt für Arbeitsschutz und Arbeitsmedizin – BAuA).

Re § 64 (Measures in the event of non-compliance of packaging in another Member State of the European Union)

The provision governs national procedures in the event that a market surveillance authority in another Member State of the European Union has taken a provisional measure because of non-compliance of packaging found there.

Too Absatz 1

Absatz 1 implements Article 58(7) of the EU Packaging Regulation. If the German market surveillance authority considers the provisional measure taken by the other Member State to be justified, it shall examine its own provisional measures in accordance with paragraph 1 and whether they are justified. The market surveillance authority shall, through the BAuA, inform the European Commission and the other Member States of the measures taken and of any other available information.

Too Absatz 2

If, on the other hand, the German market surveillance authority considers that the provisional measure taken by the other Member State is not justified, it must be notified in accordance with the **Absatz 2** European Commission and the other Member States of the European Union, stating its reasons. In this case too, the market surveillance authority informs the BAuA of its objections. The market surveillance authority and the BAuA shall ensure that the deadline referred to in Article 58(8) of the EU Packaging Regulation is not exceeded.

Too Absatz 3

Absatz 3 regulates the situation where a German market surveillance authority raises an objection to the national measure of another Member State and for this reason does not itself implement a provisional measure; contrary to Germany's objection, the European Commission considers the national measure of the other Member State to be justified. In this case, a restrictive measure still needs to be implemented and notified in Germany (Article 59(2) of the EU Packaging Regulation). Here too, notification takes place via the BAuA.

Re § 65 (notification of risks despite conformity of packaging)

The provision serves to implement Article 60(4) of the EU Packaging Regulation. Article 60 of the EU Packaging Regulation addresses the case of packaging presenting a risk despite its compliance with the Regulation. It establishes that market surveillance authorities are the immediate actors and in this case clarifies the operator 'Member State' referred to in Article 60(4) of the EU Packaging Regulation and the notification via the BAuA.

Teil 4 (Penalty rules; Transitional provisions)

Ad § 66 (Penalty provisions)

Too Absatz 1

Paragraph 1 lays down the obligations and prohibitions subject to a fine in the light of the Packaging Law Implementing Act.

Too Absatz 2

Paragraph 2 sets out the obligations and prohibitions subject to fines in the light of Regulation (EU) 2025/40. This transposes Article 68(1) and the first sentence of Article 68(2) of Regulation (EU) 2025/40. The administrative fines provided for in this paragraph shall § 68 Absatz 15 apply from 12 February 2027, making use of the deadline provided for in Article 68(1) of Regulation (EU) 2025/40.

Too Absatz 3

Paragraph 3 lays down the upper limit of the fine for each of the situations referred to in paragraphs 1 and 2. Fines are set at different levels depending on the importance of the respective basic obligations. According to that provision, the maximum amount is either ten thousand, one hundred thousand or two hundred thousand euro. This generally corresponds to the estimates for fines in the Packaging Act. In addition, the second sentence of Section 17(4) of the Administrative Offences Act may be used to calculate the fine. In this regard, reference is made to the explanatory memorandum in Bundestag document 18/11274, p. 135.

Re § 67 (recovery)

The content of the provision corresponds to the previous Section 37 of the Packaging Act, with the necessary extension to administrative offences pursuant to § 66 paragraph 2.

Re § 68 (transitional provisions)

Too Absatz 1

The change in the definition of producer as a result of the replacement of the previous Section 3(14) of the Packaging Act by Article 3(1)(15) of the EU Packaging Regulation and the changes in the definition of packaging subject to the obligation to participate in the system and the change in § 3 Absatz 6 compared to the previous Section 3(8) of the Packaging Act lead to shifts in the group of addressees of the obligation to participate in the system. However, a large proportion of addressees remain the same. The transitional provision in paragraph 1 takes into account that contracts for system participation between manufacturers and systems are normally concluded in advance for the whole calendar year. Producers who were obliged to participate in the system pursuant to the previous § 7(1) sentence 1 of the Packaging Act – also due to an advance transfer pursuant to the previous § 7(2) sentence 1 of the Packaging Act – and § 7 Absatz 1 Satz 1 continue to do so after that date, may maintain a contract that has already been concluded for the entire calendar year 2026 and do not have to participate again for the same packaging. The remaining system contributions must therefore also be fully taken into account as part of the systems' reporting obligations under Section 20 for the 2026 calendar year.

