



Objectives and Contents

of the Act Concerning the Placing on the Market, Collection and Environmentally Compatible Waste Management of Electrical and Electronic Equipment (Electrical and Electronic Equipment Act - ElektroG)

1. Objectives of the Act

This Act implements Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) and Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The goal is to prevent waste from electrical and electronic equipment, to reduce waste volumes through reuse, provisions for collection, recovery and recycling quotas and to reduce the content of hazardous substances in equipment. Based on the whole of Germany, at least 4 kg of waste equipment per inhabitant and year is to be collected from private households. The ElektroG needs to be amended as its basis, Directive 2002/95/EC, was repealed by Directive 2011/65/EU, which entered into force on 21 July 2011 and has to be transposed into national law by 2 January 2013.

The ban on the use of certain hazardous substances in the production of new electrical and electronic equipment aims to prevent damage to the environment and human health from the outset and to prevent disposal problems from arising at all. The obligation to take on responsibility for disposal management, in other words treatment, recovery or disposal of WEEE, aims to compel producers to incorporate the entire life cycle of their products into their calculations.

2. Producers' responsibilities

All producers of electrical and electronic equipment in Germany have to be registered. Producers must also provide a guarantee that the financing of the disposal is ensured for electrical and electronic equipment that is placed on the market after 13 August 2005 and that can be used in private households. This registration and guarantee obligation aims to prevent producers from placing equipment on the market in an anti-competitive way without living up to their take-back and disposal obligations ("free-riders").

Producers must take back WEEE collected from private households by public waste management authorities. Producers must provide public waste management authorities with containers for WEEE to be set up at collection points and must collect the containers in a timely manner when a certain volume is reached for a WEEE group. The producers themselves must organise the subsequent treatment, reuse or disposal and must document it. Certain ecological standards must be maintained during treatment (check for reusability, removal of all liquids from the equipment, separation of hazardous substances and components, compliance with technological state-of-the-art). Concrete recycling and recovery quotas must be met.

In addition to the collection of WEEE by public waste management authorities, voluntary take-back by distributors and the setting up of voluntary take-back systems by producers is possible.

Producers are responsible for the disposal of WEEE from the purely commercial sector, provided it is electrical and electronic equipment that is placed on the market after 13 August 2005. Holders are responsible for equipment placed on the market before 13 August 2005. Agreements departing from these provisions are possible in both cases.

Producers are obligated to set up a Clearing House. The Clearing House lays the basis for determining the collection volumes for the individual producer and calculating an even temporal and regional distribution of WEEE collection quotas among all producers. It also compiles data, inter alia on equipment placed on the market, taken back and recovered, and it submits the data to the competent authorities.

The Electrical and Electronic Equipment Act also contains provisions on the design of new electrical and electronic equipment. Equipment that is placed on the market for the first time after 1 July 2006 must not contain certain hazardous substances (heavy metals such as lead, mercury and cadmium). From 13 August 2005 only electrical and electronic equipment without specific design features preventing its reuse may be placed on the market.

3. Responsibilities of public waste management authorities

Public waste management authorities remain responsible for the collection of WEEE from private households. The procedure for collection is widely within the discretion of the local authorities. In any case they must ensure that private households can return WEEE free of charge (bring-back system). The number of collection points to be set up and the combination with collection systems is to be based on population density, other local conditions and the waste management objective of achieving the greatest possible level of collection. Smaller municipalities may set up a joint collection point. A dealer that has taken over equipment (e. g. a washing machine) from a private household may also return this equipment free of charge to the collection point of the respective local authority. The local authorities may refinance the costs for collection via waste charges.

Local authorities shall hold the WEEE available for collection by producers, separated into five groups (containers). Classification into the five groups will be decided on the basis of technical disposal considerations. For example, refrigerators will be kept separately from television sets and monitors. Local authorities can also arrange for the disposal of WEEE themselves or commission a third party to do so: By providing three months' notice to the Clearing House, the local authorities may choose not to make any WEEE in a specific group available for collection for a period of at least one year. In this case, however, it is also their responsibility to ensure that treatment and recovery requirements are met.

4. Organisation

The Electrical and Electronic Equipment Act designates the responsibilities of "registering", "coordinating collection" and "issuing instructions for the provision of containers" to the Federal Environment Agency (UBA) as the competent authority (central register). However, the Act provides for the competent authority to transfer these responsibilities by means of designation to the Clearing House of the producers. Thus, all the functions that are important for implementing the Act are concentrated at the Clearing House, starting with registering producers, reviewing the disposal guarantee, collecting all necessary data, equipping local authorities with collection containers, calculating collection volumes for producers and instructing collection. This makes it possible for the producers themselves to organise the fulfilment of their disposal responsibility as efficiently as possible. The enforcement authorities of the Länder are spared the responsibility of monitoring and controlling to a large degree.

In August 2004 the business circles affected set up the foundation "Elektro-Altgeräte Register" ("WEEE register") based in Fürth/Bavaria. In future, this foundation is to fulfil the responsibilities of the Clearing House of the producers and will be available for designation by the Federal Environment Agency.

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As of: July 2011

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