

Roadmap to Registration with the German National Register (EAR) (August 29th, 2005)

(Please note: [underlined words](#) are hyperlinked to further information)

What you should know:

The German Electrical- and Electronic Equipment Act (Elektro- und Elektronikgeraetegesetz - [ElektroG](#)) is the legal transposition of the WEEE-Directive for Germany (only).

Hereby, producers of electrical- and electronic equipment have the responsibility of an environmentally friendly production, but also WEEE take-back and recycling. [More background information](#).

In case a “producer” is not registered on the 24th of November 2005 he is not allowed to bring his electrical- and electronic equipment on the German market.

Who is affected by the German Electrical- and Electronic Equipment Act (ElektroG)?

Every [producer](#), who [first places](#) electrical- and electronic equipment [on the German market](#) after the 23rd of November 2005, has to check on its own behalf and responsibility, if its product falls under the [scope of the ElektroG](#).

Support in the assessment of products that may be affected, is offered via a [guideline issued by the Federal Ministry for the Environment \(Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit – BMU\)](#), providing information to the application of the ElektroG or via the [EAR online-classification-help-system](#) that is based thereupon. Please notice that the information provided is legally non-binding. According to German Laws only lawyers and legal advisers are entitled to give legal advice and only courts have judicial power.

An affected producer has fulfil the obligations acc. to the ElektroG such as the [registration](#), [quantity-reports](#) and the organisation of the [WEEE take-back](#).

What has to be prepared prior to the registration?

1. Allocation of products

In principle producers have to allocate their products, in their own responsibility and best knowledge of their product, to one of the 10 product-categories according to the ElektroG and [type-of-equipment](#) as defined by the [official rules \(Regelbuch\)](#).

Assistance is offered in the first appendix of the ElektroG, via the exemplary (and non exhaustive) equipment-list to the categories, as also in the [overview of the types-of-equipment in the rule-book \(Regelbuch\)](#). Please also see classification of equipment to a certain type-of-equipment as defined in the rule-book (Regelbuch).

2. Determination of the equipment weight

Depending on the type-of-equipment, the [total weight of the products](#) that is going to be brought on the market has to be specified for the registration. For this, the [net-weight](#) of the equipment has to be defined according to the rule-book.

3. Commercial- (b2b) or private- (b2c) usage

Because of the [b2b](#)- (commercial usage only) or [b2c](#)- (possible usage in private households) character of the products a compulsory classification to the respective type-of-equipment is needed. Also the 2nd or 3rd trade phase is relevant for the b2c-character classification.

4. Determination of the [guarantee](#) for b2c-equipment

For b2c-equipment the producer has to provide in advance a bankruptcy-proof guarantee. The [determination of the guarantee-sum](#) is done according to the rule-book.

5. Validation that WEEE take-back and recycling for b2c-equipment is organized

Producers have to ensure the fulfilment of their WEEE take-back obligation, based on the [allocated obligation to Germany-wide take-back of WEEE \(=pick-up coordination / Abholkoordination\)](#) from the 24th of March 2006 onwards. Hereby all preparations for the b2c-equipment registration would be completed.

6. Substantiation of the b2b-charakter of the equipment

During registration an appropriate [substantiation](#) of the b2b-charakter of the equipment has to be given. Hereby all preparations for the b2b-equipment registration would be completed.

7. Foreign companies without a branch office in Germany

In case foreign companies without a branch office in Germany can register online with EAR they are "producer" under the Electrical- and Electronic Equipment Act (ElektroG). The registration has to be made in German as language in official matters.

We recommend to foreign companies the

- appointment of a proxy / representative within Germany (e.g. a lawyer or accountant) and
- conclusion of a contract with a German Waste Management Company.

If a guarantee has to be provided it must be seizeable within Germany.

In case the foreign company will not register as “producer” is understood the one who imports equipment to Germany and who first puts the equipment on the German market.

Registration

Under the menu „[test-registration producers](#)“ on the EAR-homepage, the opportunity is given to familiarise oneself at no costs with the online-registration process. The test-registration is not obligating and non-binding.

When applying for a “[fee-based \(pre-\)registration](#)” for a respective brand and type-of-equipment, the [registration](#) and [registration number](#) will be issued through EAR after the successful verification and payment of fees. Both are legally valid on the 24th of November 2005.

The pre-registration gives producers the chance to make all necessary business preparations for the registration, before the legally fixed date of the 24th of November 2005. E.g. add the registration number to business-papers.

After the registration number has been issued, further registrations can be conducted via “[additional registrations](#)” for further brands and respective type-of-equipment.

For each registration a [fee](#) will be charged by EAR according to the Cost-List of the Electrical - and Electronic Equipment Act ([ElektroGKostV](#)).

The registration with EAR is only valid in Germany for producers who first put electrical- and electronic equipment on the German market.