



I. General information



The first stage of the so-called '**extended deposit obligation for single-use beverage packaging**' entered into force on 1 January 2022. Certain types of single-use beverage packaging that used to be subject to system participation are now subject to deposit.



The purpose of this document is to provide an overview of

- ◆ what single-use beverage packaging and beverages are affected by the extended deposit obligation, and
- ◆ what needs to be done as a result of the extended deposit obligation for producers (initial distributors or importers) and distributors of single-use beverage packaging.



What single-use beverage packaging and beverages are affected by the extended deposit obligation since 1 January 2022?



Single-use beverage packaging are generally subject to deposit, with the exception of the packaging listed under section 31 (4) nos.1-7 (a)-(j) VerpackG (Packaging Act). The deposit obligation for single-use beverage packaging has been extended since 1 January 2022. For single-use plastic beverage bottles and beverage cans with a certain volume, the exemption no longer applies. They are always subject to deposit. In addition, the exemption for other drinkable dairy products under section 31 (4) no. 7 (g) VerpackG has been defined more narrowly. The following types of single-use beverage packaging have therefore been subject to deposit since 1 January 2022 (in addition to those already covered by the deposit obligation):

single-use plastic beverage bottles and beverage cans (of every material, including aluminium and tinfoil) with a volume of between 0.1 and 3.0 litres (regardless of the actual quantities contained) if they are filled with one of the following beverages (as set out in section 31 (4) no. 7 VerpackG (Packaging Act):

- sparkling wines and sparkling wine cocktails,
- wine and wine-based cocktails,
- beverages and mixed beverages similar to wine,
- alcohol products and mixed beverages containing alcohol,
- fruit and vegetable juices,
- non-carbonated fruit and vegetable nectars.





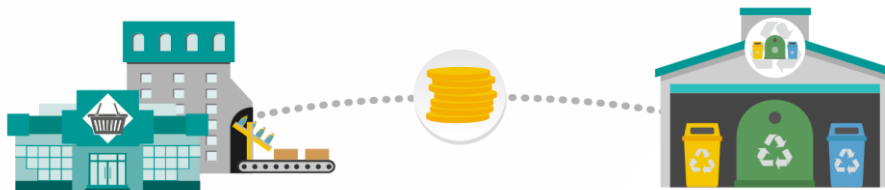
Beverage cans with a volume of between 0.1 and 3.0 litres (regardless of the actual quantities contained) are subject to deposit if they are filled with one of the beverages mentioned above, or with one of the following beverages (as set out in section 31 (4) no. 7 VerpackG):

- milk and dairy drinks and other drinkable dairy products (beverages covered by this term were amended as per 1 January 2022)
- dietary beverages for infants or young children.



The obligations are **linked** to the point in time when the **filled single-use beverage packaging was first placed on the German market**, or when it was **introduced** (e.g. in the case of imports) **into Germany**.

This means that all of the single-use beverage packaging listed above that was placed on the German market or introduced into Germany before 1 January 2022 is subject to system participation. Voluntary participation in the deposit system prior to 2022 does not alter this – the packaging must be included in the system participation volumes for 2021.



For single-use beverage packaging placed on the German market on 1 January 2022 or thereafter, the system participation requirement will no longer apply due to the extended deposit obligation.

Since 1 January 2022, the exemption under section 31 (4) no. 7 (g) VerpackG no longer covers drinkable dairy products that contain a substance listed in Appendix 8 of the Ordinance on Fruit Juices, Soft Drinks and Teas (FrSaftErfrischGetrTeeV), such as caffeine or taurine. Accordingly, **all single-use beverage packaging** of such beverages have been subject to deposit since 1 January 2022.

Starting 1 January 2024, **single-use plastic bottles for beverages** with a volume of between 0.1 and 3.0 litres will be subject to deposit if they are filled with milk and dairy drinks with a milk content of at least 50 per cent or other drinkable dairy products as set out in section 2 (1) no. 2 of the Milk and Margarine Act (MilchMargG), especially yoghurt and kefir. Until 1 January 2024, these single-use plastic bottles for beverages remain subject to system participation as an exception pursuant to section 31 (4) no. 7 (f) and (g) VerpackG.





