

Online Platforms & Fulfilment Service

Science- and enforcement-based evidence regarding Art. 18, Art. 40 (3) of the Proposal for a Regulation on Packaging and Packaging Waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC

Lessons learned:

The compulsory verification for operators of online platforms and fulfilment service providers forces producers to comply with their extended producer responsibilities (EPR). Requirements to an effective regulation are:

Operators of online platforms and fulfilment service providers must **verify** whether the producers are registered with the packaging register and, where applicable, whether the packaging offered is being participated in a system (PRO).

They have to do verification **before** products can be offered on online platforms or handled by fulfilment service providers.

The verification of the registration is easy to be done by online platforms and fulfilment service providers through a digital register excerpt. To enable (large) online platforms to check EPR registrations, an automatic and user friendly digital register excerpt can be established within the national register. It is important to also allow the digital excerpt for information on PRO participation for EPR.

Self-certification by the producer cannot always be trusted.

Operators of online platforms must not enable the offer of the product on the online platform and fulfilment service providers must not provide their services if the producer is not registered, and where applicable, does not participate in a PRO.

=> **traffic ban**, enforced by Member States

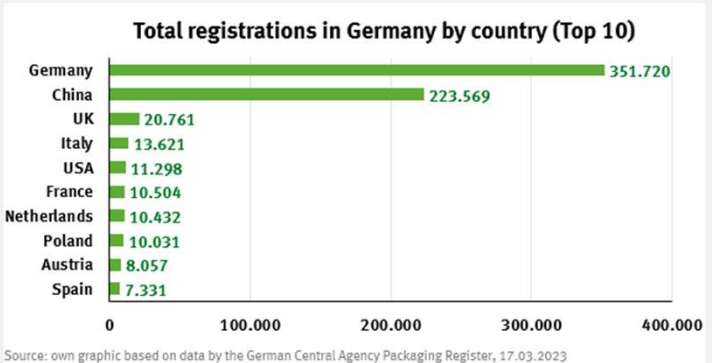


Free-riders:

Persons who do not comply with their EPR obligations, e.g. registration, but yet place packaging on the market

Results of the compulsory verification:

- Registrations have increased by 119 % to 518.000 from the start of mailings in 2021 to the entry into force of the compulsory verification in Germany on 1st July 2022. Currently, there are 715.204 registrations (reporting date 31st March 2023).
- In 2022, of all new registrations 65 % were foreign registrations (13 % EU without Germany, 52 % third countries).

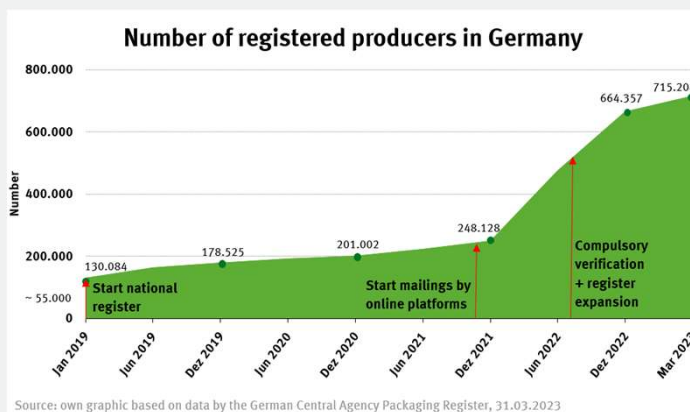


- PRO participation has also increased even further in Germany. So far, the focus of communication has been on getting producers to register first so that the producers are known and reachable. The task now is to address the lacking system participation. The next step will be to implement an automatic retrieval for system participation with the packaging register.
- It must be ensured that Member State measures advanced to those envisaged in Article 40 paragraph 3 can be adopted in line with Regulation (EU) 2022/2065 and the Treaties, especially when they are already in force.

Background Information

A German regulation considering these points led to a significant **increase in registrations of producers** of packaging (especially from third countries) (also see fact sheet "Register of Producers").

From October 2021, big online platforms had been sending out mailings on the new requirements. In July 2022, the compulsory verification entered into force.



Advantages of compulsory verification:

- Reduces free-riding and competitive disadvantages of compliant producers, e.g. bearing the costs of the management of packaging waste.
- Enables the removal of free-riders from online platforms and the termination of services of fulfilment service providers, especially for producers from third countries (e.g. from China, UK, USA) because they cannot be held accountable within the EU.

German Environment Agency

Links

[Producer responsibility of third-country producers in e-commerce \(Research Report\)](#)

[Recommendations for the Revision of the Packaging and Packaging Waste Directive 1994/62/EG \(Scientific Opinion Paper\)](#)

[Overview of amendments of the German Packaging Act 2021 \(Homepage German Packaging Register\)](#)

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Section III 1.6 Plastics and Packaging and
Subsection Implementation of the German Packaging Act

Umwelt
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