In particular, manufacturers who have already participated in one or more systems and are § 7 Absatz 1 Satz 1 no longer obliged to do so may enter into different contractual

arrangements with the systems, for example before the 31st Leave the contractual relationship by December 2026.

Too Absatz 2

Registrations pursuant to § 9 of the Packaging Act shall continue to apply. A period of three months after the entry into force of this Act shall be allowed for the notification of amendments referred to in the § 6 Absatz 1 second sentence, which must in fact be notified immediately. This allows manufacturers to notify changes to their registration data resulting from a change in the manufacturer or from the transition from the Packaging Act to the EU Packaging Regulation and Packaging Law Implementing Act to the Central Office of Packaging Register within a reasonable timeframe.

Too Absatz 3

Paragraph 3 regulates the transition for data notifications and completeness declarations § 9 § 10 and ensures that producers within the meaning of the previous Section 7(1), first sentence, of the Packaging Act continue to fulfil their obligations with regard to the sales and grouped packaging they made available in the federal territory before 12 August 2026. The purpose of this transitional provision is, in particular, to avoid any ambiguity due to the new definition of manufacturer under Article 3(1)(15) of the EU Packaging Regulation and the shifts in the addressees of the obligation to participate in the system.

The **first sentence concerns** only producers within the meaning of the previous Section 7(1), first sentence, of the Packaging Act who placed on the market sales and grouped packaging within the meaning of the previous Packaging Act before 12 August 2026 and are henceforth not producers within the meaning of the first sentence of § 7 paragraph 1 in conjunction with Article 3(1), point 15, of Regulation (EU) 2025/40. They shall be subject to the obligations progressively and § 9 § 10 mutatis mutandis in respect of packaging which they have placed on the market by 12 August 2026. The provision ensures that all packaging under the previous § 10 and § 11 of the Packaging Act that was made available in the federal territory in the calendar year 2026 is recorded in the data reports under the previous § 10 of the Packaging Act or § 9 this Act and in the § 10 completeness declarations under the calendar year 2026. This is necessary, inter alia, for the calculation of market shares by the Central Packaging Register Office.

Sentences 2 to 4 ensure that there is no double reporting for calendar year 2026. Accordingly, in accordance with the **second sentence**, for packaging for which a data notification has already been made in accordance with the previous Section 10 of the Packaging Act, a new data notification is not to be made in accordance with § 9 this Act. In accordance with the third and **fourth sentences**, only a declaration of completeness is to be submitted for packaging made available in the Federal territory in the calendar year 2026. The obligation to deposit arises for the entire reporting period from § 10.

In accordance with the fifth **sentence, the previous Section 3(5)** and Section 16(2) § 9 and (3) of the Packaging Act apply mutatis mutandis § 10 to the breakdown of the information from the 2026 calendar year in the data reporting by and in the completeness declaration. This is to ensure a uniform type of breakdown for all data notifications and representations of completeness reflecting information from calendar year 2026. If the above provisions of the Packaging Act were not applied by analogy, a break in the breakdown between the previous Section 16 of § 42 the Packaging Act and the new definition of composite packaging in Article 3(1)(24) of the EU Packaging Regulation would result from the changes in the quotas compared to the previous Section 3(5) of the Packaging Act. Such a break during the year does not make sense for reasons of practicability.

Too Absatz 4

Sectoral solutions pursuant to § 8 Absatz 1 the Packaging Act which, in accordance with Section 8(2) of the Packaging Act, must be submitted to the Central Packaging Register Office before [insert: Date of entry into force of this Act], may § 8 continue to carry out their duties until 31 October 2027 at the latest. Until that date, the authorisation referred to in the § 22 Absatz 2 second sentence in conjunction with must have § 19 Absatz 1 Satz 1 been granted. It does not matter whether the industry solution works for a single producer or whether several producers work together in the industry solution. This gives industry solutions sufficient time to carry out the approval under this Act. If approval has not been granted by that date, the establishment must be immediately suspended.

