

in december
2018

vere e.v.

CHRISTMAS COURIER



Battery Act expected to be amended as of 1 January 2020

According to the German Federal Environmental Agency, a decisive amendment to the Battery Act will take place as of 1 January 2020. At present, numerous coordination and orientation talks are under way.

We expect an initial draft to be submitted as early as the spring of 2019 and will keep you abreast of developments regarding this key topic.

Change in device categories in 2018

A major challenge in 2018 was the gradual transfer from the 10 old categories to 6 at present, resulting from the German Electrical and Electronic Equipment Act 2 (ElektroG2). This is where the employees of take-e-way have created intelligent tools (on the website) and IT transfers as well as outstanding, good hard work. Only in this way did we succeed in making a timely transfer for all 4,000 VERE members affected. A cordial thank you to the take-e-way team.

Save the date:

AGM scheduled to be held in Hamburg on 17 September 2019

Please enter this date for the 2019 VERE annual general meeting (AGM) in your diaries. The date and venue are already fixed: 17 September 2019 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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Illegal competitors: platforms become active

On 25 June 2018, the four big online marketplaces Alibaba (for AliExpress), Amazon, eBay and Rakuten France signed a commitment letter to take dangerous products sold via their online platforms out of circulation more quickly. Thanks to dialogue initiated by the European Commission, the four above-mentioned companies have committed themselves to react within two working days to reports by public authorities of the member states about dangerous products and to take measures within five working days in response to reports by consumers.

In our experience, in practice this means that products are excluded from sale by platform operators if lack of conformity is reported according to the Product Safety Act in the same way as if WEEE registration is lacking. A prerequisite for this is an adequately justified report to the platform. The company TMK Retail Service & Consulting GmbH will support you if requested by carrying out an analysis of your competitors' products alleged to be illegal. This can be a considerably more effective, more favourable and less time-consuming measure against illegal competitors than charges or admonitions – particularly in the case of copycats from outside Europe.

You will receive the data of your personal contact at TMK Retail Service & Consulting GmbH at info@vereev.de

Foreword from the Management Board

Dear VERE members, partners and friends of our Association,

The year 2018 brought you and us the European General Data Protection Regulation, with the opening of the scope of application of the Electrical and Electronic Equipment Act and the reduction of the device types and categories causing a great deal of turmoil on your and our part, and when you and we open the last page of this year's calendar, we can jointly say goodbye to the German Packaging Ordinance. It will be superseded on the first

day of the following year by the new Packaging Act, a kind of "Electrical and Electronic Equipment Act for Packaging", including a founding authority of its own, an law enforcement portal and a number of fines being imposed.

Does this mean a bleak outlook for us all? Is there nothing positive at all to report? Yes, there is. You are welcome to have a good look at our new Christmas Courier. Perhaps you

will find the odd Christmas surprise you have had on your wish list for a long time.

We wish you and your families a peaceful Christmas and a happy new year full of new options we would like to make use of together with you - for your pleasure of legal and environmentally friendly sales.

VERE e. V.
Jochen Stepp & Oliver Friedrichs

get-e-right instead of getaway

foreign providers also want to engage in legal sales

You will most probably remember the motion picture "The Getaway" in 1972 with Steve McQueen as the main star. The film is all about a gangster couple on the run, with the police in hot pursuit. In order to ensure that sellers without a branch of their own in Germany do not become gangsters and the legislature can thus guarantee law enforcement for them, on the initiative of the VERE association and take-e-way, the company get-e-right GmbH was already founded in January 2015. get-e-right provides the mandatory WEEE representative in Germany for foreign manufacturers without a German branch, laying the foundations for foreign businesses to be able to sell legally on the German market so that the same opportunities are available in the first place – and to ensure that The Getaway, gangsters and criminals remain where they belong: on cinema screens.

Enterprises from abroad that are represented by get-e-right are also registered under the German Electrical and Electronic Equipment Act, as are all other take-e-way customers. About 50 per cent of all foreign sellers of electrical or electronic devices who have listed a WEEE representative in Germany with the EAR foundation have access to get-e-right. From our point of view this is a resounding success story for our members and our association.



