

December
2021

vere e.v.

CHRISTMAS COURIER



Copyright Act: 3 new ZPÜ general contracts via VERE

Cooperation between VERE e.V. and the ZPÜ (Central Organisation for Private Copying Rights) is increasingly paying off. 3 new general contracts were concluded (smart watches, hard drives, external disk burners). Members of the association VERE e.V. can become parties to a general contract as a distributor of products subject to copyright fees under the Copyright Act (UrhG) and save 20 per cent of the copyright fees payable. VERE now provides its members with a total of 7 general con-

tracts for mobile phones, PCs, tablets, USB sticks and memory cards, smartwatches, hard drives and external disk burners.

In the course of the general ZPÜ contracts, VERE e.V. has entered into a strong cooperative venture with a Berlin law firm in order to be able to offer its members the best possible support in this field as well. The law firm is available to members of VERE e.V. for a free initial consultation.

Save the date

Annual General Meeting in
Hamburg on 13 September
2022

Make a note of the VERE e.V. 2022 Annual General Meeting now. The date and venue are already fixed: 13 September 2022 on the premises of the VERE e.V. in Hamburg. We will keep you informed and look forward to your suggestions for topics. Simply send us an email to info@vereev.de.

Imprint

Publisher:

VERE e.V. (Association for the take-back and recycling of waste electrical and electronic equipment)

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VERE e.V.

take-e-way takes back almost 27,000 t of old appliances

In 2020, take-e-way once again managed to significantly increase the output quantities of waste electrical equipment reported to the EAR foundation (Stiftung Elektro-Altgeräte Register). Together with its partners, take-e-way GmbH has collected almost 27,000 t of waste electrical and electronic equipment (previous year: 19,465 t) and handed it over on behalf of its customers in preparation for reuse or to certified primary treatment plants for feedstock recycling.

[The take-e-way performance report is available for download here](#)

Climate protection report available for download

The e-systems group of companies (take-e-way, get-e-right, trade-e-bility) would like to make its own active contribution to climate protection. The motto "Acting Consciously" was born out of this motivation. Under this motto, e-systems would now like to record its CO2 emissions annually and develop measures to contribute to climate protection. On this page, you will find the climate protection report and our contributions to climate protection:

www.take-e-way.com/company/carbon-footprint/

Packaging Act: All deadlines and changes at a single glance

[On 9 June 2021, take-e-way had reported about important Packaging Act amendments that took effect on 3 July 2021.](#) The Central Packaging Register foundation (ZSVR) has now also published on its website an [overview of the amendments to the Packaging Act](#) since 3 July 2021 as well as on 1 January 2022 and 1 July 2022.

The fact that a proper registration according to the Packaging Act, where required, is not only in the interest of the environment but also suitable for protection against admonitions, is shown by a [current report released by the law firm Richard & Kempcke GbR](#):

If you have any questions on the Packaging Act, the consultancy team from take-e-way will be pleased to assist you. Please call [+49/40/750687-0](tel:+49407506870) or send an e-mail to beratung@take-e-way.de.

Greeting from the Management Board

Dear Members,

Hardly any other year since the inception of the VERE association has brought so many changes, surprises and innovations as the year that is now drawing to a close: changes with regard to the amendments to three pieces of legislation, namely the Batteries Act, Electrical and Electronic Equipment Act and Packaging Act, surprises due to regulations that were unexpected or came at short notice and addenda to the relevant legislation, along with innovations due to the expansion of our association to include further regulatory areas on product safety and the sustainable design of non-food products – to name but a few important things – have called for our full attention. In this Christmas Courier, we wish to compile the essential topics and information for you and once again venture a preview of what awaits us in the coming year.

We are particularly pleased to introduce our further Board of Management member – Dr Martin Büscher – to you here, whom we managed to add to our Board as an acknowledged expert in the field of product safety at the last annual general meeting. Thanks to Dr Büscher's expertise and good networking achievements, we are now

in a position to assert your interests politically in the increasingly important field of product safety, as well as to make VERE heard in the course of often important committee work.