Too Absatz 5

Industry solutions that are operational after [insert: Date of entry into force of this Act], they must notify it in accordance with Section 9(1). Authorisation, which is also necessary § 8 Absatz 3 Satz 3 in conjunction with, § 22 Absatz 1 Satz 1 must be granted by 31 October 2027. In that regard, it is irrelevant whether the revenue from the industry operates for a single producer or whether several producers work together in the revenue from the industry. This gives industry solutions sufficient time to carry out the approval under this Act. If approval has not been granted by that date, the establishment must be immediately suspended.

Too Absatz 6

Paragraph 6 contains a transitional provision for the quotas directed to the systems, as the conversion of quotas directed to the systems during the year, in particular with regard to composite packaging, does not make sense for reasons of practicability.

Too Absatz 7

Paragraph 7 provides that producers who are not approved in accordance with the first sentence of Paragraph 23(1) are to sell packaging on federal territory until 31 December 2027. The transitional arrangement is necessary because the approval procedures can only be set up by the Central Packaging Register after this Act enters into force. The period until 31 December 2027 provides the Central Office for Packaging Registers with sufficient time for the development and programming of the digital application and authorisation procedures. In addition, a period of time shall be taken into account during which manufacturers may submit their applications for registration before the deadline referred to in paragraph 7. In particular, account shall also be taken of the fact that the deadline for manufacturers is later than the deadline referred to in paragraph 10. Indeed, if a producer intends to entrust another producer responsibility organisation with the fulfilment of extended producer responsibility obligations, they must already be authorised to do so.

Too Absatz 8

In accordance with the transitional provision in paragraph 7, the previous Sections 3(5) and 16(2) and (3) of the Packaging Act § 42 shall apply mutatis mutandis to the breakdown of the quantity electricity certificates for the data from the 2026 calendar year.

Too Absatz 9

The transitional provision under **paragraph 9** specifies by when the systems which have been granted a permit under § 18 of the Packaging Act must § 20 demonstrate the additional approval requirements of the. 1 January 2027 is the date by which the authority's adapted approval decision must be issued. The requirements referred to in

points 1 to 4 specify which approval requirements of § 20 paragraph 2 must be demonstrated, namely only those which deviate from the requirements of the previous § 18 of the Packaging Act.

Too Absatz 10

The transitional provision under paragraph 10 serves to safeguard undertakings already operating on the basis of Section 15 of the Packaging Act which, upon the entry into force of the EU Packaging Regulation, are covered by producer responsibility organisations and require § 22 authorisation. They may continue to operate without approval until 31 October 2027. The scheme applies *mutatis mutandis* to new market players.

The transitional provision of approximately 15 months from the entry into force of this Act is necessary, as the Central Packaging Register Unit may not start designing and programming the approval procedures until the relevant tasks have been assigned to it by law. This will only be done upon the entry into force of this law. From then on, a design, planning and implementation phase of around 10 to 11 months is to be expected before an application can be submitted. From that date, the Central Office for Packaging Registers shall have 12 weeks in which to grant approval in accordance with § 22 paragraph 1. The deadline of 31 October 2027 leaves sufficient room for manoeuvre for all stakeholders concerned to comply with the requirements of § 19.

Too Absatz 11

Paragraph 11 grants a transitional period until 31 October 2027 to organisations organised under private law as legal persons or partnerships with legal personality, which carry out tasks of § 22 another producer responsibility organisation and would therefore in principle be subject to authorisation. During this period, they may exceptionally carry out their duties without being accredited. This transitional period is necessary because acting without authorisation in other circumstances would constitute an administrative offence. However, until the organisations concerned can obtain approval, it is still necessary, among other things, to set up the infrastructure required for the approval procedure at the Central Unit for Packaging Registers and to process the corresponding applications. It would be inappropriate and inappropriate to prohibit the organisations concerned from operating in the meantime.