4,000 members in the VERE Association

the first Christmas surprise certainly is a big number:

The first Christmas surprise certainly is a big number: The VERE Association for the take-back and recycling of waste electrical and electronic equipment (Verband zur Rücknahme und Verwertung von Elektro- und Elektronik-Altgeräten (VERE e. V.)) has more than 4,000 members. Accordingly, VERE – by far the largest association in this field by sheer numbers alone represents the interests of the SME segment as well as dis-

tributors and importers 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.



Successful action against the EAR and election of advisory board members

On 3 December 2018 the ruling was handed down in the action against the EAR foundation. The exclusion of VERE management board member Oliver Friedrichs from the advisory board election of the EAR foundation was objected to. The result: the competent court followed the argumentation of VERE in all points and held that the election of the advisory board was invalid. The EAR foundation is now required to assume the costs of the proceedings. The members of the VERE association had previously cast a majority vote in favour of litigation (number of votes cast: 521; yes votes: 504; no votes: 17). A matter worthy of emphasis is that the common work activities with the EAR have not been impaired in spite of the matter in dispute. Moreover, constructive talks are under way between the EAR foundation and VERE e.V. and daily operations between our staff members and those of EAR are proceeding very reliably and professionally in the interests of our members.

Petition against abusive admonition practices:

petition failed; discussion draft available

In terms of Bundestag petition 77180 „Unfair competition, reform of admonition system under competition law“ of 8 March 2018, there were calls for a reform of the German admonition system since the current legal framework conditions allow the abusive practice of admonitions for gain by admonition societies and specialised lawyers, with enterprises fearing that their very existence is in jeopardy.

In order for the petition committee to deal with the petition, a total of 50,000 co-signatures would have been necessary by 24 April 2018. The quorum was not reached. Never-

theless, the German Federal Ministry of Justice submitted a discussion draft of legislation intended to reinforce fair competition. The objective was to "put a stop to abusive admonition practices without unduly impeding the interests of above-board protagonists engaged in this field. Admonitions should not serve to generate charges and conventional penalties, but to promote fair competition. This is a step in the right direction and is to be endorsed and welcomed in the opinion of the VERE association.

We have information from legal circles, according to which specific standards of the

numerous norms planned have received endorsements. Nevertheless, there is the danger that in view of the numerous detailed and nevertheless indefinite regulations, the discussion draft will not lead to a simple and, therefore, sustainable solution to abusive admonition practices. VERE will do its utmost to safeguard the interests of its members in this matter.

If you have any questions in this regard, our lawyer, Mr Wolfgang Linnekogel from our partner association for fair competition will be pleased to assist you. Please refer to info@vereev.de for his contact data.



Seminars and webinars:

next date: 8 January 2019

In 2018 VERE and take-e-way, TMK Retail Consulting, Bureau Veritas, Reisswolf and Product IP were able to offer you seminars and webinars on topics such as the Electrical and Electronic Equipment Act, the Battery Act, RoHS, CE, the sale of wooden products and furniture as well as the General Data Protection Regulation. All of you showed immense interest in all of these topics. In particular, the webinars on the Packaging Act (over 200 registrations per appointment!) and the Packaging Act Seminar (all dates regularly overbooked) led to numerous enquiries for additional events to be staged. take-e-way has reacted and will already be organising the next Packaging Act Seminar in Hamburg as early as 8 January 2019.

Please contact Ms Silke Meyer at +49/40/219010-64 or info@vereev.de for further information and the registration documents. And for any individual questions on the Packaging Act, the consultants from take-e-way will be available to you from Mondays to Fridays from 8 am to 6 pm (CET). Please do not hesitate to obtain advice at all times.

We will keep you informed of additional seminar and webinar dates.

A word of thanks to representatives from ministries and public authorities

On behalf of its members but also employees of take-e-way, the VERE association would like to thank all representatives from political and administration circles who took the time to inform us at our events, to report and explain matters to us and also to consider the interests of SMEs in personal talks and to make joint efforts to find possible solutions to problems that still exist.

Numerous positive talks and discussions at events, forums, conferences and also personally with the competent representatives of the Federal Ministry for the Environment, the

Federal Environmental Agency as well as the EAR foundation and Central Agency Packaging Register Foundation provided plenty of explanations and mutual information on the realities prevailing on the market. There is immense openness to our arguments, even if each organisation has its very own restrictions, with many improvements requiring a longer lead-up in order to succeed.

