

December
2019

vere e.v.

CHRISTMAS COURIER



New telephone no. at VERE e.V.

VERE e.V. has a new telephone number. With immediate effect, you can reach us at: +49/40/750687200

The direct dialling numbers of your contacts at the VERE e.V. have also changed:

Here you will find your direct contact person with the respective extensions so that you can be advised quickly and competently by us at any time.

5 x marketability test as a gift

For VERE e.V. members only!

The first five interested VERE e.V. members will each receive a free marketability test for an electrical product by our partner TMK Retail Service & Consulting GmbH worth 450.00 euros as a gift if they send an email message with the subject "Marketability test as a gift" to info@vereev.de. As a VERE e.V. member, you will receive a free initial consultation on the subject of marketability testing from Boris Berndt at TMK Retail Service & Consulting GmbH by phoning +49/40/540904108 or sending an email message to info@retailconsult.info. When contacting us, simply state that you are a VERE e.V. member.

Save the date

Annual General Meeting in
Hamburg on 15 September 2020

Make a note of the VERE e.V.'s Annual General Meeting 2020 now. The date and venue are already fixed: 15 September 2020 on the premises of the VERE e.V. in Hamburg/Germany.

We will keep you informed and look forward to your suggestions for topics. Simply send us an email to info@vereev.de.

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VERE e.V.

New services from
the VERE e.V.

Free initial consulting on the German Copyright Act (UrhG), competition law and eCommerce

Upon request, the VERE e.V. now offers free initial member advice on specific or individual legal problems in the field of copyright device and storage media levies in accordance with Sections 54 ff. of the German Copyright Act or regarding the Central Office for Private Transfer Rights (ZPÜ) / collecting societies via the law firm KVLEGAL. The free initial consultation takes place by telephone or by email, with the factual and legal situation as well as the opportunities and risks being explained and clarified (as far as possible). 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.

Statement on the
ElektroG amendment:

Legalisation of the informal sector

VERE e.V., along with other groups involved, have been asked for their opinion on the upcoming amendment of the Elektrogesetz (ElektroG). The national collection rate of 65% set from 2019 onwards is unlikely to be achieved. This will give rise to further requirements for improving the collection results. The problem of non-compliance with the collection rate is not solely due to the manufacturers, but also to ignorance or lack of information on the part of end consumers and other parties involved in the take-back process. However, manufacturers are unable to force end users to return or dispose of electrical appliances correctly.

Significant volume flows, especially in the area of large-scale equipment and photovoltaics, are not encompassed by the legislature's reporting structures as they are largely reused (for their original purpose). These flows of goods are therefore not included in the collection and recycling rates and distort the true results. This offers a great deal of potential without having to collect more items.

Another component of future success will involve making sure that end users – who occupy a key position in the take-back – are better informed. This can be done e.g. through advertising campaigns, etc. VERE e.V. is already actively involved in a campaign launched specifically for this purpose by the EAR Foundation.

Foreword by the new Management Board

Dear VERE e.V. members, dear partners and friends of our association,

The pre-Christmas period is by far the most important time of the financial year. And yet it is also a time for reflection: It is now 16 years since we started working for you with the association VERE e.V. in order to make your concerns heard by policymakers and the administration. This is what Jochen Stepp, our first Managing Director to date, reminded us of when a new

VERE e.V. Management Board was elected on 17 September 2019 in accordance with the articles of association. Mr Stepp chose the path of deserved retirement and therefore did not stand for re-election. We would like to thank Mr Stepp cordially and wish him all the best on his travels and undertakings. We look forward with immense anticipation to a new year full of

opportunities and changes. We have compiled some of them for you in this Christmas letter. We wish you and your families a Merry Christmas and a Happy New Year.



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a Merry Christmas
and a Happy New Year.

Dear VERE e.V. members, dear friends and companions,

From initially eight founding members to more than 4,000 VERE e.V. members today. This is the very positive development of the past 16 years' honorary cooperation with you, our employees and Mr Friedrichs, my long-standing colleague on the Management Board. Together with you, we have overcome many battles in these 16 years, in which we have sometimes even been personally attacked. On the other hand, we have also received a great deal of support from associations and authorities as well as from political institutions. Sometimes I am quite surprised myself that we have always emerged stronger from these disputes and clashes.

What should be particularly emphasised is that we, as the manufacturer association with the largest number of members within the ambit of ElektroG, have now achieved that we not only belong to the circles involved in planned legislative changes and can actually take a stand; we are also personally consulted in the event of concrete problems on the part of our members.

I must concede that at my age (65), I have immense problems trying to keep track of these rapid developments. Particularly in discussions at the political level, a protagonist needs substantial in-depth knowledge in order not only to discuss, but also to be able to convince others. As a pensioner, I will no longer have the desire to keep up with these extremely complicated developments.