In accordance with the transitional provision on data notifications and manufacturers' declarations of completeness, the previous Sections 3(5) and 16(2) and (3) of the Packaging Act apply *mutatis mutandis* to the breakdown of system notifications for the data from the 2026 calendar year.

Too Absatz 12

The transitional provision on voluntary agreements on the uniform collection of recyclable materials is taken from the previous Section 38(3), third sentence, of the Packaging Act. This is to ensure that any voluntary agreements between the schemes and the public waste disposal entity that are maintained on this basis by mutual agreement can continue.

Too Absatz 13

The **first sentence** clarifies that the classification decisions of the Central Body Packaging Register under the previous Section 26(1), second sentence, points 23 to 26 of the Packaging Act remain valid. In accordance with the provisions of that law and the EU Packaging Regulation, the majority of those measures would have been adopted with the same result. There is therefore no need for a comprehensive reassessment. According to the **third sentence**, the central body for packaging registers is to amend the content of the classification applications issued before 12 August 2026 in order to bring them into

line with the current legal situation. This is particularly necessary if the packaging in respect of which a classification decision has already been taken continues to be made available on federal territory, as the result of the classification is accompanied by various obligations (system-sharing obligation, deposit obligation, etc.). The same applies to classification as a comparable source. The **second sentence** regulates the transition for ongoing proceedings that are not intended to be interfered with.

Too Absatz 14

The transitional regime for registered experts, auditors, tax advisors and accountants provides legal certainty for those affected. The new rules on the register of examiners make participation in the training compulsory for all registrants, regardless of their professional training. Training is an important prerequisite for proper and meaningful testing. Consequently, after an appropriate transitional period, this obligation will also be extended to already registered persons who were not subject to any training obligation under the previous Section 27(2) of the Packaging Act. The transitional regime provides early transparency on the future applicable legal framework and allows registrants to prepare and adapt to the new regime. They shall be calculated in such a way as to allow all registrants to maintain their status as registered auditors. This minimises any negative consequences of the interference caused by the new rules. By removing the registrations of those who do not comply with the training obligation, the register will be cleaned up and the burden on economic operators subject to audit will be reduced by an up-to-date register. This is because it is not yet clear to the economic operators who have to contract an auditor which auditors listed in the audit register are still active and which are not. They may therefore need to contact different auditors until they find an active auditor to carry out the tests. The new rules are therefore intended to avoid current delays and serve the objective of swift and stringent procedures.

Too Absatz 15

The rules on fines § 66 Absatz 2 for infringements of the new obligations stemming directly from the EU Packaging Regulation will only apply from 12 February 2027. The operators concerned are thus granted a conversion period of 6 months. The possibility to grant such a transitional period follows from Article 86(1) of the EU Packaging Regulation.

On Anlage 1 (contaminated fillers pursuant to Section 3(5))

Anlage 1 corresponds in substance to the current Annex 2 to the Packaging Act

Re Anlage 2 (labelling of packaging)

Anlage 2 corresponds, in essence, to the current Annex 5 to the Packaging Act.

Re Artikel 2 (Amendment of the Circular Economy Act)

Too Nummer 1

Too Buchstabe a

This is an editorial revision.

Too Buchstabe b

The insertion serves to transpose Article 42(1) of the EU Packaging Regulation. According to that provision, waste management plans must include a specific chapter on packaging and the management of waste resulting therefrom, including the measures taken pursuant to Articles 48, 50 and 52 of that regulation.

Too Nummer 2

The addition serves to transpose Article 42(2) of the EU Packaging Regulation. According to that provision, waste prevention programmes are to include a specific chapter on the prevention of packaging, packaging waste and packaging littered in the environment, including measures taken pursuant to Articles 43 and 51 of that Regulation.

Re Artikel 3 (consequential amendments)

The changes in Article 3 are consequential editorial changes in various legal norms. In each case, only references to the Packaging Act with references to the Packaging Law Implementing Act are replaced. Where changes have also been made, they are explained in detail below.