We hope you will enjoy reading this year's version of our Christmas Courier. Please stay in good health and use the Christmas season to recharge your batteries and then start the year 2022 with full vigour. We look forward to the challenges of the new year and to continuing to successfully represent the interests of small and medium-sized enterprises.

Accordingly, we wish you and your families a joyful Christmas season and a good start to the new year.

Oliver Friedrichs, Hjalmar Vierle and Martin Büscher



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

EU Battery Regulation

On 19/03/2021, the Association for Take-back and Recycling of Waste Electrical and Electronic Equipment (VERE e.V.) submitted its opinion on the draft Regulation of the European Parliament and of the Council on batteries and waste batteries (EU Battery Regulation) to the Federal Ministry for the Environment (BMU).

Even if the long-term objective of the Battery Regulation basically appears to be plausible and reasonable, the multitude of points that are open to interpretation as well as the institutions that still have to be created for the implementation and enforcement of the Regulation in such a brief period of time seem to be unrealistic from VERE's perspective. VERE urgently recommends taking the realities of the market and the possibilities of the vast majority of today's players into account.

In particular, VERE believes that smaller-scale manufacturers and those for whom batteries or rechargeable batteries are not the primary object of sale but an add-on for the functional delivery of a device will need to decide at very short notice whether they can still include batteries in shipments at all. VERE perceives the danger that the flexibility in the choice of procurement sources for batteries will be confined to those manufacturers who are prepared to offer "ex works" batteries that are compliant and registered in conformity with the Battery Re-

gulation. In particular, large-scale industry, which already holds a dominant position in various segments today, will probably endorse and welcome the Battery Regulation. According to VERE, this segment will be the actual beneficiary of this regulation.

[VERE's statement on the EU Battery Regulation is available here.](#)
Packaging Directive

Over the past 10 years, the amount of packaging generated across the EU has increased by almost 18 per cent, with around 66 per cent of packaging waste being recycled. The revision of the Packaging Directive is therefore intended above all to contribute to reinforcing waste prevention, the recyclability of packaging and the use of recyclates and to further developing information requirements. The Federal Environment Agency has formulated a [Statement](#) in this regard, in which it sets out what it considers to be the most requirements for a new packaging directive. Looking at the coalition agreement of our new "traffic light" government in parallel, we can expect topics such as binding requirements for the recyclability of packaging, minimum recycling quotas in packaging, the application of separation instructions on packaging, and bans on oversized packaging. VERE will continue to observe the development and represent the interests of the SMEs in the context of further developments as usual.

What belongs together grows together!

In September, VERE e.V. took a courageous step. At the Annual General Meeting, the association extended its scope of activities to include the area of general product requirements. This comprises such issues as product safety, product chemistry, ecodesign and much more, things that need to be implemented in addition to waste registration in order to market a product in the European Economic Area.

My name is Dr Martin Büscher; I am a physicist and joined trade-e-bility GmbH as Technical Manager in 2017. I have been working in the field of product protection since 1996 and have been able to experience over 25 years how EU legislation has evolved. I myself am a staunch supporter of the EU single market and its harmonised legislation. It should be noted, however, that competition for small and medium-sized enterprises (SMEs) has worsened compared to the large caps. After all, the costs of protecting products are often fixed, regardless of the number of units marketed.

As the Board member responsible for product protection, I have taken on the task of acting as a mouthpiece for SMEs and making life easier for them in relation to the market surveillance authorities. The association VERE e.V. and its approximately 3,900 mostly SME members can provide the necessary emphasis and backing. You as members can benefit by making your cause a common one! For instance, VERE e.V. now offers a forum for dealing with all topics, from registration all the way through to product protection.

Yours sincerely, Martin Büscher, telephone: +49/40/750687-302; info@vereev.de

A word of thanks to our partner law firms

We wish to take this opportunity to thank our partner law firms specialising in environmental and waste law, competition law, product safety, trademark law and Internet law for their competent and always constructive support in legal matters and look forward to continue working with them in the new year.



SCIP and EPREL – new registers launched

This year, distributors of products had to deal with two new registers.

