

December
2020

vere e.v.

CHRISTMAS COURIER



New Batteries Act as of 1 January 2021

Key new items at a glance

On 9 November 2020, the new Batteries Act, or Batteries Act 2 (BattG2 for short) was published in the German Federal Law Gazette.

It is scheduled to take effect on 1 January 2021. The new version of the German implementation of the European Batteries Directive 2006/66/EG contains important changes that every dealer in electrical appliances / electronic equipment / electrical products containing batteries and/or accumulators should know. In this regard, additional innovations are relevant for manufacturers from abroad in addition to those based in Germany.

A brief overview of the most important changes to the Batteries Act 2021 is available here:
<https://www.take-e-way.com/services/batteries-act/>

However, as our brief overview does not claim to be complete, please contact the take-e-way advisory service in the event of any questions or uncertainties by calling +49/40/750687-0 or by e-mail to beratung@take-e-way.de for a free and non-binding consultation.

Save the date

AGM scheduled to be held in Hamburg on 14 September 2021

Please enter this date for the 2021 VERE annual general meeting (AGM) in your diaries. The date and venue are already fixed: 14 September 2021 on the premises of VERE in Hamburg. We will keep you abreast of developments and look forward to your suggestions for topics to info@vereev.de.

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VERE e.V.

The VERE association is represented in several committees of the EAR foundation

Along the lines of the motto: "Don't just grumble – get involved instead", as of this year the VERE Association is also represented on the Board of Trustees of the EAR foundation (German WEEE registration board). The first meeting of the newly elected Board of Trustees of the EAR foundation took place in June of this year, with our Board member Oliver Friedrichs representing the VERE association.

The Board of Trustees consists of a total of six members (one member for each product area), who are elected for five years. The Board of Trustees advises and supervises the Management Board of the EAR foundation. Our second Board member, Mr Hjalmar Vierle, is represented on the Advisory Board of the EAR foundation. The Advisory Board consists of 22 members from the fields of manufacturers, distributors, the Federal Ministry for the Environment (BMU), the Federal Environment Agency (UBA), public waste management authorities (öRE), waste disposal companies, environmental and consumer protection associations and representatives of the German federal states. The Advisory Board provides consultancy services on fundamental matters of the foundation and makes recommendations to the Management Board and the Board of Trustees.

We are really delighted that Mr Friedrichs and Mr Vierle now have the opportunity to focus directly on the perspective and concerns of SMEs on the Advisory Board.

Greeting from the Management Board

Dear VERE e.V. members,

As always, we once again wish to take a look back at the past year and venture a preview of the coming year in our Christmas Courier.

The statement that a "turbulent year" is now drawing to a close and that an "eventful year" lies ahead of us seems like a standard phrase, because it has applied every year since the VERE Association was founded (2003). Yet many of us are facing a Christmas this year that will be heavily influenced by the pandemic.

Overshadowed by the virus impacting us in almost all areas of life, we obviously asked ourselves whether our topics in this year's Christmas Courier are not so insignificant that we should possibly dispense with the need to release it. However, we quickly discarded these thoughts, because even in these difficult times we should not make the mistake of throwing everything we have become used to overboard and sinking into a black cloud of gloom.

As usual, therefore, we hope you will real-

ly enjoy reading our Christmas Courier. We believe that we have once again succeeded in compiling an interesting selection of topics for you. We wish to thank you for the trust you have placed in us again this year and would like to take this opportunity to wish you the best of health, a peaceful Christmas and a happy New Year.

Kind regards


Oliver Friedrichs & Hjalmar Vierle



We wish you and
your families
a Merry
Christmas
and a Happy
New Year.



Initial member advice

in competition law and eCommerce as well as in trademark and copyright disputes

In response to numerous member enquiries, with immediate effect VERE offers free initial member advice on specific or individual legal problems in the field of copyright and storage media levies in accordance with Sections 54 ff. of the German Copyright Act or regarding the Central Office for Private Transfer Rights (ZPU) / collecting societies via the law firm KVLEGAL.

KVLEGAL also offers initial member advice in competition law and eCommerce as well as in trademark and copyright disputes, such as defence against admonitions from competitors due to errors in general terms and conditions, publishing information, revocation instructions and on websites and other advertising measures, or defence against admonitions from competitors or rights holders due to infringement of brands and trademarks or violations of copyright, etc. Free initial member advice is given by telephone or e-mail, in the course of which the factual and legal situation as well as the opportunities and risks being explained and clarified (to the extent possible).

If you have any questions or are interested in using this service, please contact Christoph Brellinger by calling +49/40/750687-111 or sending an e-mail message to info@vereev.de. At this juncture, we would also like to thank our other partner law firms focusing on environmental and waste disposal law, competition law, product safety, brand and Internet law for their competent and always constructive support in legal questions and look forward to our further collaboration in 2021.