Too Absatz 7

The amendments to the Environmental Statistics Act will enter into force together with the Packaging Law Implementing Act to adapt the national packaging law to the new EU Packaging Regulation. Due to the transitional provisions of Article 70(1)(d) of the EU Packaging Regulation, the reporting requirements under European packaging law (EU Packaging Directive), which are based on the content of the previous statistical surveys under Section 5(2) and Section 5a(1) to (4) of the Environmental Statistics Act, remain in their existing form until and including the 2028 reporting year. There are therefore no fundamental changes to the statistical surveys which contribute to this. They are currently not necessary.

The amendments to references and adjustments to fewer definitions for the Environmental Statistics Act will take effect for the first time for the reporting year 2026, but do not imply a substantial change in the survey characteristics. The related data collection will start in spring 2027. Statistical data collections for 2025 starting in spring 2026 will be based on and referencing the existing references.

Too Nummer 1

The adaptation of the reference to Section 15(1), first sentence, of the Packaging Act in Section 5(2), first sentence, point 1, § 39 Absatz 1 Satz 1 of the Packaging Law Implementing Act has no impact on the existing statistical surveys. The phrase 'not subject to the obligation to participate in the system' is purely clarifying in nature. Point 1 of the first sentence of Section 5a(3) also previously concerned only packaging that was not subject to mandatory participation in the system. The current definitions are transposed verbatim. The explicit exclusion of e-commerce packaging for the first time is of a clarifying nature and does not imply any substantial changes in practice.

The amendment of the previous reference in the first sentence of Section 31(1) of the Packaging Act to § 46 Absatz 1 Satz 1 the Packaging Law Implementing Act is purely editorial.

Too Nummer 2

The packaging subject to mandatory participation in the system within the meaning of point 1 of the first sentence of Paragraph 5a(1) which, according to the previous definition, was sales and grouped packaging filled with goods and which, after use, is typically produced as waste by the private final consumer, will henceforth be defined by the new reference to the Verpackungsrecht § 3 Absatz 6 -Durchführungsgesetz as sales and grouped packaging, service packaging and e-commerce packaging which, after use of the same type of packaging, is mainly produced as waste in private households or comparable places of production. In future, there will no longer be any focus on filling with

goods. In addition to consumers, comparable sources of waste from such packaging are included, as has been the case previously. The Packaging Law Implementing Act will in future replace the term 'placing on the market' with 'making available on the national territory'. This is a purely editorial amendment to bring the terms into line with the EU Packaging Regulation. The previous statistical surveys pursuant to Section 5a(1), first sentence, point 1, may continue unchanged. They are carried out directly by the Federal Statistical Office at the Central Office for Packaging Registers in accordance with § 3 Absatz 14 the Packaging Law Implementing Act, which provides the relevant data.

The replacement of the term 'private final consumer' in point 2 of the first sentence of Paragraph 5a(1) by the consumer and comparable collection points under § 3 Absatz 7 the Verpackungsrecht-Durchführungsgesetz does not affect the procedure for the previous statistical survey. The survey characteristics within the meaning of point 1 of the first sentence of Section 5a(1) continue to be collected from administrative data at the Central Office for Packaging Registers § 3 Absatz 16 under the Packaging Law Implementing Act. This has to ensure the availability of appropriate administrative data and has already in the past included private households and comparable sources of supply under the term 'private final consumer'. Comparable sources of supply are, in particular, the hospitality sector within the meaning of Article 3(1)(35) of the EU Packaging Regulation, such as restaurants, restaurants, canteens, snacks, cafés and hotels and holiday resorts, as well as rest areas, administrations, bars, hospitals, educational establishments, charitable institutions, branches of independent professionals, typical sources of supply in the cultural sector, such as cinemas, opera and museums, and the leisure sector, such as leisure parks and sports stadiums. Comparable sources of waste within the meaning of the first sentence are also agricultural holdings and craftsmen whose packaging waste can be disposed of at the usual collection rate by means of household containers for paper, cardboard and cardboard as well as for plastic, metal and composite packaging, but with a maximum of 1 100 litres of empty containers per collection group.

