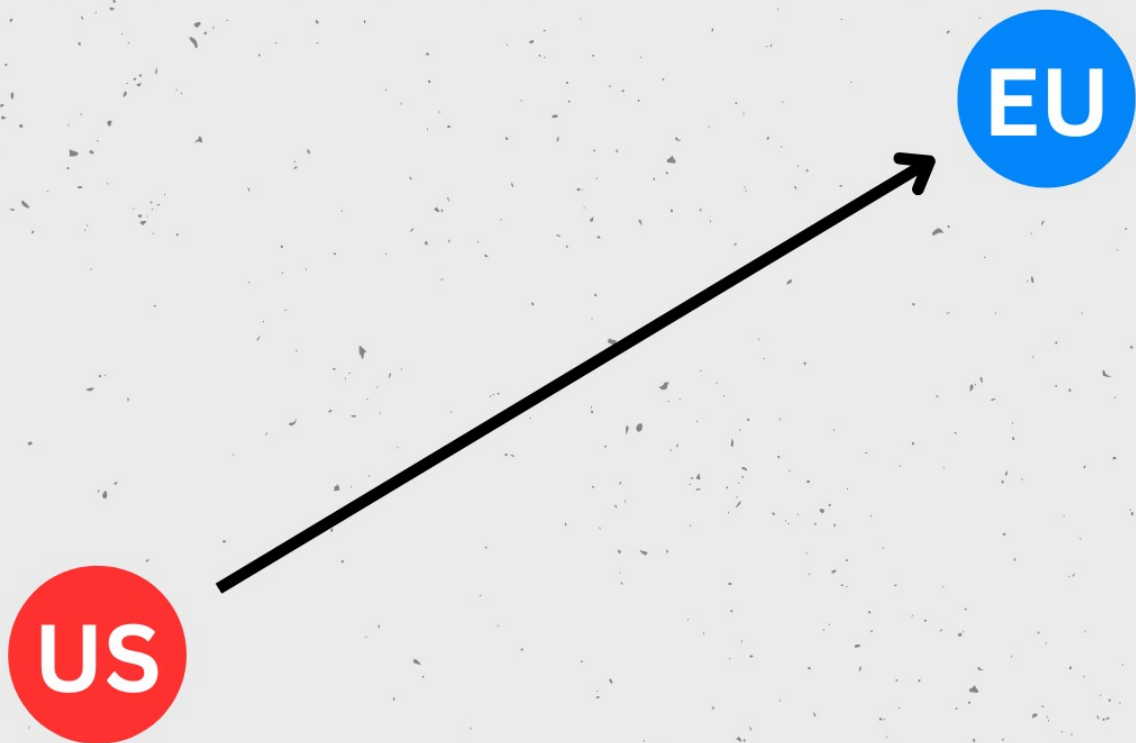


THE EU-READY SELLER

2025



HOW TO SELL LEGALLY AND GROW
IN GERMANY AND EUROPE

DIRK SCHMIDT-WAERDT

Selling to Germany and other EU Countries – the right way, legally.

This is *not* a book about marketing, product design, or SEO.

It is a **hands-on compliance guide** for international e-commerce merchants who want to sell directly to consumers in Germany and across the European Union **without getting into trouble**. Germany is the largest market in the EU and serves as a suitable case study for the other 26 EU member states.

Whether you are a small seller, a drop-shipper, or a growing cross-border brand, entering the German B2C market means you must comply with a complex legal framework. It is not just about VAT. You will face **strict requirements around product safety, Declaration of Conformity (DoC), CE marking, packaging registration (LUCID), WEEE and battery compliance, customs procedures, and data protection under the GDPR.**

Even if you use a fulfillment provider like Amazon FBA, legal responsibility stays with you—the seller. That is where this book comes in.

Written in clear language and packed with real-world examples, this guide explains

- How to ensure your products meet **EU conformity and labeling requirements**,
- Why you need an **EU Authorized Representative** for most product categories,
- When and how to **register for VAT** in Germany,
- What **EPR rules** apply to packaging, electronics, and batteries,
- And how to avoid the most common legal and bureaucratic pitfalls in cross-border trade.

With practical instructions, legal background, and up-to-date references to new EU regulations such as the Packaging Waste Regulation or the Deforestation Regulation, this book gives you exactly what you need to operate with confidence.

Whether you sell via Amazon, eBay, Shopify, or your own website, this guide is essential if you want to build a **sustainable, compliant, and risk-proof** business in Germany and the EU.