SCIP (Substances of Concern In articles as such or in complex objects (Products)) is the new database of the European Chemicals Agency (ECHA). Since 05/01/2021, this is where substances of concern in products have had to be indicated. It implements Article 9 (2) of the amended EU Waste Framework Directive 2008/98/EC (EU-WFD). The entry of a substance thus replaces the manual notification to ECHA. Yet end-customers can also use SCIP to find out whether products contain substances of concern.

The European Product Registry for Energy Labelling, or **EPREL** for short, was launched under Regulation (EU) 2017/1369 as early as 01/01/2019. All the product data needed to create an energy label must be entered in the EPREL database. This year, numerous energy labels have been updated, i.e., the data had to be re-entered. For instance, as at 01/09/2021 this also applied to lamps (referred to as light sources in the relevant regulation). Not only did this ensure a high volume of registrations, but also a high volume of consultations.

For any questions about SCIP or EPREL, please call the trade-e-bility team +49/40/750687-397 or send an e-mail message to beratung@trade-e-bility.de.



Stronger focus on B2B: TransportV and the Electrical and Electronic Equipment Act

Mandatory registration of all manufacturers of packaging: From 01/07/2022, a general registration obligation on the LUCID portal of the Central Packaging Register (ZSVR) will also apply to manufacturers of packaging not subject to system participation. In parallel, the German Federal Ministry for the Environment (BMU) is currently exploring how and whether the costs of the so-called “plastic levy” imposed by the EU member states on the EU (€800/t for all non-recycled plastic packaging) can be passed on to the industry segment. VERE raises the question in this regard whether this opens up a possible way for the BMU to also regulate packaging that is not subject to system participation. We will continue to monitor the issue and report via our known channels.

ElektroG:

B2B devices to be marked with a crossed-out dustbin icon According to the new requirement of Section 9 (2) sentence 1 ElektroG, in future all electrical and electronic equipment must be marked with the crossed-out dustbin icon (as is already the case in many other EU member states), whereas up to now only such equipment had to be marked with this icon for which a financing guarantee according to Section 7 (1) ElektroG had to be given (i.e. such equipment which can be used in private households). Accordance with Section 46 (2) ElektroG, this requirement applies to all equipment placed on the market in Germany as of 1 Janu-



ary 2023. [Further information in this regard is available here.](#)

B2B take-back obligation, take-back concept and information obligation under Section 7a ElektroG3 Under the Electrical and Electronic Equipment Act (ElektroG3) to be amended on 01/01/2022, manufacturers of B2B equipment will be obliged in the course of registration to submit a take-back concept (cf. Section 7a ElektroG3) to the EAR foundation (Stiftung Elektro-Altgeräte Register) and also to inform the users of their equipment about the disposal channels set up. [Further information in this regard is available here.](#)

Marketing products for children – is it really child’s play?

Are products that are or can be used by children actually toys? Before we explore this question, let us first consider the high requirements for toys that have been set by the EU legislature.

Children are particularly vulnerable consumers and therefore also particularly worthy of protection. For this reason, the EU issued the Toy Safety Directive 2009/48/EC to ensure this. In addition to stringent requirements for the design and chemistry of the products, this Directive also calls for the products to bear the CE mark and an EU declaration of conformity. The latter obliges the person or entity placing the product on the market to indicate all the measures applied to transpose the Directive and, where appropriate, to provide

evidence thereof. Compared to non-costs, this entails a high level of expenditure and effort. Moreover, toys are closely monitored by market surveillance authorities: 27% of all product recalls in 2020 were related to toys.

First and foremost, only products identified as such by the distributor by affixing a CE mark and stating an age recommendation are also toys. Not all products possibly “played with” by children are therefore toys. Such products used for purposes other than those originally intended, e.g., Christmas decorations or household storage tins are not. In the case of other products such as collectors’ figurines, this can be freely determined, e.g. by means of appropriate instructions on the packaging.

