

February 2023

From pizza boxes to take-away cups: defining and delineating between service packaging types

1. What are typical examples of service packaging in food and beverage services?

Service packaging is filled with food and drink on site at food and beverage businesses, for example, to enable goods to be handed over to customers. These points of sale include places like: **restaurants, pizzerias, hotels, cafés, bakeries, butchers, snack bars, kiosks, motorway service areas, amusement parks, cinemas, stands at markets or farm shops (direct distribution).**

The person/company handing over food and drink in its packaging to customers is referred to as the 'final distributor'.

Examples of typical service packaging for the packaging of food and beverages are

- ◆ Wrappings, deli paper, aluminium and plastic wrapping, snack bags used to pack things like kebabs, fish rolls or sandwiches
- ◆ Conical bags, trays for chips, salad, meals, snacks and fast food, pizza boxes used by fast food restaurants and pizzerias
- ◆ Snack, lunch, food, noodle and folding boxes and soup, fruit and dressing cups, jars with lids used for take-away food such as salad, sushi and soup
- ◆ Bags, boxes, cups for things like nachos, popcorn and ice cream used at ice cream parlours and cinemas
- ◆ Produce roll bags, conical bags and wrappings filled with goods on weekly markets
- ◆ Take-away and disposable cups for hot and cold drinks, with or without lid, used at bakeries, snack bars, amusement parks or motorway service areas for things like coffee, soft drinks, juices, smoothies or milkshakes
- ◆ Bags, tablets, food covers, films, thermal bags used in places like bakeries and butchers
- ◆ Jars, cans, films or vacuum-packed goods in vending machines in front of businesses like butchers, bakeries, farm shops, kiosks or motorway service areas
- ◆ Carrier bags of any kind





! Please note:

- For something to be considered service packaging, it does not matter whether an employee or a customer fills the packaging.
- Something can be service packaging if a customer fills packaging provided at a salad bar, for example, with relevant goods (salad, vegetables, fruit, olives, stuffed tomatoes, etc.).

- It also does not matter whether the customer pays for the service packaging, such as carrier bags.
- It also does not matter what material the service packaging is made of (e.g. paper, plastic, metal, glass, etc.).

2. What packaging is not considered service packaging?

Examples of packaging that is not considered service packaging in the food and beverage industry include the following:

- ◆ Items that are not handed over to customers, such as plates and cups at a restaurant (= reusable restaurant tableware) 
- ◆ Items that are given to customers but whose immediate purpose is not packaging or providing food and drink. That includes things like disposable cutlery, toothpicks and napkins.
- ◆ Packaging such as PET, glass or metal bottles or cans that are single-use beverage packaging subject to deposit 
- ◆ Reusable packaging that is part of a functional reuse scheme, such as cups or bowls.
- ◆ Packaging that is filled in advance with food somewhere other than the food and beverage business and that is then offered for sale at that business. That includes things like homemade foods of any kind in jars, cans, cups or other containers (fruit and vegetables, baked goods, cheese, marmalade, pesto, antipasti, vacuum-packed sausages, etc.).
- ◆ Packaging that only serves to transport the goods and is not handed over the customer, such as cool bags or thermal boxes
- ◆ Packaging used to deliver food and drink to customers by either the food and beverage business itself or via a commercial delivery service is considered transport packaging under the Verpackungsgesetz (Packaging Act). It is not service packaging.

Doing your part for the environment – questions about producer responsibility and system participation

1. What does producer responsibility mean in the food and beverage industry?

In Europe, packaging is subject to so-called extended producer responsibility (EPR). In other words: food and beverage businesses that fill packaging with food and drink and sell it must ensure that they do as little damage to the environment as possible.

Regardless of whether it is a café, restaurant, bakery, butchers, pizzeria, snack bar, kiosk, etc., service packaging is filled with goods there and handed over to customers.

That service packaging typically accumulates as waste with private final consumers. As such, the person handing the packaging over must meet statutory packaging requirements and pay for the packaging's recovery/recycling.

2. What are the systems and what is meant by 'system participation'?

In Germany, the (dual) systems take care of nationwide packaging collection, sorting and recycling. Private final consumers dispose of their packaging waste in yellow bags/bins, paper bins and paper/glass containers after use. The packaging is processed at sorting and recycling plants where as much high-quality material is recovered as possible.