Personally, I am very pleased that Mr Hjalmar Vierle was elected to the Management Board of VERE e.V. This guarantees that in addition to Mr Oliver Friedrichs, another member of the Management Board has the necessary competence and expertise to ensure that your VERE e.V. can continue to represent your interests effectively and that its successful development is secured for the future.

In view of our success stories, the disputes with some parties, public authorities and associations have receded into the background. The positive experiences certainly predominate by far. This is why I would like to thank you very much, because I will always re-



member the successful cooperation with you, our VERE e.V. and take-e-way GmbH. And I very much hope that the same also applies vice versa.

Yours Jochen Stepp

Market conformity Think of Easter as early as today

As soon as Christmas is over, sales preparations for the New Year are set to begin. Products that you sell for Easter should be prepared for market conformity right now. TMK Retail Service & Consulting GmbH offers you as a VERE e.V. member a free

initial telephone consultation on the following topics: EU Declaration of Conformity, CE Marking, RoHS, REACH, Product Safety Act, Requirements Research, Risk Analysis, Marking Tests, Risk Management, Recall Management, Inspection Controls, Shipping,

Audits as well as Fit-for-Use Tests and a great deal more. Simply call Boris Berndt and mention "VERE e.V." as the keyword: Please phone +49/40/540904108 or send an email message to info@retailconsult.info.

EPREL database:

A new service for suppliers of energy consumption- relevant products

Since 1 January 2019, energy consumption-relevant products affected that are placed on the European Union market for the first time have had to be registered in the EPREL database before being marketed. Products affected that were first placed on the European Union market between 1 August 2017 and 1 January 2019 were likewise subject to registration in the database by 30 June 2019. Mandatory registration does not apply only to those products that were exclusively placed on the market for the first time prior to 1 August 2017.

This concerns all energy consumption-relevant products for which a delegated regulation has been issued in accordance with EU Framework Regulation 2017/1369 or EU Directive 2010/30/EU, namely lamps, television sets, household dishwashers, household washing machines, individual room heaters, household ovens and extractor hoods, household refrigerators, combined household washer-dryers, household tumble dryers, commercial refrigerated storage cabinets, domestic ventilation appliances, air-conditioning and ventilation technology in the household, solid fuel boilers, heating and combined boilers as well as water heaters.

Mandatory registration applies to those market participants who place energy consumption-relevant products on the EU market for the first time, i.e. both manufacturers and importers. The companies take-e-way GmbH and TMK Retail Service & Consulting GmbH assume the registration of the models in the EPREL database on behalf of the customer and verify the data and documents received for completeness. Any data or documents missing will be requested from the customer. Where necessary and requested by the customer, TMK Retail Service & Consulting GmbH will commission test laboratories to prepare the required test reports. Once all data and documents are in hand, take-e-way GmbH and TMK Retail Service & Consulting GmbH will enter the data into the database and upload the documents provided. If you have any questions, the consultants from take-e-way GmbH will be glad to advise you; please phone +49/40/7506870 or send an email message to beratung@take-e-way.de.

Seminars in 2020

In the new year, VERE e.V. and its partners will offer you a vast range of training courses, seminars and webinars. We will notify you via the VERE e.V. newsletter as soon as the dates and topics have been finally arranged.

Do you wish to have events on specific topics or in your vicinity? If so, please send an email message to info@vereev.de. We will make every effort to take account of your suggestions in our planning activities.

Market Surveillance Regulation: Ensure compliance now and reap the benefits

As you yourselves know best, it is difficult when selling products always to be aware of and comply with all regulations. The RoHS topic is a current example of this.

It is precisely for this reason that we are already informing you today about the new EU regulation on market surveillance and conformity of products (Market Surveillance Regulation) promulgated in the Official Journal of the European Union on 25 June 2019.

From VERE e.V.'s perspective, the Market Surveillance Regulation is one of the EU's key measures to put a stop to unfair competition (e.g. from third countries). In cooperation with you, we have been committed to effective market surveillance and enforcement of the applicable legislation from the very beginning. 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 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 when the Market Surveillance Regulation officially enters into force. This will allow you to benefit from the extensive possibilities of the law enforcement authorities rather than having to fear them. It can also safely be assumed that distributors, fulfilment service providers and marketplaces will already carry out stricter controls before the regulation takes effect so as not to experience any difficulties with the market surveillance authorities themselves. Please note: All provisions of the new Regulation already apply today; the new Market Surveillance Regulation merely provides new, stricter scope for action.