Is there an advantage to not declaring a product as a toy? At first glance, distributors can dispense with the need for the EU declaration of conformity. Yet the Product Safety Act also requires that a product be protected with regard to the intended or presumed user. In this case, the same measures may have to be taken as for toys. And that certainly isn’t child’s play!

In trade-e-bility, the e-systems group has a partner on board who will provide the association VERE e.V. with practical support if required. The consultancy team from trade-e-bility will be pleased to answer any questions you may have. Please call +49/40/750687-397 or send an e-mail message to beratung@trade-e-bility.de.



New EAR campaign motivates to dispose of e-waste correctly

More than 20 kilograms of electronic waste are produced annually per person in Germany alone, consisting of old mobile phones, PCs, refrigerators and a whole lot more. If you consider a population of 83 million, that is a huge pile of waste. The hoarding of old equipment constitutes a major problem. For instance, it is estimated that 200 million old mobile phones are stored in the cellars and drawers of the German population.

The new Plan E campaign of the EAR

foundation (Stiftung Elektro-Altgeräte Register) now aims to solve this problem. Using the motto: “Let it go – even if hurts. Dispose of your e-waste now”, Plan E is now telling people via various media channels about letting go and properly disposing of their beloved old electrical appliances.

The TV spots financed by fees of manufacturers registered under the Electrical and Electronic Equipment Act (ElektroG), intensive outdoor advertising throughout Germany

and, of course, the online presence including various social media activities on Instagram, Facebook as well as TikTok will draw significant attention to the topic.

Find out more about the **campaign** here: e-schrott-entsorgen.org

If you have any questions about the take-e-way take-back systems for old electrical equipment, please contact the take-e-way logistics team; call +49/40/750687-0 or send an e-mail message to logistik@take-e-way.de.



+++ Deadlines +++

01/01/2022

- Electrical and Electronic Equipment Act: The ElektroG3 is scheduled to take effect on 1 January 2022. take-e-way has compiled the key innovations of ElektroG3 in a compact form. [This is where you will find the ElektroG3 overview and relevant solutions.](#)
- Batteries Act: From 1 January 2022, all manufacturers of batteries are required to have registered batteries of every kind (device, industry and vehicle batteries) with the EAR foundation (Stiftung Elektro-Altgeräte Register). This also applies to manufacturers who have already been reported to the Federal Environment Agency. Please note: Batteries contained in your electrical appliances must likewise be registered.
- The manufacturers’ own take-back systems for device batteries are required to apply for a new permit from the EAR foundation by no later than 1 January 2022. Some take-back systems require their collection points to re-register, as the previous commitment period no longer applies due to the re-registration of the take-back system in question.
- Packaging Act: With effect as of 1 January 2022, an extended deposit obligation will come into force for disposable beverage packaging that is currently subject to system participation. Manufacturers of transport packaging, reusable packaging and other packaging that does not typically end up with private end-consumers after use now have an obligation to provide evidence of compliance with the take-back and recycling requirements.

01/07/2022

- Electrical and Electronic Equipment Act: Food retailers will be subject to the distributors’ take-back obligation in place since 2016 from 1 July 2022.
- Packaging Act: On 1 July 2022, further amendments to the Packaging Act will take effect, such as
- an extended registration obligation for all companies that place packaging filled with merchandise on the market, including a
- registration obligation for ultimate distributors of service packaging and non-reusable packaging liable to a deposit as well as for manufacturers of transport and reusable packaging,
- mandatory information on types of packaging at the time of registration, and
- the new responsibilities of electronic marketplaces / platforms and fulfilment service providers.

13/09/2022

- VERE General Meeting 2022 in Hamburg

27/09/2022

- VERE/e-systems panel event in Berlin; please send your interest without obligation to: info@vere-ev.de

31/12/2022

- Electrical and Electronic Equipment Act: According to the new requirement of Section 9 (2) sentence 1 ElektroG, in future all electrical and electronic equipment must be marked with the crossed-out dustbin icon (as is already the case in many other EU member states), whereas up to now only such equipment had to be marked with this icon for which a financing guarantee according to Section 7 (1) ElektroG had to be given (i.e. such equipment which can be used in private households). Accordance with Section 46 (2) ElektroG, this requirement applies to all equipment placed on the market in Germany as of 1 January 2023.

