

PRESS RELEASE

No label, no deposit: online shop fails to comply with deposit obligation and is issued five-figure fine

Osnabrück, 29 February 2024

A new ZSVR case report showcases the consequences of failing to comply with packaging law obligations. A German online shop, whose sales include beverages in single-use beverage packaging subject to deposit, failed to comply with the deposit obligation and was issued a five-figure fine.

Almost all beverage packaging is subject to deposit. This has been ensured legislatively with various amendments and exemption closures. For example, single-use beverage packaging for milk or milk drinks was exempt from the deposit obligation until January 2024, but no longer is. Companies are required to label single-use beverage packaging subject to deposit and participate it with [Deutsche Pfandsystem \(DPG\)](#), a deposit scheme covering all of Germany. They are also required to register with the LUCID Packaging Register of the Zentrale Stelle Verpackungsregister (Central Agency Packaging Register – ZSVR) and indicate there that they are placing products in single-use beverage packaging subject to deposit on the German market.

Breach of deposit obligation

The case of an online shop that had become conspicuous shows that there are consequences to breaching the law. The online shop imports many beverages such as sodas or energy drinks from abroad and places them on the German market.

It all started when an enforcement authority was tipped off that the company was breaching the deposit obligation. The allegation was substantiated when the authority checked the shop and its warehouse and found that, while the online shop was selling more than 30 different beverages in cans and single-use plastic beverage bottles subject to deposit at that time, it had neither labelled the packaging as required nor charged a deposit.

Incomplete registration in the LUCID Packaging Register

The enforcement authority then asked the ZSVR which packaging the company had registered with in the LUCID Packaging Register. It turned out that the company had only complied with the registration requirement for its shipment packaging. There was no indication in the registration that the shop was also distributing beverages in single-use beverage packaging subject to deposit.

Online shop operator issued five-figure fine

The enforcement authority initiated proceedings against the online shop, which was ultimately issued a five-figure fine. The Verpackungsgesetz (Packaging Act) allows for even higher fines: failure to comply with the deposit obligation is punishable with a fine of up to 100,000 euros per incident. The same applies to incorrect or incomplete registration with the LUCID Packaging Register.

The online shop operator has now complied with its packaging law obligations, offering beverage packaging with a corresponding label and charging deposit. The company has also indicated in the LUCID Packaging Register that it distributes products in single-use beverage packaging subject to deposit.

Cross-authority collaboration on enforcement

Whenever the ZSVR has cause to suspect that a company is in breach of its obligations under the Verpackungsgesetz, these suspected cases are always reported to state enforcement authorities. It has reported more than 20,000 cases of administrative offences since 2019, using the LUCID portal for authorities that allows for digital and automated transfer.

Ms Gunda Rachut, Chair of the ZSVR, commented: *"Free riders are riding on thin ice. The case at hand is a prime example of our enforcement authorities' vigilance; they were the ones getting the ball rolling here. Preparing enforcement proceedings is not a one-way street but requires that different authorities work together."*

The full case report is available on the ZSVR website at <https://www.verpackungsregister.org/case-report-breach-of-deposit-obligation>.

About the ZSVR

Since the Verpackungsgesetz (Packaging Act) entered into force on 1 January 2019, the Stiftung Zentrale Stelle Verpackungsregister (Foundation Central Agency Packaging Register – ZSVR) has served as an entrusted body to foster greater transparency and control in the packaging recycling market. To this end, the ZSVR maintains a register of all industrial and commercial companies under legal obligation, reconciles volumes between producers and systems, and provides for more recycling-friendly design by setting standards. Lawyer Gunda Rachut is the Chair of the Foundation.

Contact:

Dr Bettina Sunderdiek
Head of Communications and Press
Phone: +49 541 201971-13
Mobile: +49 160 8433576
presse@verpackungsregister.org
www.verpackungsregister.org
Zentrale Stelle Verpackungsregister
Öwer de Hase 18
49074 Osnabrück
Germany