Make use of the free conversation with your take-e-way consultant immediately to identify conformity gaps in your product portfolio and to inform and obtain informati-

on on the consequences and opportunities for your business as early as today. The company take-e-way GmbH, in cooperation with its affiliate, TMK Retail Service & Consulting GmbH, will provide you with comprehensive services (various testing options, provision of an authorised representative, preparation of the declaration of conformity, etc.) in order to meet the requirements of the Market Surveillance Regulation in time for 16 July 2021.

Please call the take-e-way team +49/40/7506870 or send an email message to beratung@take-e-way.de quoting the keyword "market surveillance".

We will keep you informed in the coming months about further details and solutions regarding the Market Surveillance Regulation as they unfold.

VERE e.V. supports EAR Foundation's manufacturer campaign

Numerous consumers have no idea what to do with old electrical appliances. This means that large quantities of valuable raw materials are lost that could actually be recycled. This was and is sobering in view of the bureaucratic burden that you as a manufacturer have to bear on account of the ElektroG. This is exactly where the new nationwide information campaign "Plan E" comes in, which is financed by manufacturers of electrical appliances and is scheduled to run for four to six years. Behind the campaign is the EAR Foundation as the "Joint Body of Manufacturers" as contemplated by the ElektroG.

VERE e.V. supports the EAR Foundation's manufacturer campaign, because as registered manufacturers, distributors and importers of electrical appliances, you are the ones who finance proper disposal in Germany and thus guarantee the preservation of raw materials. Now you stand to get something back from the EAR Foundation in return.

Plan E is being communicated with extensive advertising measures throughout Germany. In addition to billboards and information screens, displays, flyers and posters will also be featured in recycling yards and with specialist retailers. Part of the educational campaign also includes an extensive presence in the social media sector. The song "Drop it like E-Schrott" can now be streamed on Spotify. The video can be found on YouTube (<https://youtu.be/OYVFR46Di1w>).

You now have access to these funds. The EAR Foundation will be pleased to provide you with the appropriate means of communication for campaign purposes. Fiona Pröll from the EAR Foundation will be happy to answer any questions you may have about the use of the communication media; please phone +49/911/7666550 or send an email message to presse@stiftung-ear.de.

Introducing e-scooters in the EU Need to observe statutory requirements

In Germany, the use of e-scooters on public roads has been governed by the eKFV (Elektro-KleinstFahrzeugeVerordnung = ordinance on electric micro-vehicles) since 6 June 2019. It provides that e-scooters require a permit. On the other hand, e-scooters are still subject to the Machinery Directive. This means that when they are imported into the extended European market, they must be designed and marked in accordance with the relevant construction and conformity requirements. Moreover, evidence of compliance with the Machinery Directive (e.g. electromagnetic compatibility) as well as mechanical and electrical safety must be provided.

Errors in marking can already lead to customs authorities not allowing e-scooters to cross the EU border at all. VERE e.V. recommends the following: As there are currently no sufficiently relevant technical standards, product safety must be achieved through sound risk analysis and the technical requirements derived from them. Furthermore, it is important to ensure correct marking and labelling. TMK Retail Service & Consulting GmbH advises VERE e.V. members free of charge and also supports them in preparing risk analyses and test plans.

Simply call Boris Berndt and mention "VERE e.V." as the keyword. Please phone



+49/40/540904108 or send an email message to: info@retailconsult.info.

Save 20% copyright fees for USB sticks and memory cards by opting for the general VERE-ZPÜ agreement

VERE e.V. has now concluded a general agreement with the ZPÜ for USB sticks and memory cards in addition to the existing general agreements for mobile phones, PCs and tablets. Manufacturers and importers of USB sticks and memory cards are required to register under the German Electrical and Electronic Equipment Act (Elektrogesetz) and to pay levies under the German Copyright Act (UrhG). The relevant manufacturers' associ-

ations can conclude general agreements with the "fee agency" (ZPÜ) now that the disputes concerning the appropriate tariff level have been settled, thus allowing their members a discount of 20%.

Accession to the agreement will give the relevant manufacturers or importers a 20% reduction in the copyright levy from a period of being a party to the agreement for six months.

Please let us know as soon as possible if you would like to become a party to the general agreement between VERE e.V. and the ZPÜ. We will of course send you the agreement by email without delay.

For further questions, please contact Dr Andreas Mühlhausen by phoning +49/40/750687137 or sending an email to muehlhausen@take-e-way.de.