VERE welcomes ElektroG3 draft as basically sensible and target-oriented

On 15 October 2020, the VERE Association submitted its statement to the Federal Ministry for the Environment on the draft bill of the ElektroG3.

VERE's requests for amendment are quite manageable, since VERE considers the draft to be basically sensible and target-oriented; the bureaucratic effort is at least not much greater and there are opportunities to establish a qualitatively and quantitatively sophisticated collection and recycling/reuse system featuring increased market fairness.

In summary, VERE wishes to make a positive comment on the fact that a number of proposals already submitted by VERE in its statement on the planned new version of the Electrical and Electronic Equipment Act of 25 June 2019 have been implemented in this draft. This confirms VERE's opinion that continuous exchange concerning the effects of legislation in the marketplace certainly does lead to better laws.

VERE would therefore be all the more pleased if its proposed amendments were taken into account.

4,000 members in the VERE Association

Despite the pandemic, with over 4,000 members the Association for the take-back and recycling of waste electrical and electronic equipment (VERE e.V.) did not have to contend with any losses in membership numbers. Accordingly, VERE – by far the largest association in this field by sheer numbers alone represents the interests of the SME segment as well as distributors and impor-

ters of electrical and electronic equipment in Germany and abroad. Although our Management Board members continue to work in an honorary capacity, we perceive VERE as an effective body to handle the actual everyday problems of SMEs. This is particularly necessary since 99 per cent of businesses in the EU are small and medium-sized enterprises. VERE makes continual efforts to achieve

improvements for its members, using constructive proposals, especially at working level of the public authorities responsible, but also on the political stage. Associations are only strong because of their members. For this reason, VERE is delighted to receive additional supporters. So please feel free to forward this message to your interested partners and business associates.

e-systems Group

Marketability has a new name: trade-e-bility

As of 1 September 2020, TMK Retail Service & Consulting GmbH has a new name: trade-e-bility GmbH. In addition, [seven new services](#) were added to the service portfolio as part of the realignment. The new services take account of the latest legal developments, such as the new Market Surveillance Regulation 2021, as well as individual customer needs, for instance in online trading.

The renaming is a logical consequence of the complete corporate takeover by the take-e-way shareholders in April of this year. The company has since been part of the e-systems® Group alongside its partner businesses take-e-way GmbH and get-e-right GmbH.

The core competence of the group is international compliance management for the international trade in non-food products. Each of the partner companies covers a different field of activity. From the customer's perspective, this gives rise to a robust external partner network that enables comprehensive support for legally compliant international trade from a single source.

While its name has changed, the company remains the same, and yet everything is new. The company trade-e-bility offers exactly what the correct English spelling of its name promises, namely: tradeability, i.e. marketability.

However, there is a decisive financial advantage for customers. This is because trade-e-bility carries out a precise risk analysis before testing in accordance with the Product Safety Act. For instance, only those parameters are tested in the laboratory that are really necessary for the product in question. This approach speedily ensures the conformity of new products with economic measures at reasonable terms and conditions.

The company trade-e-bility GmbH can be reached by telephone on +49/40/54090410-8 or by e-mail at info@trade-e-bility.de.

Market surveillance

Marketplaces and fulfilment service providers are increasingly being targeted

For many years now, the VERE Association has tirelessly drawn attention to the problem of unregulated direct imports of goods from third countries. Products are flooding into the European market, particularly via the electronic marketplaces, that in many cases do not meet the established requirements of product responsibility and product safety.

Fortunately, new laws or legislation in the process of being amended now extend responsibilities to include electronic marketplaces and fulfilment service providers. For instance, we have regulations in both the Market Surveillance Ordinance (to take effect as of the summer of 2021), the draft bills for the Electrical and Electronic Equipment



Act and the Packaging Act (both expected to be in force from 2022).

All regulations oblige electronic marketplace operators at least to provide public authorities with comprehensive information on individual products and to keep technical documents available. In fact, the Packaging Act and the Electrical and Electronic Equipment Act even prohibit electronic marketplaces from offering unregistered products and packaging. Fulfilment service providers may additionally even be considered as economic operators according to the Market Surveillance Regulation if the mandated economic operators upstream of the supply chain have failed to meet their obligations.

We believe that these extensions of the responsibilities will lead to the situation where both the operators of electronic marketplaces as well as commissioned fulfilment service providers will increasingly check their customers for compliance with the relevant legislation in order to prevent damage to their own companies where necessary.

This is a piece of good news for all VERE members who have already been behaving in a legally compliant manner for many years and who proactively take responsibility for their products, because unequal competitive conditions will be mitigated to a certain extent.