To make it possible to perform these services, industrial and retail companies that place packaged goods on the German market pay a fee to one or more system(s). This is referred to as the 'system participation fee'. The obligation to contribute financially to the recovery and recycling of packaging is not something new for companies; they have had to do so for more than two decades.

Every company that fills packaging with goods and places it on the German market is free to decide which system(s) it would like to enter into an agreement with. In Germany, this market is organised around principles of competition. There are different service providers. A list with contact details and address, contact people and phone numbers can be found at <https://www.verpackungsregister.org/en/systems-overview>.

Options and obligations – how to comply with the law

1. Is there a special provision for final distributors of service packaging? What should I do?

i Special provisions for service packaging

Do you run a restaurant, snack bar, dry cleaner? Are you a marketplace retailer, a baker, butcher, pharmacist, optician or jeweller? Or do you have another business in which you fill service packaging with goods and hand them over to your customers? If the answer is yes, then let us explain how you can be sure to fulfil your obligations under German packaging law.



i Purchasing pre-participated unfilled service packaging

You can buy 'pre-participated' service packaging from a supplier or wholesaler who has already paid for the packaging's recycling. This 'pre-participation' only applies to service packaging. You have to ensure that the invoice or delivery note confirms the pre-participation of the unfilled service packaging you have purchased; this will serve as evidence that you have fulfilled your obligations. The supplier or wholesaler is required to provide such a confirmation to you.



✓ You choose to exclusively buy pre-participated unfilled service packaging from your supplier or wholesaler.

You have to register with the LUCID Packaging Register and confirm that the packaging you place on the German market is pre-participated service packaging. To confirm this, check the box that says 'Exclusively pre-participated service packaging' when providing details on your packaging types.



✗ You choose not to buy pre-participated service packaging and/or place other packaging types, such as retail, shipment⁹- or grouped packaging, on the German market.

In both cases you have to fulfil your obligations under packaging law yourself:

- + Register with the LUCID Packaging Register and indicate there that you place retail, grouped or shipment packaging as well as service packaging (included in retail packaging) on the German market. This is done by ticking the uppermost category of packaging subject to system participation.
- + Conclude a system participation agreement with one or more system(s).
- + Provide the exact same packaging volume report that you provide to a system to the LUCID Packaging Register (including when entering into the agreement).

⁹ Packaging used by restaurants or delivery services to bring food or beverages to customers, for example, is not service packaging. The law classifies this packaging as shipment packaging.

What is service packaging?

Service packaging is packaging that is not filled until it reaches the final distributor and is used to enable or support handing goods over to the final consumer. The 'final distributor' is the retailer giving the goods to the final consumer.



Service packaging typically accumulates as waste with private final consumers. That is why they are subject to system participation – without exception!

Examples of service packaging include:

- ▶ Pizza boxes 
- ▶ Takeaway coffee cups 
- ▶ Bakery bags 
- ▶ Jars filled at the chemist 
- ▶ Fast food containers 
- ▶ Snack containers 
- ▶ Conical bags 
- ▶ Butcher papers 

As a final distributor of service packaging, you have two ways to fulfil your obligations:

- a. **If you exclusively place service packaging on the German market: you can take advantage of a special provision and purchase 'pre-participated packaging' from your supplier or wholesaler.** In this situation, the supplier or wholesaler has already paid for the packaging's recycling. That is called 'pre-participation'. This option is only available for service packaging. You must ensure that your invoice or delivery note includes a confirmation that shows that you purchased pre-participated packaging. That is how you evidence that you are fulfilling your obligations. Your supplier/wholesaler is required to provide that confirmation to you.

! Please note:

If you buy exclusively pre-participated service packaging, you must register in the LUCID Packaging Register. When registering, tick the **'exclusively pre-participated service packaging'** box to show that you are taking advantage of this special provision. To find out more, please watch our [explanatory film about service packaging](#).