Conclusion: we are receiving attention and are being taken seriously, and apart from us there also are numerous other associations and organisations that take a stand in the

interests of their own groups and in their own manner to ensure legislation and administration that can be implemented and controlled, as well as fair market conditions for all. Harmonising all these partly different interests is a task that deserves great respect on our part.

For this reason, we would also like to ask our contacts among the "lawmakers" to understand that we also need to argue in the interests of our members and that we sometimes have to be a little uncomfortable in this regard.

Smooth transition from the Packaging Ordinance to the Packaging Act

The new Packaging Act (Verpackungsgesetz/VerpackG) takes effect in Germany on 1 January 2019. The Packaging Act represents the further development of the Packaging Ordinance and obliges manufacturers and distributors of products for private end-consumers to take part in extensive registration and reporting procedures as well as in a dual

negotiated special terms and conditions due to quantity pooling of the more 4.500 take-e-way customers. Its central benefits are the implementation into the convenient and safe reporting in legal conformity of your quantities brought into circulation and the reporting of all quantities of packaging, electrical devices and batteries and the EU as a whole

in a single online portal.

It goes without saying that free, comprehensive advisory service on mandatory system participation, classification of packaging, recycling-friendly packaging, declaration of completeness, etc. are part of the service range. take-e-way also offers advisory services and registration/

take-e-way also offers advisory services and registration/licensing of packaging

effect to avoid nasty reprimands by competitors and fines being imposed by public authorities. To this end, the service company of VERE e.V., namely take-e-way, offers you a simple and favourably priced full-service solution for all packaging types. For instance, support with your individual registration with the foundation Stiftung Zentrale Stelle Verpackungsregister as well as when reporting data and participating in a Dual System approved nationwide in Germany, subject to

licensing of packaging in all quantities and for all industry segments / product families (electrical equipment, furniture, food, etc.) throughout the EU.

Should you have any questions on the Packaging Act or packaging licences in Europe, please do not hesitate to call Ms Michaela Lepke on +49/40/219010-767 or by e-mail at international@take-e-way.de. We will be pleased to clarify your individual situation and provide you with assistance.



Send wishes to Santa directly to VERE

You have wishes to Santa for your success in business in the coming year? Is there anything you wish from your VERE association to ease your workload, e.g. advisory services, political initiatives or new services? If so, please send your wishes directly to wishlist@vereev.de. We look forward with excitement and delight to receiving your e-mail messages.

Free competition law advice for members

until 2022 by the VfIW

The German association for fair competition (Verein für lauterer Wettbewerb – VfIW) available to VERE members for free personal first-time consultancy by attorney-at-law Wolfgang Linnekogel for questions relating to German competition law will be liquidated effective as of 1 July 2019 (liquidation proceedings), which we greatly regret. Ne-

vertheless, until such time as the liquidation proceedings have been concluded (most probably 31 December 2022), advisory services to VERE members with regard to German competition law will continue to be available free of charge. Current legal proceedings will be terminated in due course; no new legal issues will be taken up any longer.

The advantage for the VERE association: as of 1 January 2019, no subscription will be charged to VERE e.V. by the VfIW any longer since the liquidation phase will be financed from VfIW reserves.

This means that advisory services to VERE members will be free of charge: for you and for our association!

10% discount for VERE members

CyberPolice as an insurance package for your IT security

Assuming your company becomes the victim of a cyber attack. From determining loss or damage to operational disruption all the way through to restoration costs of data / programs and claims by third parties, VERE members in Germany benefit from having the

insurer SIGNAL IDUNA at their side as a reliable partner: If disaster strikes, in addition to a direct contact, the costs of an IT security and PR consultant will also be assumed.

This is a round-the-clock service. The best thing is that as a VERE member you

will receive 10 per cent discount. If you have any questions, please do not hesitate to contact Mr Christoph Brellinger by calling +49/40/219010-74 or at info@vereev.de.