Draft bill on the German Packaging Act

Shortly before the start of the Advent season, the German Federal Environment Ministry presented us with the draft bill for the Packaging Act. The draft is generally to be seen as a sign of the increasing pressure from politics, NGOs and society towards more recycling and resource protection, the need to implement the Waste Framework Directive and the plastics strategy of the EU and the German government.

The essential changes planned can be summarised as follows – but not exhaustively, of course:

- Increased recycling rates for beverage bottles, and the extension of mandatory deposit to all non-refillable PET beverage bottles and aluminium cans, and the introduction of a phased-in minimum use rate for recycled plastics in PET beverage bottles.
- Mandatory alternative offer of reusable packaging for food intended for immediate consumption and beverages in disposable plastic packaging.
- Extension of the group of mandated parties

to ensure system participation for packaging subject to such rules to include operators of electronic marketplaces as well as fulfilment service providers.

- Manufacturers from third countries may appoint an authorised representative for data reporting (Section 10 of the Packaging Act) on the LUCID portal of the Central Packaging Register.
- Packaging that is not subject to system participation (e.g. transport packaging) must also be registered.

The new Packaging Act will now proceed through the usual stages on its way to coming into force (presumably January 2022) and will certainly accompany us on numerous occasions in the coming year in the trade media, forums and information events. The VERE Association will of course participate in the discussions in order to represent the interests of its members here as well. As in all other areas, we welcome your opinions and input so that we can incorporate them into our work.

Are you ready for the Market Surveillance Regulation?

The Europe-wide enforcement of a large number of product compliance requirements will be significantly tightened

When the Market Surveillance Regulation takes effect in July 2021, the Europe-wide enforcement of RoHS, REACH, the Product Safety Act and a large number of other product compliance requirements already in force will be significantly tightened. We know from our numerous talks with most of our members that there are immense fears that it will no longer be possible to meet all these requirements.

This is why we have developed pragmatic

“trade-e-bility” solutions that we wish to present to you every Thursday from 14:00 h to 15:00 h (CET) as part of our free “Introduction to the new Market Surveillance Regulation” webinar. In this regard, we will also provide you with a first insight into the requirements of the Market Surveillance Regulation.

Sign up for the free webinar by following this link: <https://register.gotowebinar.com/r/3024476523893867021>

If you have any questions about the new trade-e-bility solutions, Boris Berndt will be pleased to answer them immediately (also in advance before the webinar). Please call +49/40/54090410-8 or send an e-mail message to info@trade-e-bility.de.

Tip: You are also welcome to register for the webinar if you cannot take part in person. A link to the recording will be sent to you automatically.

For the fourth year in succession, take-e-way GmbH was able to report more waste electrical and electronic equipment to the EAR foundation year-on-year. Accordingly, on behalf of its represented manufacturers and distributors, take-e-way contributes to orderly recycling of more and more old appliances, to the removal of harmful substances and to the recovery of secondary raw materials contained in all such articles. The re-use of used electrical appliances also plays an important role in the take-back systems made available by take-e-way. In the field of disposal coordination, the 30 per cent increase in earnings is attributable to the successful growth of take-e-way.

take-e-way's distributor take-back system likewise recorded a further increase in

volume. Meanwhile, take-e-way contributes about 10 per cent to the total nationwide take-back volume.

take-e-way's performance report is available at the following link: https://www.take-e-way.de/fileadmin/user_upload/TEW/Downloadcenter/take-e-way-Leistungsbericht_2019.pdf

Wolfgang Obermeyer from take-e-way will be pleased to answer your questions regarding the performance report and take-e-way's take-back systems; please call +49/40/750687-146 or send an e-mail message to logistik@take-e-way.de.

You should contact take-e-way especially if you are affected by the obligation to take back old equipment or if you fear to be affected by it.

take-e-way provides a representative in Poland

Poland has implemented laws to comply with the directives 94/62/EC for packaging, 2006/66/EC for batteries and 2012/19/EU for electrical appliances as it is implemented in many other EU countries. It requires a registration of all companies responsible for waste disposal. In addition to companies from the waste disposal industry, manufacturers of electrical appliances, batteries or packaging material must register, as well as online retailers, importers or companies that generate packaging waste.

At the beginning of 2020, a central database for the registration of all these registered companies was set up by BDO (the body commissioned by the authorities in Poland to manage the database): The database on pro-

ducts and packaging and on waste management (in short: BDO database).

Moving away from paper applications towards an online platform organised by a dedicated body should simplify the registration. The business-related official Trusted Profile should be used to identify the obligated party.

In the meantime the new database has been implemented. What remains is the hurdle of getting access to BDO only via the Trusted Profile. Especially for foreign companies, registration - and thus legally compliant offering of products in Poland - has become more difficult with this step.

Foreign companies usually do not have such a Trusted Profile and are therefore dependent on a representative who manages

BDO database access for them.