01/01/2023

- Packaging Act: Final distributors (with a sales floor space of over 80 sqm or more than 5 employees) of special service packaging in the food and catering sector are required to offer consumers reusable alternatives, to inform consumers about this and to offer the reusable alternatives on at least the same pricing and terms.

e-systems Academy diary dates in 2022

This is where you will find our planned training and event dates for 2022. Do you have any questions regarding individual events? The e-systems Academy team will be happy to answer your questions at +49/40/750687-301 or academy@take-e-way.de:

e-Systems Power Weeks

22/02 – 24/02/2022
01/03 – 03/03/2022

Live Webinar dates

01/02 – 03/02/2022
03/05 – 05/05/2022
05/07 – 07/07/2022
06/09 – 08/09/2022
08/11 – 10/11/2022

Live Compliance Talk

21/01|18/02|18/03|22/04|20/05|
24/06|15/07|19/08|16/09|21/10|
18/11|16/12/2022

Workshops (on-site attendance)

26/04 – 28/04/2022 in Frankfurt
28/06 – 30/06/2022 in Munich
06/12 – 08/12/2022 in Hamburg

Panel discussion

27/09/2022 in Berlin

Trade fairs and conferences

02 – 06/02/2022
[Toys trade fair](#), Nuremberg

11 – 12/05/2022

[Product Compliance Dialogue 2022](#),
Dresden

30/05 – 03/06/2022

[IFA](#), Munich

20 – 24/06/2022

[GlobalNom Conference Product Compliance](#), Berlin

14 – 15/09/2022

[German Market Monitoring Conference](#),
Berlin

Electrical and Electronic Equipment Act (ElektroG3) 2022: Innovations at a glance

The Electrical and Electronic Equipment Act version 3 (ElektroG3) is scheduled to take effect on 1 January 2022. take-e-way has compiled the key innovations of ElektroG3 in a compact form. The overview covers the following topics:

- Obligation: Include information on batteries contained
- Product design: Batteries must be capable of being easily and non-destructively removed
- Information obligations of distributors
- Information obligations of manufacturers towards private households
- Free take-back of certain large appliances "at the front door" (at the place of delivery)
- List of member states and authorised representatives for distribution to other EU member states
- Indication of the contact person of the manufacturer or the authorised representative
- B2B devices to be marked with a crossed-out dustbin icon
- B2B take-back obligation, take-back concept and information obligation towards end-users
- Designation of collection and return points for end-users
- Take-back obligation for the food retail trade

[This is where you will find the ElektroG3 overview and relevant solutions](#)



Increased focus on Supply Chain Due Diligence Act



For quite some time now, the association VERE e.V. has been paying great attention to the growing efforts of the EU Commission and the Federal Republic of Germany to urge manufacturers and distributors to render their globalised supply chains more transparent, sustainable and environmentally and socially compatible. The present Act on Corporate Due Diligence Obligations in Supply Chains is a piece of legislation we now have that contains numerous obligations for companies in this field. Since initially only companies with more than 3,000 employees seem to be directly addressed, in many places smaller companies are under the misapprehension that they themselves are not affected. Yet we keep receiving an increasing number of enquiries from smaller-scale manufacturers and distributors to provide larger customers with exactly the data that their large-scale customers need for their own reports.

For this reason, the association VERE e.V. will increasingly focus on the subject of the Act on Corporate Due Diligence Obligations in Supply Chains in 2022 and will support you in an advisory capacity and a solution-oriented manner. Please contact our board member Oliver Friedrichs for more information: info@vereev.de

Five months of the new Market Surveillance Regulation: How is the market responding?

The new Market Surveillance Regulation has been in force since 16/07/2021. The objective of the new regulation is to make market surveillance more efficient and, in particular, to improve monitoring of online shops, which have hitherto been unregulated. Since then, by law, there has no longer been any product labelled with the CE mark that does not have a product owner or authorised representative based in the European Economic Area (EEA). In particular, the newly introduced fulfilment service provider was given the role of being responsible for its non-European dealers under product law.