Do not just ship your products—navigate the system.
Compliance is not optional. It is your competitive edge.

The EU-Ready Seller

How to Sell Legally and Grow in Germany and Europe

by

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To my fraternity brother Olaf “Hardy” Hartmann, for his friendship.

And to all who dare to walk the path across hills and mountains.

1st Edition

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Artificial Intelligence contributed to this book, to translations and language style.



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Table of Contents

1 German and EU E-Commerce Laws.....	9
2 Product Standards and Product Safety.....	13
2.1 Understanding CE Labeling #CE.....	13
2.2 The EU Declaration of Conformity #DoC.....	14
2.3 Exploring General Product Safety Regulations #GPSR.....	16
2.4 The Concept of Product Safety.....	17
2.5 Application of Regulations on Manufacturers and Importers.....	18
3 The EU Authorized Representative (GPSR) #AR.....	21
3.1 The EU Responsible Person #RP.....	26
4 Understanding the EU Value-Added Tax Regime #VAT.....	29
5 VAT Registration and Frequent Reporting.....	33
5.1 Registration for VAT in Germany.....	33
5.2 VAT Reporting and Filing in Germany.....	42
5.3 The OSS Reporting Schemes.....	49
5.4 How to get the Figures for VAT Reporting.....	54
6 Customs: Tariffs and Import Input Tax.....	57
6.1 Understanding Customs: Tariffs and Import Input Tax.....	57
6.2 Thresholds and Customs Representatives.....	60
6.3 Navigating through EORI, VAT ID, and Customs.....	61
6.4 Get the right partner for international standardized import services.....	62
6.5 Intrastat Reporting in the European Union.....	67
7 EPR: Disposal of Product and Shipping Packaging #LUCID.....	69
7.1 Roles and Responsibilities of Manufacturers and Importers.....	69
7.2 The Role of E-Merchants and Fulfillment Centers.....	70
7.3 Germany's Packaging Categories.....	71
7.4 Understanding the LUCID Packaging Register & Authorized Representatives.....	72
7.5 Procuring Disposal Volumes & Reporting to LUCID.....	73
8 EPR: Disposal of Waste Electronics and Electrical Equipment #WEEE.....	75
8.1 Understanding WEEE - An In-Depth Look.....	75
8.2 Navigating WEEE in Germany as a Non-EU Resident.....	76
8.3 Responsibilities and Role of a WEEE Authorized Representative.....	78
9 EPR: Disposal of Batteries.....	79
10 Privacy Rights and Data Protection #GDPR #DSGVO.....	81
11 Further Obligations.....	83
11.1 EU Deforestation Regulation #EUDR.....	83
11.2 Carbon Border Adjustment Mechanism #CBAM.....	84
11.3 Human Rights Due Diligence #CSDDD.....	86
11.4 Consumer Return Right & Returns Management.....	87
12 Further Developments and Outlook.....	91
12.1 The Digital Product Passport: Upcoming EU Regulations on Toys #DPP.....	91
12.2 The New EU Packaging and Packaging Waste Regulation #PPWR.....	92
12.3 Human Rights Due Diligence #CSSDD.....	93
12.4 EU Flat Fee on Small E-Commerce Parcels.....	93
13 Germany: A Base for an EU B2C Market Entry Strategy.....	95
14 Lean Management: Bottom Up vs. Top Down.....	97
Appendix.....	101
A Products with Reduced VAT Rate in Germany.....	103
B List of Tax Offices with International Activities.....	111

1 German and EU E-Commerce Laws

TL;DR

- You must follow EU regulations and national laws when selling to EU consumers. B2C sales require full compliance with consumer and environmental protection rules.
- The implementation of EU laws by the EU member states can lead to very different solutions.
- EPR on packaging and waste electronics is mandatory in every EU country you sell to; existing differences and national thresholds will diminish very soon.
- You need an authorized representative for B2C sales in each EU member state.¹
- B2B sales are easier—compliance is mostly the buyer's responsibility.

In the world of E-Commerce, understanding the legal landscape is essential, especially if you wish to venture into the German market and other European Union (EU) territories. This chapter lays the groundwork for your understanding of key legal concepts and responsibilities.

The Role of the European Union (EU) in E-Commerce Regulation

The European Union (EU) originated from the European Community and the European Economic Community. Today, it is more than just a customs union or a loose alliance of states. While the EU is not a nation-state, it functions as a supranational organization with a two-chamber legislative structure—the European Parliament and the European Council—and an executive branch, the European Commission.