We are now pleased to inform you that, take-e-way, as your representative, can link registrations of its clients with its BDO access and thus provide the necessary quantity reports and, if necessary, make changes to the master data in order to continue to offer its clients a reliable service and to enable them to have a legally compliant market presence.

If you place products on the Polish market and are not yet registered or would like to find out more about your obligations in Poland, take-e-way looks forward to your call. The take-e-way GmbH consultants will be pleased to assist you. Call +49/40/750687-0 or send an e-mail to beratung@take-e-way.de.

Christoph Brellinger: A thinker and leader within VERE e.V.

Our VERE Managing Director Christoph Brellinger will be celebrating his 10th anniversary with the association this year. His ideas and skills have been instrumental in the many success stories and responsible for the exceptional performance of the association. Since 2012 he has been the Managing Director of the association, in which he is regarded as a competent thinker and leader.

We wish to congratulate him on his anniversary and look forward to many more active and successful years with him.

The Management Board



Intermediate information on Brexit and your UK registration

As you know, Great Britain will leave the EU on 31st December 2020. However, the EU directives on producer responsibility for electrical appliances, packaging and batteries have been incorporated into British law, so despite Brexit, the UK will continue to operate in accordance with these directives for the foreseeable future.

For you as a producer of electrical equipment and/or batteries, as well as a licensed distributor of packaging with a valid registration in the UK, nothing will change. Please continue to report your quantities to take-e-way so that take-e-way can pass them on in time to ensure that you can sell in the UK in accordance with the law.

If you do not have a valid registration but you are already selling to the UK, you must register within 28 days of the date on which the product was placed on the market. On the way to a successful registration take-e-way is of course happy to assist you. take-e-way has been successfully offering registration service in Great Britain since 2014 and has helped several hundred customers to register. take-e-way currently works with several British producer compliance schemes and can therefore cover the entire spectrum for small, medium and large producers.

If you have any questions about product compliance (electrical appliances, batteries, packaging) and Brexit, Florian Spreu from



take-e-way will be pleased to answer them if you call +49/40/750687-159 or send an e-mail message to international@take-e-way.de.

Key diary dates in 2021

Batteries Act as of 1 January 2021 – The new Batteries Act 2 (or BattG2 for short) will take effect on 1 January 2021 and contains important changes, which each dealer in electrical appliances / electronic devices / electrical products with batteries and accumulators should know.

SCIP as of 5 January 2021 – The European Chemicals Agency (ECHA) has published the Substances of Concern in Products (SCIP) database. As of 5 January 2021, according to the ECHA the notification of articles containing SVHCs is mandatory in line with the amendment to EU Directive 2018/851. SVHCs stands for “Substances of Very High Concern”. Many electrical and electronic devices may also be affected, seeing as heavy metal compounds and flame retardants are also included in the SVHC list. In Germany, at present there is only an informal obligation to report to the ECHA, pursuant to Section 16f of the Chemicals Act (ChemG), which does not include the obligation to actually use the SCIP database. It remains to be seen how long this German path can be maintained. If you wish to set up your business in a future-proof way or sell your products to other EU countries, you will probably not be able to avoid using the SCIP database.

EPREL as of 18 March 2021 – In the first two weeks of March (1–18 March 2021) the labels will need to be exchanged. Before that, only old energy labels may be shown, and afterwards only new ones. Missing labels must be requested from the relevant manufacturer. If there is no new label, then the equipment affected must be sold off by 1 December 2021. This concerns various categories of equipment: washing machines, washer-dryers, dishwashers, refrigerators and freezers, wine storage cabinets, electronic displays and, of course television sets.

Market Surveillance Regulation as of 16 July 2021 – The new Market Surveillance Regulation will take effect on 16 July 2021 and will facilitate the exercise of comprehensive cross-border powers and mutual exchange of information between market surveillance authorities. End users will likewise play a role in informing the relevant public authorities. We therefore advise you to make preparations now and to close any conformity gaps in order to gain an advantage over non-compliant competitors once the Market Surveillance Regulation officially enters into force.

Majority of experts endorse Supply Chain Act

According to current information from the Bundestag, most experts are in favour of supply chain legislation. This was revealed at a hearing of the Committee on Human Rights and Humanitarian Aid on the topic of “Human Rights and Business” under the leadership of Committee Chairwoman Gyde Jensen

(FDP) on 28 October 2020: Experts from business circles, politics and society predominantly supported the German government's plan for such legislation intended to improve compliance with human rights and environmental standards in the global supply chain.

You can read the experts' argumentation

on the Bundestag website: <https://www.bundestag.de/presse/hib/802212-802212>

If you have any questions on the subject of the Supply Chain Act, please do not hesitate to call Christoph Brellinger on +49/40/750687-111 or send an e-mail to info@vereev.de.