- b. **If you decide not to purchase only pre-participated packaging, or if you also place other retail or shipment packaging on the German market with your goods: then you must fulfil all of the statutory packaging obligations yourself and**
 - register with the LUCID Packaging Register,
 - indicate there that you place retail, grouped, shipment and service packaging on the German market. This is done by ticking the uppermost category of 'Packaging subject to system participation',
 - enter into a system participation agreement with one or more system(s) and
 - provide the exact same packaging volume reports ('data reports') to the LUCID Packaging Register that you provide to your system.

We have published the ['3 steps to fulfilling registration and system participation requirements' guideline](#) with more detailed information about what you need to do. Need help during registration? Watch our [explanatory film about first-time registration](#).

2. What provisions are there since 1 July 2022 and what are the impacts on final distributors of service packaging?

If you are a final distributor of service packaging or hand over other types of packaging to customers, you must be registered in the LUCID Packaging Register since 1 July 2022, regardless of packaging type. This new provision also applies to food and beverage businesses that purchase pre-participated packaging.

When registering, you must indicate what type of packaging you place on the German market, e. g. service packaging and/or reusable packaging. If you deliver your food and drink to your customers (either yourself or via a delivery service), the packaging stops being service packaging and becomes shipment packaging under the Act.

3. Which packaging law obligations are applicable to individual outlets or locations of a food and beverage company, e.g. a food service? Is every single outlet required to register in the LUCID Packaging Register?

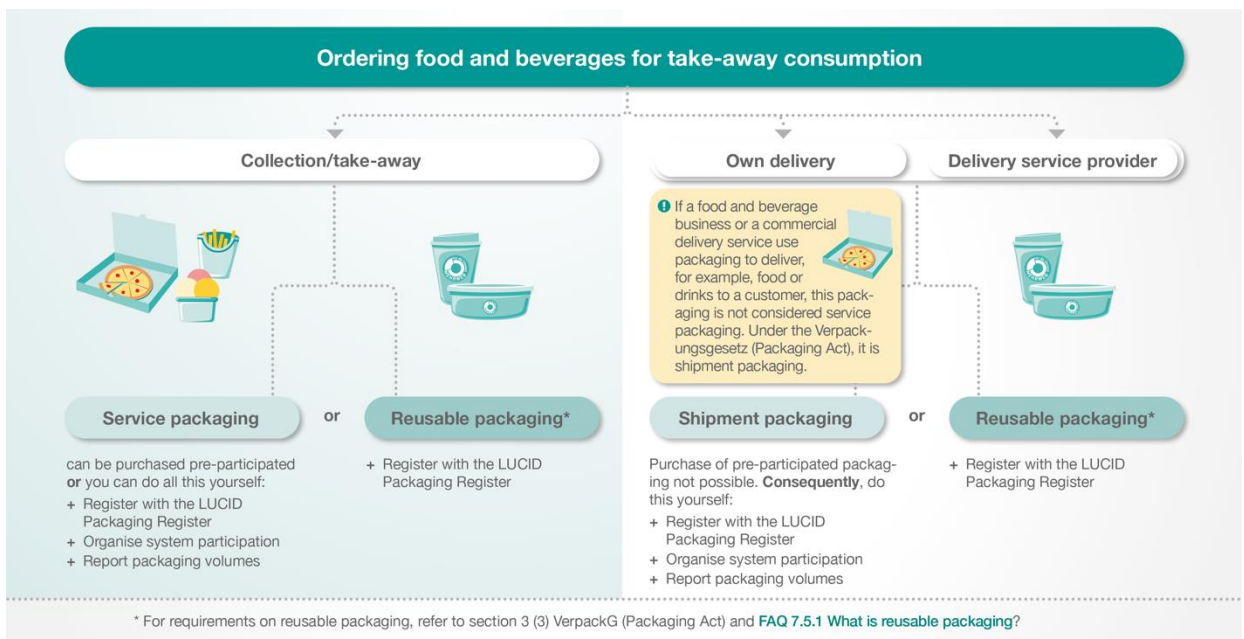
The packaging law obligations depend on the legal status of the outlet in question. If your outlets

- ◆ are separate legal entities with their own entry in the commercial register, and
- ◆ they fill service packaging with goods and place it on the German market,

they each need their own registration in the LUCID Packaging Register.

