



Fact Sheet on the sale of batteries

Online merchants, who distribute batteries, are bound to fulfil a number of obligations. These obligations result from the Battery Act (Batteriegesetz, [BattG](#) (in German)) and the Ordinance implementing the Battery Act (Verordnung zur Durchführung des Batteriegesetzes, [BattGDV](#) (in German)).

Above all, the distributors are obliged to take back waste batteries from customers. Moreover, they have to comply with the following obligations to provide information.

1. Prohibition on the placing on the market

The placing on the market of batteries containing **more than 0.005 percent by mass of mercury** is **prohibited**.

The placing on the market of portable batteries containing **more than 0.002 percent by mass of cadmium** is **prohibited**. The prohibition does not apply to portable batteries intended for emergency or alarm systems, including emergency lighting and medical equipment. Batteries intended for use in cordless power tools shall be exempt from the prohibition until 31 December 2016.

2. The distributor's take-back obligation

According to Section 9 (1) BattG, every distributor of **batteries** is obliged to **take back** waste batteries from the end user from the end user **at or in the immediate vicinity of the point of sale free of charge**.

Distributors may only offer batteries to the end user if they ensure that the end user can return waste batteries by fulfilling their obligation to take back the batteries.

However, the obligation to take back waste batteries is **limited** to those batteries of the type that the distributor carries or has carried in the product range as new batteries.

In addition, the customer may only return waste automotive batteries in the **quantity** that an „end user normally disposes of“.

The customer is therefore not restricted to returning only those batteries that he or she has actually purchased from the distributor – but he or she is also not allowed to return waste batteries that are not part of the product range.



In addition to consumers, “**end users**” are also entrepreneurs if they use the batteries themselves and do not resell them.

In e-commerce, the „point of sale“ is the **shipping warehouse of the online merchant**. In this respect, the online merchant only has to take the batteries back **at his shipping warehouse** (regularly the shipping address) and therefore does not have to bear any costs for the shipment or return of waste batteries by the customer.

In accordance with Section 1 (1) first sentence BattG, the take-back obligation also applies to batteries that are installed in other products or are attached to other products.

However, the **products** themselves, in which (waste) batteries are installed, are not covered by the take-back obligation pursuant to Section 9 BattG (Section 9 (1), third sentence BattG). But a take-back obligation for the products themselves may arise from the Electrical and Electronic Equipment Act (Elektrogesetz, [ElektroG](#) (in German)).

3. Obligation to provide information

Every distributor who supplies batteries to end users for commercial purposes must inform the customer in accordance with Section 18 (1) BattG by means of **clearly visible and legible lettering or picture panels placed within the direct view of the main customer flow**:

- that batteries can be returned free of charge at the point of sale after use;
- that the end user is legally obliged to return waste batteries;
- of the significance of the symbol of the crossed-out bin;
- of the significance of the chemical symbols Hg, Cd and Pb.

4. Compliance with the obligation to provide information in e-commerce

a. Placement of the information

According to Section 18 (1) second sentence BattG, anyone who delivers batteries to the end user in e-commerce must provide the information in the presentation media used by him or her.

In the **online shop**, therefore, a **separate button** called „Information for battery disposal“ must be set up and the corresponding information text (under b)) must be inserted centrally there.

If it is technically not possible to set up a centrally retrievable button with the information (such as on eBay or similar platforms), the information text can be inserted into the article descriptions as well. However, the information text should **stand out clearly** from the rest of the article description by **bold print** or **eye-catching framing**.



Alternatively, it is possible to enclose the information text on a separate sheet of the consignment, in which case the obligation to provide information on the website or in the article description is waived.

Attention: It is not sufficient to merely regulate the „Information for battery disposal“ in the General Terms and Conditions and to transmit them to the end user!

b. Information text to be used

In order to comply with the obligation to provide information, we recommend that you use the following text:

“Information for battery disposal

In connection with the sale of batteries or with the delivery of devices that contain batteries, we are under obligation to bring the following to your attention:

As the end user, you are legally under obligation to return used batteries. You can return old batteries, which offer or have offered in our new battery assortment, free of charge to our dispatch warehouse (dispatch address). The symbols showed on the batteries have the following meaning:

The symbol of the crossed-out dustbin means that the battery may not be discarded with the household waste.

Pb = Battery contains more than 0.004 percent by mass of Lead

Cd = Battery contains more than 0.002 percent by mass of Cadmium

Hg = Battery contains more than 0.0005 percent by mass of Mercury.

Please pay attention to the above instructions.”

5. Obligation to deposit automotive batteries

Distributors who deliver automotive batteries to end users are obliged to charge a deposit of an amount of € 7.50 per automotive battery, including VAT, if the end user does not return a waste automotive battery at the time of purchase of a new automotive battery.

The distributor who collected the deposit is obliged to refund the deposit on return of a waste automotive battery. The distributor can issue a deposit stamp when collecting the deposit and make the refund of the deposit dependent on the return of the deposit stamp.

If the waste automotive battery is not returned to the deposit collecting distributor, the person authorized to record who takes back the waste automotive battery is obliged, at the end user's request, to confirm the return in writing or electronically without deposit refunding.



A distributor who offers automotive batteries using telecommunication means is obliged to reimburse the deposit even if a written or electronic proof of return is submitted, which is not older than two weeks at the time of presentation.

6. The obligation to register

According to the BattG, every **manufacturer** is obliged to notify the German Federal Environment Agency (Umweltbundesamt) free of charge before placing batteries on the market (separately or as part of another product).

If the manufacturer does not comply with this obligation, the distributor is prohibited from offering the batteries. Such batteries are subject to a traffic ban in accordance with Section 3 (4) BattG. Distributors of improperly reported batteries are obliged to make up the report to the Federal Environment Agency.

The reports are made exclusively electronically via the website of the Federal Environment Agency, the so-called Battery Act Registry, which can be accessed here: <https://www.battg-melderegister.umweltbundesamt.de/battg/authenticate.do> (in German).

A violation of this obligation to register is punitive.

The Federal Environment Agency has compiled a separate [FAQ](#) (in German) for questions on the Battery Act Registry. The Federal Environment Agency provides information and details on the input masks in the Battery Act Registry in a [user manual](#) (in German).

7. The take-back obligation of the manufacturers

Manufacturers are obliged to take back and recycle the waste batteries taken back by the distributors in accordance with Section 9 (1) BattG (see above) and the waste portable batteries collected by public waste management authorities free of charge. Non-recyclable waste batteries must be disposed of.

The manufacturers of portable batteries shall ensure compliance with their take-back obligation by setting up and participating in a common, non-profit-oriented collection schemes for portable waste batteries (common collection scheme) covering the entire area.