Battery Act and battery take-backs in turmoil

At present, the continued existence of the Joint Battery Return System (GRS) is in danger. On 1 July 2019, the GRS had increased its prices by up to 40% and announced further price hikes for 2020. The reason for this is that the manufacturers with large licensed quantities who are liable under the Battery Act are migrating to manufacturer-specific take-back systems (hRS). The hRS can operate more economically due to a different legal basis (Section 7 BattG) [German Batteries Act] than is possible for the GRS (Section 6 BattG). The legislature is currently working on an amendment to the Battery Act to make competition between the GRS and the hRS as fair as possible. Due to the length of the legislative process and the precarious situation of the GRS, the latter felt compelled to establish its own hRS and to temporarily give up the GRS status (Section 6 BattG). VERE e.V. is closely monitoring the events and participating in the political discussion by issuing statements from time to time.

VERE e.V. has responded to the Federal Environment Ministry's call for associations

to submit a statement on a Battery Act bill. The reason for this primarily is the impending collapse of the nationwide collection structure in Germany described above, and thus the failure to meet the statutory collection quotas. Implementing the amendment in its current draft would incur high costs and numerous additional requirements. Ms May from take-e-way GmbH will be pleased to answer any questions you may have about the BattG amendment; please phone +49/40/750687136 or send an email to may@take-e-way.de.

VERE e.V. also opposes deposit models for lithium-ion batteries. This is due to the recent demands to introduce a mandatory deposit on accumulators and batteries containing lithium in order to prevent the increasingly frequent fires in waste disposal facilities and private households. An idea under discussion is to require a deposit of up to 50 euros, depending on the energy density. It is accepted in this context that a possible deposit may exceed the purchase price in order to promote the correct disposal of lithium batteries and

accumulators. From the perspective of VERE e.V., the introduction of a deposit system certainly poses serious problems. The collection structure currently available for lithium batteries of different sizes and applications exists as required from VERE e.V.'s point of view. Small lithium batteries can be delivered free of charge to several 10,000 retail collection points and municipal recycling yards. Larger lithium batteries can be returned to the points of sale free of charge.

For lithium batteries used in electrical appliances, there are separate collection and recycling channels with over 2,000 free collection points provided by the public waste disposal authorities and over 7,000 collection points available within the trade. In order to protect the environment and for safety reasons, the focus should be on providing effective information to final users on the return options available.

In retrospect

2020 – the next generation of product responsibility

On 12 November 2019, VERE e.V., together with take-e-way GmbH, hosted by far the largest product responsibility forum of its kind. In addition to the VERE e.V. members and take-e-way customers concerned, experts from political and administrative circles, business representatives and environmental organisations as well as lawyers and product responsibility specialists were invited. The Mercedes-Benz Arena in Stuttgart was chosen as the appropriate venue for this controversial topic. With over 150 registered participants, it was the most successful event of its kind for VERE e.V. to date. We wish to thank all participants for enriching the constructive debate, in particular by describing

the various personal experiences. The VERE e.V. is convinced that the findings of this day will find their way to the decision-makers and influencers of the legislature.

We thank the representatives of the European Commission, the Federal Ministry of Economics, the Federal Environment Agency, the Ministry for the Environment of Baden-Württemberg, the EAR Foundation, the Packaging Register Foundation, Greenpeace and all the other competent speakers from our partner organisations for the intensive, open and friendly exchange.

Whoever is interested is welcome to request the speakers' presentation documents by sending an email to info@vereev.de.

1-year anniversary of the Packaging Act:

No Lucid login without the Dual System

After the Packaging Act took effect on 1 January 2019, an initial positive interim assessment can now be made.

The number of registrations in the LUCID Packaging Register, at around 170,000, is roughly equivalent to the three-fold number of companies opting for product responsibility compared with 2016. The degree of system participation has also already risen significantly in the paper/cardboard/paperboard (PPK) and glass material groups. From the Packing Register's perspective, however, there is still scope for development.

From VERE e.V.'s point of view, many LUCID registrants have not yet concluded any contracts with a dual system in order to initially be registered in time and listed in the public manufacturer register. Whereas this

will not eliminate potential difficulties, it merely postpones them into the future. After all, anyone who is registered in the Packaging Register and does not subsequently commission a mandatory participation system to collect and recycle their packaging, practically makes a self-denunciation.

The company take-e-way organises the participation in nationwide approved dual systems by using negotiated special conditions based on quantity bundling and service take-overs and provides free advice on all questions of the Electrical and Electronic Equipment Act and the Battery Act.

If you have any questions, please do not hesitate to contact the take-e-way team by calling +49/40/7506870 or sending an email to beratung@take-e-way.de.

Grown in experience: The international take-e-way team

Florian Spreu, the new head of the international department of take-e-way, and his team, which has meanwhile grown to 10 employees, have received over 2,500 registrations in 33 (EU and non-EU) countries. Mr Spreu is available to VERE e.V. members for questions concerning international electrical equipment, battery and packaging registration at international@take-e-way.de.