Whoever places packaging subject to system participation on the German market (including service packaging) is required to fulfil both the registration requirement and the system participation requirement. Please see pages 3 and 4 of this document to learn more about how to fulfil the registration and system participation requirements, and how to take advantage of the special provision that allows you to purchase pre-participated packaging. You can also take a look at this [graphic](#).

Questions and answers about practical applications – ordering food and drink for take-away consumption



What packaging law obligations arise in the following situations?

1. Self-collection: customers collect their orders at the food and beverage business themselves and do not consume it on site.

The obligations depend on what packaging is given to the customer. If it is reusable packaging (for requirements, see section 3 VerpackG and [FAQ 7.5.1 What is reusable packaging](#)), the food and beverage business needs to register in the LUCID Packaging Register and indicate there that it places reusable packaging on the German market. This is done by ticking the category of 'Packaging not subject to system participation'.

In this situation, however, no packaging volume reports need to be made because the packaging is not subject to system participation. But there are evidentiary and documentation obligations; see section 15 VerpackG (Packaging Act).

For service packaging, the food and beverage business must register in the LUCID Packaging Register and fulfil system participation requirements. To find out how, please watch our explanatory film about service packaging or refer to pages 2 and 3 of this document.

2. **Delivery by the business itself or a commercial delivery service: the food and beverage business delivers food and drink to its customers.**

As soon as food and drink are being delivered, the packaging stops being **service packaging** and becomes **shipment packaging**. Shipment packaging is a sub-type of retail packaging and it is also subject to system participation in the food and beverage industry. In this case, the food and beverage business needs to fulfil all of its obligations under the Verpackungsgesetz itself:

- Register with the LUCID Packaging Register
- Indicate in the LUCID Packaging Register that it places shipment packaging on the German market. This is done by ticking the uppermost category of 'Packaging subject to system participation',
- Enter into a system participation agreement with one or more system(s)
- Provide the exact same packaging volume reports ('data reports') to a system and to the LUCID Packaging Register

However, if it is **reusable packaging**, the food and beverage business must register in the LUCID Packaging Register and indicate there that it places reusable packaging on the German market. Reporting packaging volumes is not necessary in this case. But there are evidentiary and documentation obligations; see section 15 VerpackG (Packaging Act).

The same applies if a commercial delivery service is engaged to deliver food and drink to customers.

3. **Customers ordered food and drink in the food and beverage business, but did not fully consume it there. They ask for it to be packed up (leftovers from food are packed into a 'doggy bag' to be consumed off premises).**

- If the customer brings containers that can be filled with food and drink and taken away, there are no statutory obligations for the food and beverage business.
- If the packaging is provided by the food and beverage business, the following situations may arise:
 - If the business packs the food and drink into **service packaging**, it must register with the LUCID Packaging Register and fulfil system participation requirements. To find out how, please watch our explanatory film about service packaging or refer to pages 2 and 3 of this document.
 - If the business packs the food and drink into reusable packaging, it must register with the LUCID Packaging Register and indicate there that it places reusable packaging on the German market. This is done by ticking the category of 'Packaging not subject to system participation'. However, it is not required to report packaging volumes or pay for the packaging's recycling because reusable packaging is a type of packaging not subject to system participation.

Take-away food and drink – an overview of the obligations by packaging type

Type of packaging	Obligations				
	Registration in the LUCID Packaging Register	Indicate packaging type during registration	Organise system participation		Evidentiary and documentation obligations pursuant to section 15 VerpackG
Customers bringing their own containers	✗	✗	✗		✗
Reusable packaging	✓	✓	✗		✓
Service packaging	✓	✓	Pre-participated purchase Fulfil the system participation requirement by purchasing exclusively pre-participated unfilled packaging No reporting about packaging volumes required!	No pre-participated purchase Decide not to purchase exclusively pre-participated unfilled packaging – fulfil all obligations in addition to registration: enter into a system participation agreement and submit packaging volume reports	✗
Delivery: shipment packaging	✓	✓	⚠ Pre-participated purchase of packaging not possible: fulfil all requirements personally ¹⁾		✓

¹ To learn more about what you need to do to fulfil your obligations, please see pages 3 and 4 of this document („Options and obligations – how to comply with the law“).

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