

## Product Risk Radar

### Ban on plastic carrier bags in Germany

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#### What has happened?

In 2016, the German Federal Ministry of Environment and the German retail industry agreed on voluntary measures to reduce the use of plastic carrier bags. However, upon evaluation of the success of such voluntary action by the industry, the Government came to the opinion that such voluntary measures had not proven to be successful. Consequently, the German legislature amended the Packaging Act (in German: Verpackungsgesetz, "VerpackG") and introduced a general legal ban on plastic carrier bags. This ban has entered into force on 1 January 2022.

#### What does this mean?

The most relevant aspects of the legal ban on plastic carrier bags are the following:

- The amended Packaging Act does not prohibit the sale or use of plastic carrier bags per se. Since 1 January 2022, however, final distributors are prohibited from placing on the market plastic carrier bags, with or without handles, with a wall thickness of less than 50 micrometers, which are intended to be filled with goods at the point of sale.
- This prohibition also includes so-called "bioplastics" bags, i.e., recycled or ecologically produced plastic bags. In the opinion of the Federal Ministry of Environment, bioplastics are as harmful to the environment as conventional plastic carrier bags.
- In contrast, the placing on the market of plastic carrier bags as a separate product is not prohibited, especially as such carrier bags are not intended to be filled at the point of sale.
- Furthermore, very lightweight plastic carrier bags with a wall thickness of less than 15 micrometers (called "Hemdchentüten" in German) are exempted from the ban. In the view of the Federal Ministry of Environment, there are hardly environmentally friendly alternatives to such bags which are necessary for hygienic reasons, or which are intended as sales packaging or initial packaging for food.

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- If final distributors offer plastic carrier bags with a wall thickness of less than 50 micrometers in violation of the Packaging Act, they would have committed an administrative offence punishable with a fine of up to EUR 100,000.

## Where to seek further help?

Baker McKenzie has extensive experience with advising clients in respect of the ever-evolving German packaging law. To discuss how your business can best position itself in respect of these issues, please contact one of our team today.

## Contacts



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