With the removal of the definition of reusable packaging in the Packaging Law Implementing Act, a different reference is needed in the first sentence of Section 5a(2) to define the subject matter of the survey. This is now based on Article 11(1) of the EU Packaging Regulation. At the same time, the concept no longer refers to reusable packaging, but to reusable packaging. Article 11(1) sets out an exhaustive list of cumulative requirements. The catalogue lays down requirements for reusable packaging, which manufacturers and those who enable it to be used jointly must comply with. Compliance with the characteristics is not checked by official statistics in the course of the surveys pursuant to Section 5a(2). Providers enabling collaborative use are responsible for reporting in accordance with the definition.

The concept of sales packaging is also deleted as a separate national definition in the Packaging Law Implementing Act. Therefore, Section 5a(2) will in future refer to the corresponding definition in Article 3(1)(5) of the EU Packaging Regulation. However, the definition is identical in content to the previous one and does not distinguish according to the place of filling or the type of packaging. The existing statistical surveys can therefore continue unchanged.

With the removal of the national definition of producer in Section 3(14) of the Packaging Act, the first sentence of Section 5a(3) needs to be adapted. It now refers to Article 3(1) (15) of the EU Packaging Regulation. This goes hand in hand with aligning the definition of producer with that of the EU Single-Use Plastics Directive. Among other things, the alignment simplifies the statistical surveys with regard to the elimination of a distinction between importers according to whether they were already the owners of the relevant packaging at the time of import and were therefore required to report. The Packaging Law Implementing Act will in future replace the term 'placing on the market' with 'making

available on the national territory'. This is a purely editorial amendment to bring the terms into line with the EU Packaging Regulation.

The adaptation of the reference in point 1 of the first sentence of Section 5a(3) to § 39 Absatz 1 Satz 1 the Packaging Law Implementing Act has no impact on existing statistical surveys. The phrase 'not subject to the obligation to participate in the system' is purely clarifying in nature. Point 1 of the first sentence of Section 5a(3) also previously concerned only packaging that was not subject to mandatory participation in the system. The current definitions are transposed verbatim. The explicit exclusion of packaging for e-commerce for the first time is of a clarifying nature and does not mean any change in practice, as such packaging has so far regularly been subject to mandatory participation in the system and is therefore covered by Section 5a(1). Furthermore, the adaptations in points 1 to 4 of the first sentence of Section 5a(3) are consequential amendments to which the above explanations apply.

The amendments to Section 5a(3)(5) and (6) clarify the reference to the Packaging Law Implementing Act. The relevant content of Section 31 of the Packaging Act, to which reference has hitherto been made in general terms, is transferred to § 46 the Packaging Law Implementing Act and to the first sentence of paragraph 1. This sentence is now explicitly referred to. This does not entail any substantive change.

The amendments to Section 5a(4) are purely editorial.

Too Nummer 3

The amendment to the previous reference is purely editorial.

Too Nummer 4

The changes are limited to the references and are purely editorial.

Re Artikel 4 (Amendment of the Packaging Law Implementing Act)

Too Nummer 1

Amends **point (1)**§ 12.

Too Buchstabe a

The exemption referred to in the § 12 Absatz 1 second sentence will be deleted from 1 January 2030, as it will be replaced from that date by the corresponding directly applicable provision in Article 25(1) in conjunction with point 6 of Annex V to the EU Packaging Regulation.

Too Buchstabe b

The scheme in § 12 Absatz 3 will be removed from 1 January 2030. The provision lapses with the repeal of Article 9(1) and (2) in conjunction with point 1 of Annex II to the EU Packaging Directive as of 1 January 2030, in accordance with Article 70(1)(b) of the EU Packaging Regulation. It is directly replaced by the provisions of Articles 10(2) and 24 of the EU Packaging Regulation.

Re Nummer 2 and point 3

Following the repeal of Decisions 2001/171/EC and 2009/292/EC by means of delegated acts pursuant to Article 70(3) of the EU Packaging Regulation, the derogations implemented until then on the basis of those Decisions will §§ 14 und 17 not be

maintained. Article 15(1) in conjunction with Article 5(1) and (4) of the EU Packaging Regulation exhaustively regulates the prohibition of placing on the market packaging or packaging components containing lead, cadmium, mercury and hexavalent chromium above 100 mg/kg. Article 5(8) of the EU Packaging Regulation exhaustively regulates the possibility for the European Commission to provide for exceptions to this prohibition by means of delegated acts.