New EU Regulation

for products bearing energy labels – to take effect as of 01/01/2019

Almost without the usual hubbub when introducing new EU standards, a new EU Framework Regulation has been ushered into European legislation, namely the Regulation for defining a framework for energy consumption labelling 2017/1369/EU. The reason for this may be that it affects a special group of manufacturers that has already had to contend with the topic of "energy labels" for some time. Nevertheless, we wish to remind you of the implementation periods now drawing to close in order to protect our members from any drawbacks. As this is an EU Regulation, it has already been applicable in all European Union countries, namely since 1 August 2017. "In principle, the scope

of application comprises all products of relevance to energy consumption. Accordingly, this does not only mean household appliances, but also products for commercial use (e.g. commercial refrigerators) as well as products that do not consume energy themselves but have a decisive influence on energy consumption (e.g. low-E or energy preservation windows)*". Regulation 2017/1369/EU requires suppliers, manufacturers, importers or authorised representatives to record certain product data in a European product database. This database is to help European consumers to compare products in terms of energy efficiency and to make it easier for market monitoring authorities to verify the

labelling requirements. Even if substantial difficulties were encountered in the past development of this product database and only a test database still exists to this day, the operational commissioning of the database remains scheduled for 01/01/2019. At that date, new products need to be recorded here prior to first sale. As a first step, this is to be possible purely on a manual basis; mass data input is to be available only as of February 2019. From the end of April 2019, access is then already to be used for the Commission and market supervision, and by 30 June 2019, products will need to be recorded that were sold for the first time after 1 August 2017.

*Source: BMWi

20% savings

on copyright fees

For a year now, the VERE members as sellers of products liable to a levy according to the German Copyright Act (UrhG) have had the possibility to join as parties to an overall agreement and to save 20% of the copyright fees payable. At present, via VERE e. V. you can join as parties to overall agreements for mobile phones, tablets and PCs. Meanwhile the levy agency ZPÜ has now also entered overall agreements with an industrial association for the product groups

"external burners" as well as "hard disks". VERE is already engaged in talks in this regard. With an annual subscription of only €25 to the VERE association, participation in the overall agreements of VERE with the copyright utilisation societies is a great deal more favourable than via membership of industrial associations. If you are interested, please contact Dr Andreas Mülhhausen directly at muehlhausen@take-e-way.de or call +49/40/219010-782.

Import VAT Act:

free riders from third-party countries in the focus of the fiscal authorities

According to a current legislative bill tabled before the Bundestag, operators of marketplaces like eBay and Amazon are to be held liable for shortfalls in value added tax on the part of their sellers. The online trade continues to grow steadily in tandem with the problem of tax fraud: merchants from the Far East frequently do not pay and value added taxes on the sale of their wares. This means that the state loses out on several hundred million euros each year. Tax fraud is also detrimental to competition. The competitiveness of honest enterprises suffers on account of tax evasion by other traders. The German

newspaper FAZ already reported in January that providers from the Far East in particular frequently do not participate in the statutory waste disposal costs, nor do they pay the required registration fee. VERE has been committed for years now towards ensuring that public authorities and platforms have equal opportunities of market participants and that our members are not compromised by copycats. The constant drive to remedy this difficult situation has proved to be worthwhile: in future, Internet platforms like eBay or Amazon are to be held liable for value added tax fraud on sales conducted via their web pages.

Save the date:

round-table event in Stuttgart on 12 November 2019

In 2019, the association will once again organise a major round-table event jointly with take-e-way GmbH, at which we will give our members the opportunity to meet with the "lawmakers" from ministries and public authorities and other experts in order to discuss problems and constructive solutions together.

Please pencil 12 November 2019 into your diaries right now. This event will be held in Stuttgart/Germany.

We will keep you informed and look forward to your early registration and suggestions for topics to info@vereev.de.

Outlook for 2019

We will need to deal with the following topics in the new year:

- Implementation of the new Packaging Act with several Dual Systems
 - Operational implementation of the EU Framework Regulation on energy consumption labelling subject to mandatory entry in the European product database "EPREL"
 - Discussion draft of the new Battery Act at the end of the first quarter of 2019
 - Import VAT Act for improved competition justice in the online trade
 - Solution on the Product Safety Act - also for producers from third-party countries
- We will deliver our reports!