

State Agency for Environment, Nature Conservation and Geology Mecklenburg-Vorpommern

Information on the Export of Used Electrical and Electronic Equipment

This information is intended for companies and persons exporting used electrical and electronic equipment from Mecklenburg-Vorpommern or selling such equipment for purposes of export.

Am I allowed to export used electrical and electronic equipment as a product?

Yes, there is no objection from the point of view of waste laws to the export of used and fully functional equipment to be further used abroad. However, export is only permitted when all the following conditions are met:

- The used electrical and electronic equipment must be fully functional.
- During transport, proofs must be carried showing that the used equipment is not waste (see next question).
- The used electrical and electronic equipment is transported in such a way as to maintain its value. This means that the equipment must be protected from damages during transport by sufficient packaging and appropriate stacking.

Please note that the export of equipment out of the EU is always prohibited if it runs on materials that destroy the ozone layer – even if the equipment is functional. Among the prohibited substances are in particular cooling agents containing CFCs (for example, R11, R12 and R22).

Note: The shipment of used electrical and electronic equipment classified as waste is possible in some cases if European Regulation (EC) No. 1013/2006 is observed (as a rule, official approval is necessary in these cases). Please refer to the wording of the regulation (<http://eur-lex.europa.eu>) for the precise regulations concerning a planned waste shipment, or contact the State Agency for Environment, Nature Conservation and Geology, the competent waste shipment authority for Mecklenburg-Vorpommern.

How do I prove that I am exporting functional electrical and electronic equipment and not waste in the event of an inspection?

If in the course of an inspection the authorities are of the opinion that the used electrical and electronic equipment in a transboundary shipment could actually be waste, they can demand extensive proofs and information (§ 23 Para. 4 in conjunction with Annex 6 of the German Electrical and Electronic Equipment Act (Elektro- und Elektronikgerätegesetz)).

The following documents must be kept by the holder and presented to the authorities immediately upon demand:

- Proof of origin (copy of the invoice and the purchasing contract). This must show that the equipment is intended for direct re-use and is fully functional.
- Evidence of an inspection for every single piece of equipment (copy of the test certificate and proof of the functionality, see next question) as well as a record showing an overview of all test results.

- Declaration of the holder that none of the equipment being shipped is waste within the meaning of the European Waste Framework Directive.
- Transport document (for example, CMR waybill or accompanying document).
- Declaration of the holder who arranges the shipment on his responsibility for shipping the electrical and electronic equipment.

Please note that only documents in German or English are accepted by the competent authorities.

Who is allowed to test used electrical and electronic equipment? What must be checked and how must the test results be documented?

The holder must see to it that the used equipment is tested for functionality before shipment and that the presence of hazardous materials is evaluated (Annex 6 of the Elektro- und Elektronikgerätegesetz). The tests that must be conducted depend on the type of electrical and electronic equipment. In most cases, a functionality test of the key functions is sufficient.

The testing and evaluation must be done by an electrically qualified person or a certified primary treatment facility. Persons who are electrically qualified have had electrotechnical training (engineers, technicians, masters and persons with technical training in accordance with VDE 1000-10 with the relevant qualifications in each case).

The results of the evaluation and testing must be documented. The record must be attached securely, but not permanently, either on the equipment itself (if unpackaged) or on the packaging. It must contain the following information:

- Designation of the equipment (including category in accordance with Annex 1 of the Elektro- und Elektronikgerätegesetz),
- Identification number of the item (type number) (if available),
- Year of manufacture (if known),
- Name and address of the responsible company for the proof of functionality,
- Results of the testing (including date of the functionality test),
- Type of test conducted.

What happens at an inspection if the above-mentioned documents are not presented? What consequences must I expect?

If the documents are not presented at an inspection or if the equipment is not packed/stacked in such a way as to maintain its value, then the competent authorities will assume that it is an illegal waste shipment and take appropriate action (§ 23 Para. 4 of the Elektro- und Elektronikgerätegesetz in conjunction with Art. 24 of EC Regulation No. 1013/2006).

An illegal shipment of waste can also be prosecuted (§ 18 a/b Abfallverbringungsgesetz). Other infringements of waste laws in connection with the export can be punished by a fine of up to € 100,000.

Who can I contact if I have any questions?

If you have questions on the classification of used electrical and electronic equipment as waste or not waste, or on the export of such equipment, please contact the State Agency for Environment, Nature Conservation and Geology of Mecklenburg-Vorpommern (Landesamt für Umwelt, Naturschutz und Geologie Mecklenburg-Vorpommern, Goldberger Str. 12b, 18273 Güstrow). Contact persons:

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You can download the Elektro- und Elektronikgerätegesetz from the following link:
www.gesetze-im-internet.de/bundesrecht/elektrog_2015/gesamt.pdf