The exemptions under the §§ 14 und 17 constitute an implementation of Decisions 2001/171/EC and 2009/292/EC, which complement the EU Packaging Directive. This will in principle be repealed from the date of application of the EU Packaging Regulation in accordance with Articles 70(1) and 71. An exception expressly applies to the §§ 14 bis 18 underlying decisions in accordance with Article 70(3) of the EU Packaging Regulation until the European Commission repeals them by means of delegated acts in accordance with Article 5(8).

Too Nummer 4

The rules under the §§ 60 und 61 are partially replaced by the directly applicable rules on a mandatory offer for re-use and a refill obligation under Articles 32 and 33 of the EU Packaging Regulation as a priority of application. § 60 Absatz 1 Satz 1 is therefore amended to limit the scope §§ 60 und 61 of single-use beverage cups to single-use plastic beverage cups as defined in point 1 of Part A of the Annex to the EU Single-Use Plastics Directive. The national rules on a mandatory re-use offer and a refill obligation continue to be necessary in order to implement the requirements of Article 4 of the EU Single-Use Plastics Directive and achieve the prescribed reduction targets.

The reduction targets of the EU Single-Use Plastics Directive can most likely no longer be achieved if the national rules are removed due to the broad scope of the exemption under Article 33(4) of the EU Packaging Regulation. In this context, the provisions of the EU Packaging Regulation do not take precedence in relation to single-use plastic products, as the EU Single-Use Plastics Directive takes precedence in principle in the event of a conflict, in accordance with Article 67(1)(a) in conjunction with Article 70(5) of the EU Packaging Regulation. With regard to Articles 32 and 33, the EU Packaging Regulation does not contain any derogation in this respect.

On Artikel 5 (expiry)

In order to ensure a smooth interplay between the EU Packaging Regulation and the highly differentiated Directive 94/62/EC of the European Parliament and of the Council of 20 It is necessary to ensure that German law based on packaging and packaging waste is replaced by the new Packaging Law Implementing Act. The previous Packaging Act will therefore cease to apply at the end of the day preceding the entry into force of the Packaging Law Implementing Act.

Re Artikel 6 (entry into force)

Too Absatz 1

On the one hand, **paragraph 1** contains a provision on the entry into force of the amendment to the previous § 12 paragraph 1 sentence 2, which is deleted from 1 January 2030. From that date, this will be replaced by the corresponding directly applicable provision in Article 25(1) in conjunction with point 6 of Annex V to the EU Packaging Regulation.

On the other hand, **paragraph 1** contains a provision on the entry into force of the amendments to the previous § 12 paragraph 3. The amendments enter into force at the

same time as the date from which the corresponding provisions of the EU Packaging Regulation apply.

Too Absatz 2

Paragraph 2 contains a provision on the entry into force of the deletion of the previous Sections 14 to 16. It cannot be maintained after the entry into force of a delegated act under Article 70(3) of the EU Packaging Regulation repealing Decision 2009/292/EC.

Too Absatz 3

Paragraph 3 contains a provision on the entry into force of the deletion of the previous Sections 17 and 18. It cannot be maintained after the entry into force of a delegated act under Article 70(3) of the EU Packaging Regulation repealing Decision 2001/171/EC.

Too Absatz 4

Paragraph 4 contains a provision on the entry into force of the amendments to the previous one§ 60 Absatz 1 Satz 1. The amendments enter into force at the same time as the date from which the corresponding provisions of the EU Packaging Regulation apply.

Too Absatz 5

Paragraph 5 sets the date of entry into force of this Act at 12 August 2026, with the exception of the amendments referred to in Article 4. The EU Packaging Regulation is to be applied on a compulsory basis from that date, unless the individual rules provide for different dates. In this respect, as of 12 August 2026, a large number of provisions of the national law have become obsolete and the corresponding adaptation of the national legal framework is necessary. For reasons of legal clarity, the previous legislation, the Packaging Act, expires at the same time in accordance with Article 5.