

As at December 2007

**Cost Ordinance on the Electrical
and Electronic Equipment Act**

(Electrical and Electronic Equipment Cost Ordinance - ElektroGKostV)

In the version of 6 July 2005 (Federal Law Gazette I year 2005 p 2020), last amended by Article 1 of the 2nd Ordinance Amending the Cost Ordinance on the Electrical and Electronic Equipment Act of 5 December 2007 (Federal Law Gazette I year 2007 p. 2825)

Non-official version for information purposes

On the basis of Section 22 (2) of the Electrical and Electronic Equipment Act dated 16 March 2005 (Federal Law Gazette I, p. 762) in conjunction with Part 2 of the Administrative Expenses Act dated 23 June 1970 (Federal Law Gazette I, p. 821), the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) hereby decrees as follows:

Section 1

Charges and Expenses

(1) Charges shall be levied for official acts of the Competent Authority according to Section 16 (1) of the Electrical and Electronic Equipment Act or the designated Clearing House according to Section 17 (1) of the Electrical and Electronic Equipment Act. The measures that are subject to charges and the amount of the charges shall ensue from the Table of Charges in Annex 1 to this Ordinance. To the extent that official acts listed in Annex 1 are subject to turnover tax, charges pursuant to this ordinance shall be levied plus turnover tax.

(2) Expenses shall be levied pursuant to Section 10 of the Administrative Expenses Act for official acts under subsection 1 (1).

Section 2

Cost Reduction and Cost Exemption

(1) On application, the Competent Authority according to Section 16 (1) of the Electrical and Electronic Equipment Act or the designated Clearing House according to Section 17

(1) of the Electrical and Electronic Equipment Act may reduce the charge as per Nos. 1.01 to 1.06 of the Table of Charges or may grant exemption from a charge if the application of the standard charge for the registration would be disproportionate with regard to the amount of equipment placed on the market, the economic value of the registration for the company, the expected costs of waste management and the relevance for the waste management. Applications in accordance with sentence 1 must include details with regard to all four criteria mentioned there.

(2) On application, no charge shall be levied as per Nos. 1.04.a to 1.04.f of the Table of Charges if a producer plausibly documents that, with regard to the respective type of equipment based on the calculation for one year, less than the quantity mentioned in Annex 2 will be placed on the market. If the registration period of the applicant only covers a part of the year the quantity must be extrapolated to one year.

(3) Cost reduction and cost exemption shall be granted provided that compliance with the respective conditions does not cease due to changes to the specific registered quantity of equipment within twelve months after the application. The reported quantity according to Section 13 (1) of the Electrical and Electronic Equipment Act shall be authoritative. If an applicant does not fully comply, or complies only partially, with the reporting obligations under Section 13 of the Electrical and Electronic Equipment Act, the condition shall be considered to be not complied with.

Section 3

Revocation and Withdrawal of an Official Act, Rejection and Withdrawal of Applications

Charges shall be levied pursuant to Section 15 of the Administrative Expenses Act for the revocation or the withdrawal of an official act, the rejection of an application for an official act or in cases of withdrawal of an application for an official act.

Section 4

Objection charges

(1) For the full or partial rejection of an objection, a charge shall be levied up to the amount of the charge laid down for the contested administrative act. For the full or partial rejection of an objection to the imposition of a charge or expense, a charge shall

be levied of up to 20 percent of the contested imposition. This charge shall be at least 15 euro, unless the charge or expense imposed is lower.

(2) For objections to decisions on hardship cases pursuant to Section 2 (1) and (2), up to 160 euro shall be charged for the full or partial rejection of the objection.

(3) If an objection pursuant to (1) or (2) is withdrawn after the start but before the conclusion of the processing of the objection, the charge shall be a maximum of 75 percent of the envisaged objection charge.

(4) Objection charges shall not be levied if the objection is only unsuccessful because the breach of a procedural rule or formal provision pursuant to Section 45 of the Administrative Proceedings Act is insignificant.