What has happened in the market since then? A great deal! Anticipating the regulation, platform providers such as Amazon were already demanding declarations of conformity for their products from their merchants last year. As of this year, almost all major platform

providers also require authorised representatives for non-European providers. As far as the legislature and the market supervisory authority is concerned, no better development could have been conceivable. And all that without increased controls!

Partly, however, the market sets up its own "laws". For instance, authorised representatives are required by platform operators for non-CE products that do not require any representatives at all even under the new Market Surveillance Regulation. It remains to be seen whether such developments will still be corrected. If you have any questions on the Market Surveillance Regulation, the trade-e-bility consultancy team will be glad to assist you. Please call +49/40/750687-397 or send an e-mail message to beratung@trade-e-bility.de.



This year our
Christmas Courier has
33 % more content!

Guide to environmental labelling available in Italy; sorting information guideline for packaging confirmed in France

Italy: Legislative Decree No 116/2020 imposes a strict labelling obligation on manufacturers and distributors of packaging in Italy. The interpretation of the decree, provided by CONAI (the national consortium for packaging) in the form of a guide, is now also available in German. [Click here](#) for a detailed interpretation of the environmental labelling obligation in German. (The English version is available [here](#).)

If you are not sure who is affected by the environmental labelling obligation, you can check this out [here](#). If you have any general questions about the environmental labelling obligation, Medine Bayram will be pleased to assist you: Please send your questions to: international@take-e-way.de.

France: On 27/09/2021, the French take-back systems published the sorting in-

formation directive. This guideline explains how to adapt the labelling of packaging under the updated Regulation. It contains all the pictograms necessary to create individual sorting information for your particular packaging composition. [Further information in this regard is available here](#). Should you have any questions in this regard, please do not hesitate to contact Mr Quentin Dequet (+49/40/750687-126) or Ms Alina Eggert (+49/40/750687-166) at international@take-e-way.de.

For more information on our international compliance services related to the placing on the market of electronic equipment, batteries/accumulators and packaged products or packaging, please click here: www.take-e-way.com/international-compliance/

The transition period for battery manufacturers ends on 1 January 2022 Take action now!

From 1 January 2022, all manufacturers of batteries of every kind (device, industry and vehicle batteries) with the EAR foundation (Stiftung Elektro-Altgeräte Register). [This is reported by the EAR foundation in its current information letter](#). This also applies to manufacturers who have already been reported to the Federal Environment Agency. The relevant notice does not replace the registration with the EAR foundation. The data is not transferred from the Federal Environment Agency to the EAR foundation.

At present, the processing time for registration applications is roughly 6 weeks. Yet this is expected to increase significantly towards the end of the year as the volume of orders increases. If you have batteries to register, please be sure to contact the take-e-way consulting team in good time.

Please note: Batteries contained in your electrical appliances must likewise be registered.



The consultancy team at take-e-way will be pleased to assist you. Please call +49/40/750687-0 or send an e-mail to beratung@take-e-way.de.

Coalition agreement – what is to be expected?

The coalition agreement of the new "traffic light government" has been available to the public since 30/11/2021. One of the total of 178 pages is dedicated to the topic of the circular economy. It is clear from the projects described there that the circular economy in Germany should increasingly follow the international understanding of "circularity" and abandon a limited focus on the "disposal" sub-sector. The new government makes clear demands for a consistent closing of product cycles, starting with more recycling-friendly product design options and reduced use of finite resources in favour of increased (mandatory) use of secondary raw materials. In ad-

dition, there will be further mandatory consumer information through extended labelling and so-called digital product passports. In order to keep important secondary raw materials in the country and make them available for use in new products, the export of used products and secondary raw materials is to be more strictly regulated and monitored. Moreover, incentive systems should be created to ensure closed product cycles. It remains to be seen whether this will be achieved e.g., through a mandatory deposit on certain batteries and electrical products and/or other regulations.