II. Need for action for producers as defined in the Verpackungsgesetz (Packaging Act)

1. Consequences for existing registrations (brand names)

As long as the packaging that a producer places on the German market includes packaging subject to system participation (e.g. bundle wrap films, glass bottles filled with the above-mentioned beverages), and the corresponding brand names have been duly provided during registration, there is no need for action.



Since 1 January 2022, the following applies: if a producer exclusively places single-use beverage packaging subject to deposit on the German market under a brand name provided during registration, this brand must be terminated in the LUCID Packaging Register.

Given that producers of single-use beverage packaging subject to deposit will also be obliged to register from 1 July 2022 onwards, a terminated brand name will once again have to be stated in the LUCID Packaging Register, with the indication as 'single-use beverage packaging subject to deposit pursuant to section 31 VerpackG'.

2. Consequences for the packaging volumes subject to system participation



The extended deposit obligation leads to changes for the first time when entering into a contractual agreement with a system for the 2022 calendar year or when submitting planned volumes for the 2022 calendar year to a system. The volumes of single-use beverage packaging that will no longer be subject to system participation but instead be subject to deposit as from 1 January 2022 are no longer to be taken into account in the volume determination.

Packaging volumes that were placed on the German market in the 2021 calendar year – especially during the last quarter of 2021 – are not affected by the change. This also applies when the relevant single-use beverage packaging already bears the DPG (Deutsche Pfandsystem GmbH) label due to the upcoming amendment ('voluntary participation in the deposit system'). Retrospective deductions from packaging volumes in the wake of the annual report for the 2021 calendar year cannot be justified with this and are not permitted.

3. Consequences for data reporting in the LUCID Packaging Register



Data reporting in the LUCID Packaging Register must be identical in content to reports submitted to the system that is the contractual counterparty. Accordingly, the principles specified under 2 also apply to data reporting to the ZSVR.

For the 2021 calendar year, the extended deposit obligation does not result in any change in packaging volumes. This means that 'voluntarily participated' single-use beverage packaging must be reported.



The 2022 calendar year is the first time that single-use beverage packaging affected by the extended deposit obligation will no longer to be taken into account in the initial planned volume report.

III. Additional information

- ◆ Distributors of single-use plastic beverage bottles and beverage cans containing beverages within the meaning of the amended section 31 (4) no. 7 VerpackG, which became subject to a deposit for the first time on 1 January 2022, are subject to a transitional provision pursuant to section 38 (7) VerpackG. This provision allows them to continue selling single-use beverage packaging that had already been placed on the German market or imported into Germany before 1 January 2022, up until and including 1 July 2022, without charging a deposit. For a limited period of time, this is intended to enable the sale of the single-use beverage packaging affected by the change that is still on the market but does not yet bear the DPG label.
- ◆ Other drinkable dairy products that contain a substance listed in Appendix 8 of the Ordinance on Fruit Juices, Soft Drinks and Teas have been subject to deposit since 1 January 2022 with no transitional provision.
- ◆ Single-use plastic beverage bottles filled with dietary beverages for infants or young children are not affected by the extended deposit obligation.
- ◆ With regard to the single-use beverage packaging subject to deposit since 1 January 2022, participation in the nationwide DPG deposit scheme is required.
- ◆ For an overview of beverages / single-use beverage packaging subject to deposit published by DPG please click <https://dpg-pfandsystem.de/index.php/en/stakeholders/beverage-manufacturers-and-importers.html>



Service for technical questions, legal questions and advice

The ZSVR is happy to answer specific legal questions about the interpretation of the Verpackungsgesetz. We thank you for your understanding that it is beyond our remit to provide (legal) consulting services on an individual basis.

We ask that you consult with an appropriately qualified expert or consultant and/or system instead.

Contact list:

→ <https://www.verpackungsregister.org/en/information-orientation/instructions-further-information/systems-overview>

You can also find the experts/auditors in the register who may be able to provide advice.

List of registered experts/auditors:

→ <https://oeffentlicheregister.verpackungsregister.org>

If you are based in Germany, you can enter your postal code to find experts/auditors in your area. Alternatively, you can select 'Germany' to find registered experts/auditors across the country.

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