Section 5

Transitional Provisions

For registrations before 24 November 2005, the Competent Authority according to Section 16 (1) of the Electrical and Electronic Equipment Act or the designated Clearing House according to Section 17 (1) of the Electrical and Electronic Equipment Act shall levy charges as per Nos. 1.01 to 1.06 of the Table of Charges in Annex 1 to this Ordinance.

Section 6

Entry into Force¹

Bonn, 5 December 2007

The Federal Minister for the Environment, Nature Conservation and Nuclear Safety

Sigmar Gabriel

¹ The original version of the Ordinance entered into force on 13 July 2005, the version of the second amending Ordinance shall enter into force on 1 January 2008

Annex 1

(re. Section 1 (1))

Table of Charges

No.	Measures Subject To Charges	Charge (Euro)
1	Registration	
1.01	Basic registration per producer, first brand and first type of equipment	90.00
1.02	Supplementation of the basic registration according to No. 1.01 for every additional brand including one type of equipment and every additional type of equipment belonging to a brand	50.00
1.03	Update of quantitative data on existing registrations according to Nos. 1.01 and 1.02 per change session	60.00
1.04.a	Detailed review of an individual producer guarantee per producer, first brand and first type of equipment	180.00
1.04.b	Detailed review of a guarantee based on a Clearing House-certified producer guarantee system per producer, first brand and first type of equipment	165.00
1.04.c	Extension of a proven guarantee according to Nos. 1.04.a and 1.04.b to another type of equipment per producer for every additional brand including one type of equipment and every additional type of equipment belonging to a brand	50.00
1.04.d	Change or annual update with regard to quantity and evaluation of, or subsequent switch to, a proven guarantee according to Nos. 1.04.a, 1.04.b or 1.04.c for an unchanged type of equipment per change, update or subsequent switch	115.00
1.04.e	Change of other guarantee data per change made	50.00
1.04.f	Verification of the plausible documentation according to Section 6 (3) second sentence of the Electrical and Electronic Equipment Act per registration	150.00
1.05	Other changes of registration data per change session	30.00
1.06	Additional expense in the case of non-electronic transfer of data per accepted and executed order	40.00 to 400.00

1.07	Issuing of certificate via the obligation to register	40.00 to 7,500.00
2	Instruction regarding provision	25.00
3	Instruction regarding collection	32.00
4	Sanctions	
4.01	Instruction regarding increase to guarantee	40.00
4.02	Warning in the case of no provision of containers	40.00
4.03	Warning in the case of no collection	40.00
4.04	Revocation of the registration	up to 75 percent of the charge according to No. 1

Annex 2

(re Section 2 (2))

Weight category	Equipment category	Threshold value in kg/year (=12 months)
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Weight category I	e.g.: - Small household appliances for use in private households - Small household appliances for commercial use only - Equipment for data processing, the printing of data and the transfer of printed data in private households - Telecommunications equipment for use in private households - Cellular telephones - Cameras (photo) - Commercially used ICT equipment - Consumer equipment, unless listed in weight category III - Gas discharge lamps for use in private households - Gas discharge lamps for commercial use only - Toys for use in private households - Medical products for use in private households - Monitoring and control instruments for use in private households	30
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Weight category II	e.g. - Visual display units - Luminaires for commercial use only - Tools for use in private households - Tools for commercial use only - Sports and leisure equipment for use in private households - Toys for commercial use only - Sports and leisure equipment for commercial use only - Medical products for commercial users - Monitoring and control instruments for commercial use only	70
Weight category III	e.g. - Television sets - Commercially used audio and video equipment - Large displays - Cooling appliances, air conditioning appliances and oil radiators for use in private households - Other large household appliances for use in private households	120
Weight category IV	e.g. - Cooling appliances, air conditioning appliances and oil radiators for commercial use only - Large household appliances for commercial use only - Automatic dispensers for use in private households - Automatic dispensers for commercial use only	300