

Frequently asked questions (FAQ)

Council of State decree on consumer information for qualities and characteristics of waste generating products in application of article 13-I of the AGECL law.

Decree no. 2022-748 of 29 April 2022 on consumer information for qualities and characteristics of waste generating products is available in the OJ :

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045726094>

Part 1 - Mandatory information within in the product General questions

1.General questions

1.1. Field of application

1.1.1 Which companies are affected by the obligation to provide information on environmental qualities and characteristics on the one hand and on premiums and penalties on the other? What are the deadlines for these companies?

Producers, importers or other marketers of products mentioned in Article R. 541-221 of the Environmental Code	Cumulative requirements	
	Annual turnover threshold, achieved cumulatively for all products concerned in the last accounting year	Cumulative number of units of all products covered placed in the French market each year
From 1st January 2023 (except for products for which the last unit is placed in the market between 1 January and 31 March 2023)	50 M€	25 000
From 1st January 2024	20 M€	10 000
From 1st January 2024	10 M€	10 000

Products subject to extended producer responsibility within the sectors relating to construction materials, toys, sports and leisure articles, do-it-yourself and garden articles, cars, vans, 2, 3 and 4-wheeled vehicles, are subject to the obligation:

- from 1 January 2024 for companies with a turnover of more than 20 million euros for all of the products concerned (including the other sectors covered by decree no. 2022-748) and placing more than 10,000 units of all of the products concerned on the market (including the other sectors covered by decree no. 2022-748);
- from 1 January 2025 for companies with a turnover of more than 10 million euros for all of the products concerned (including the other sectors covered by decree n°2022-748; and placing more than 10,000 units of all of its products concerned on the market (including other sectors covered by decree no. 2022-748).

1.1.2. What are the obligations applicable to producers and importers seeking to make voluntary use of the environmental characteristics and qualities mentioned in Article R.541-221 of the Environmental Code?

Producers and importers involved in the obligation to provide dematerialized information on certain environmental qualities and characteristics listed in Article R. 541-221 of the Environmental Code, for certain products, must comply with the definitions and mentions established in the same article. They must also comply with them for any voluntary information displayed on these same products and for these same environmental characteristics or qualities.

Producers and importers of products that are not concerned by the obligation to provide information on an environmental quality or characteristic listed in Article R.541-221 of the Environmental Code (for example, the voluntary claim of incorporation of recycled material for toys) are free to provide voluntary information on the latter, in compliance with the rules on deceptive commercial practices. These claims must therefore be reliable, clear, proportionate, unambiguous and justified by precise and measurable elements. Voluntary information that includes, where relevant, the definitions and mentions defined by Decree No. 2022-748 is a practice encouraged by the public authorities.

1.1.3 Is a product sheet required for products in stock?

The obligation applies to new units of a product model placed in the market from 1 January 2023. Therefore, if new units of a model continue to be placed on the market after this date, the product sheet must be drawn up. It may then also relate to units of products in stock. Only product models whose last unit is placed on the market by 31 March 2023 are not affected by the obligation.

1.1.4 Is the threshold for annual turnover considered for each category of product subject to the information obligations relating to the various qualities and characteristics or is it part of an overall turnover relating to the marketing of all the products of the producer or marketer? What about the threshold in units of products placed on the market?

The threshold relating to turnover is established in relation to the turnover achieved during the last accounting period by the producer, importer, or any other marketer, on a cumulative basis for all the products mentioned in Article R. 541-221 of the Environmental Code placed on the French market. Similarly, the threshold in units of products placed on the market is established cumulatively in relation to all the products concerned placed on the market in France.

The producer is defined as any natural or legal person who manufactures the product or has it designed or manufactured and markets it under his own name or trademark. The importer is defined as any natural or legal person who places a product from a third country on the French market.

1.1.5 Which products are required to provide information via a dematerialised "product sheet"?

The products concerned are only new products intended for consumers. The consumer is defined as "any natural person who acts for purposes which do not fall within the scope of his commercial, industrial, craft, liberal or agricultural activity" as specified in the introductory article of the Consumer Code.

The obligation to provide a product sheet does not apply to reconditioned products (within the meaning of Article R. 122-4 of the Consumer Code) or second-hand products sold to consumers by professionals.

The products concerned are detailed in the summary table below.

Environmental quality or characteristics/ Products	II - Composability	III – Incorporation of recycled material	V – Possibility of re-use	VI - Recyclability	VII- Presence of precious metals	VIII – Presence of rare-earth	IX – Presence of substances of high concern	X – Traceability	XI – Presence of microplastic fibres
REP – 1° Household packaging	Only packaging mentioned in the decree of 15 March 2022 listing : -compostable and methanatable packaging -waste that can be collected together with biowaste that has been sorted at source	X	X	X			X		
REP – 3° Printed matter papers		X		X			X		

REP – 4° Construction materials				X			X		
REP - 5° Electronic and electric equipment		X		X	X	X	X		
REP - 6° Batteries and accumulators		X		X			X		
REP- 7° Contents and containers of chemical products		X		X			X		
REP - 10° Furnishing materials		X		X			X		
REP - 11° Textile clothing products, linen, footwear		X (with the exception of leather articles)		X			X	X	X
REP - 12° Jousting				X			X		
REP - 13° Sports articles		X		X			X		
REP- 14° Art bricolage/gardening		X		X			X		
REP - 15° Cars, vans, 2,3,4 wheel vehicles		X		X	X	X	X		

Other products containing substances of high concern							X		
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1.1.6 Are the components of a product subject to the information obligation?