EU legislation takes the form of directives and regulations. Regulations are directly applicable in all member states and are binding for individuals and companies without the need for national implementation. Directives, on the other hand, require transposition into national law. They define objectives for the member states, which then implement them through national legislation.

A notable example is the EU VAT Directive, which provides a framework for the value-added tax system, including permissible VAT rates and the number of reduced rates. Another important directive was Directive 94/62/EC on packaging and packaging waste, which aimed to harmonize national legislation on environmental protection. However, national differences in implementing directives often result in legal fragmentation. While some view this diversity as fostering competition and innovation, others regard it as a barrier to achieving a fully integrated Single European Market.

In response to these inconsistencies, the European Union replaced the directive on packaging with a directly applicable regulation in 2025. This new regulation not only replaces Directive

¹ Only during a transitional period a voluntary authorized representative for some regulatory branches might be sufficient in some EU member states.

94/62/EC but also consolidates various EU rules into a single legal act. Nevertheless, the implementation across member states will take at least 18 months. One key change is the requirement for non-EU businesses to appoint an authorized representative in each EU country where they conduct B2C sales. Additionally, country-specific registration thresholds will be eliminated. Once fully implemented, packaging registration will be mandatory in every member state where consumer-facing transactions occur.

The Legal Divide: B2B and B2C Obligations in the European Union

Understanding the distinction between B2B (business-to-business) and B2C (business-to-consumer) sales is essential when navigating EU legal requirements. B2B transactions are generally subject to fewer regulatory burdens at the EU level, as obligations often shift to the purchasing company.

In contrast, B2C transactions are highly regulated, particularly in areas such as consumer protection and environmental compliance. Regardless of whether a business is located within or outside the EU, the same legal obligations apply when selling directly to EU consumers. International e-merchants engaging in B2C sales are subject to the same requirements as domestic retailers. There is no legal loophole to avoid compliance costs by operating from abroad.

This book is dedicated to helping international cross-border e-merchants understand and comply with the legal requirements for B2C sales in Germany. It outlines the full range of obligations faced by EU-based and non-EU retailers alike. On a broader scale, it also highlights the challenges involved in selling across all 27 EU member states, including customs regulations, product compliance, consumer safety, VAT, and extended producer responsibilities (EPR) concerning packaging, electronics, batteries, and more.

Responsibilities of manufacturers and importers

First off, let's delve into the responsibility of the manufacturer. A manufacturer in E-Commerce is akin to the creator. They hold the prime responsibility for ensuring that their products comply with the necessary EU safety, health, and environmental requirements. This mandate extends to both tangible and intangible goods. The intent behind such a stipulation is to safeguard consumer rights, ensuring the products traded are safe to use and pose no harm to the environment.

While the above may seem straightforward for a traditional manufacturer-retailer model, in the world of E-Commerce, things operate a bit differently. Herein comes the concept of 'E-Merchant as the Importer.' As an E-Merchant, you are not just selling products; you assume the role of an importer and thereby, the responsibilities of a manufacturer. Therefore, if you sell directly to consumers (B2C) in any EU market, by law, you are required to fulfill the manufacturer's obligations. This role is not just limited to ensuring product safety but also stretches to aspects of taxation and extended producer responsibilities (EPR), covered later in this guide.

Meeting these obligations inevitably means shelling out for services that ensure you adhere to all the restrictions and requirements. It might seem overwhelming, but this is where service providers come in. Service providers are equipped with resources and knowledge to ensure that your E-Commerce operation remains above board and complies with the necessary laws.

They can provide assistance in areas ranging from customs clearance and VAT registration to understanding and adhering to the EPR directives.

Thus, as an E-Merchant stepping into the EU markets, understanding these responsibilities is not just a moral duty; it's a legal prerequisite to achieving and maintaining a successful and compliant E-Commerce business.

2 Product Standards and Product Safety

TL;DR

- You must meet strict EU safety, health, and environmental requirements for every product.
- CE marking proves compliance—but only with proper documentation and assessment.
- Product safety includes design, testing, labeling, and post-sale vigilance.
- Unsafe products require immediate notification and possible recall by the importer.
- Importers carry the same legal duties as manufacturers in the EU.
- GPSR applies if no specific legislation exists—used goods included.

2.1 Understanding CE Labeling #CE

TL;DR

- CE marking is mandatory for products covered by EU directives before market entry.
- As an importer, you're legally responsible for product compliance—not just the manufacturer.
- A conformity assessment and technical documentation are required before CE marking.
- A Declaration of Conformity (DoC) must be issued and kept for authorities.

Upon entering the European Union market, one of the critical signs you may come across is the CE mark. But what is CE marking, and why is it crucial?

CE Marking, maybe standing for *Conformité Européenne*², is a certification mark found on products that meet a high level of safety, health, and environmental protection standards set out by the European Economic Area (EEA). All the products that fall under its directives must have the CE mark before they can be traded in these territories.

The gist is this: as a manufacturer or an importer into the EU, it's imperative to acquire the CE Marking for your products. The CE Marking is as much about compliance as it is about responsibility. It signifies that the product is compliant with EU legislative requirements, but beyond that, it is the declaration by the manufacturer or the importer that takes responsibility

2 When the CE marking was first introduced, the EU was still called European Community. In French, it is *Communauté Européenne*. As well, CE could stand for Certified Equipment. The intended semantic is unknown nowadays but not crucial for the labeling's function.

for the product and its conformity.

Obtaining the CE marking is an intensive process. Firstly, the manufacturer or importer must carry out a conformity assessment. A self-assessment is possible but there are as well agencies providing this service. The conformity assessment includes a rigorous inspection of the product's specifics and adherence to the regulations. Following this, a detailed technical documentation needs to be prepared, providing all the necessary information about the product. If the product complies with the stipulated directives, the CE marking is affixed, and an EU Declaration of Conformity (DoC) is issued. The DoC is a critical document that declares the product's compliance and features the information about the manufacturer or the importer.

Affixing the CE marking on your product is not just a standard requirement; it is a sign of your commitment to safety, health, and environmental standards. It enables free movement of products within European markets, paving the way for broader access and increased consumer trust.

Affixing the CE marking to a product without proper conformity assessment is not a solution—it is prohibited. Applying the CE mark to products that are not subject to CE marking requirements is considered misleading. It falsely signals to consumers that the product meets EU safety, health, and environmental standards. This constitutes consumer deception and is legally regarded as fraud.

There are further labeling requirements for some areas: Symbols, manufacturer names or registration numbers.

2.2 The EU Declaration of Conformity #DoC

TL;DR

- The Declaration of Conformity (DoC) is a formal legal document required for all CE-marked products.
- It must be signed by the manufacturer or the importer and made available to authorities.
- The DoC confirms compliance with applicable EU legislation and references technical standards.
- It is not the same as the technical documentation or test reports, but complements them.
- DoCs must be stored for 10 years and provided upon request.

What is the Declaration of Conformity?

The EU Declaration of Conformity (DoC) is a mandatory legal document that states a product meets the relevant requirements set out in applicable EU directives or regulations. It serves as a binding statement by the manufacturer or the importer, confirming that the product

complies with all safety, health, and environmental protection standards before it is placed on the EU market.

The DoC must accompany all CE-marked products. Without it, the CE mark is considered invalid, and the product may be subject to market withdrawal, fines, or legal proceedings.

Who must issue the DoC?

If the manufacturer is established inside the EU, the manufacturer issues and signs the DoC.

If the manufacturer is outside the EU, the importer is legally required to issue the DoC under their own name.

A non-EU manufacturer may prepare the document, but the legal responsibility in the EU lies with the economic operator placing the product on the market.

This makes the DoC not just a formality, but a legal act of accountability.

What does a DoC contain?

According to the applicable EU regulations, a DoC must include:

- Product identification (name, type, model number, image if needed)
- Name and address of the manufacturer (and, if applicable, the authorized representative)
- A statement that the declaration is issued under the sole responsibility of the manufacturer
- The relevant EU legislation and standards applied (e.g., Directive 2014/30/EU for EMC)
- A reference to the harmonized standards or other technical specifications used
- The place and date of issue
- The name and signature of the responsible person

The format may vary slightly depending on the directive, but these core elements are always required³. An additional paragraph can be added to indicate who designed the product or on whose behalf it was manufactured.

Relationship with CE marking and technical documentation

Many merchants confuse the DoC with the technical file or test reports. In reality, the technical documentation contains all the underlying material (design drawings, test protocols, risk assessments), while the Declaration of Conformity is a formal summary statement that confirms compliance based on that file. Whenever I use the term CE documents or CE documentation, the Declaration of Conformity is always included.

3 For certain product categories (e.g., medical devices, radio equipment), additional elements such as notified body references may be required.