The obligation applies to the consumer products mentioned in Article R. 541-221 of the Environmental Code. These are detailed in the summary table, and in the FAQ section which describes each environmental quality and characteristic. The obligation does not apply to each component of a product, but to the product as a whole. Only the information on recyclability - since it depends on the information given by each eco-organisation - can be given at the level of each component covered by an EPR scheme.

1.2 Information Modalities

1.2.1. What are the mandatory information requirements? What format of "product sheet" should be used? Will an order be issued to define the format?

Article L.541-9-1 of the Environmental Code specifies that information on environmental qualities or characteristics must be made available to the public electronically, so as to be accessible by the consumer at the time of purchase, in a format that is easily reusable and exploitable by an automated processing system in an aggregated form.

Article R.541-222 thus provides for the establishment of information by dematerialised means in the form of a "product sheet", accessible free of charge at the time of the act of purchase, made available on a dedicated website or web page. The title of the website or page or section of the dedicated page should be "Environmental product sheet", with the name and reference of the model concerned.

No "standard" format is imposed. The public authorities shall ensure that the formats used to make available the mandatory information provided for in Article R.541-221 of the Environmental Code are effectively reusable, usable and automatically aggregable.

The term "accessible" should be understood as opposed to "visible": the information does not have to be visible in a physical shop or online, but must be easily accessible on the producer's website at the time the consumer makes his or her purchase.

In addition, as provided for in Article R. 541-222 of the same code, an order may specify these dematerialised display methods if this proves relevant.

1.2.2 At which scale (range, model, unit, etc.) the information must be provided on the "product sheet"?

A single product sheet is provided for each product model concerned by the information obligations defined in Articles R. 541-221 and R. 541-222 of the Environmental Code. The information provided in a sheet - for each model - must be provided at the scale of the model or, failing that, at the smallest scale available.

1.2.3 Should information be displayed individually between the product and the packaging?

For products placed on the market with primary packaging or sales packaging within the meaning of Article R. 543-43 of the Environmental Code (e.g. container, bottle, flask), the indication of the environmental qualities and characteristics of the packaging (proportion of recycled material, recyclability and possible presence of hazardous substances in the packaging) must be made separately, within the same product sheet. The product sheet then contains two separate parts: "environmental qualities and characteristics of the packaging" and "environmental qualities and characteristics of the product"

1.2.4. Can other information relating to the characteristics of products subject to the obligations be included in the product sheet?

The "product sheet" must include all the mandatory information required by Article R.541-221 of the Environmental Code for the product model concerned, except for information relating to the reparability index, the sustainability index and the use of renewable resources, for which specific provisions are made in application of the existing regulations.

Additional information or logos may also appear on or near the product, or in a separate section of the product sheet, as long as they are not contradictory and do not lead to confusion with the mandatory information.

Any addition to the product sheet of information or details on the environmental qualities and characteristics covered by the product sheet is the responsibility of the producer or importer as to the relevance, truthfulness and sincerity of such additions.

1.2.5. Where should the product sheet appear? Does posting on a trading platform constitute compliance with the obligation?

The display obligations set out in Article R. 541-222 of the Environmental Code are the responsibility of the producer, importer, or any other marketer. Sellers or distributors are not subject to this obligation. The inclusion of this information on a retailer's website, or any other relevant medium, although not compulsory, is a practice that should be encouraged in order to provide the consumer with the best possible information.

1.2.6. Does the obligation apply to advertising?

Article L.541-9-1 of the Environment Code does not require the use of information on advertising media. However, the information used must comply with the definitions set out in article R.541-221 of the same code.

In addition, any voluntary display on a physical medium of a product and packaging must comply with the definitions of environmental qualities and characteristics as well as the mandatory information specified in Article R.541-221 of the same code.

1.2.7. Can we indicate that the information is not available?

It is mandatory to provide the information defined in article R.541-221 of the Environmental Code, for the products mentioned in the same article. This obligation cannot be fulfilled by indicating that the information is not available.

1.2.8. How is the information on the presence of hazardous substances displayed?

The answer is given in Part 2, under the heading "Dangerous Substance" in the Frequently Asked Questions.

1.2.9. What are the requirements for posting premiums and penalties?

The information concerning the premiums and penalties for the products mentioned in Article R.541-221 of the Environmental Code consists of indicating the existence of a premium or penalty for the model concerned as well as the criteria that are the subject of this premium or penalty. Manufacturers

have a period of 3 months from the date of approval or publication of an order setting premiums and penalties to implement in their "product sheets" the information relating to those premiums or penalties that are applicable to their products

1.2.10. How can the mandatory information be updated?

If the mandatory information provided for the product model concerned is no longer valid, the producer or importer must update it. In this case, the producer or importer shall indicate on the product sheet the date of the update.

1.2.11. How do the consumer information obligations provided for in Article 13-I of the AGECE Act relate to those provided for in Article 13-II of the same Act?

In accordance with Decree No. 2021-1110 of 23 August 2021 on the provision of information enabling the identification of endocrine disruptors in a product, adopted in application of Article 13-II of the AGECE Act, when a product is subject to the information obligations provided for in Articles 13-II and 13-I of the AGECE Act, this information appears on the same medium ("product sheet" or Scan4Chem application, where applicable).

1.3 Control and sanctions

1.3.1. What is the regime of control and sanction applicable?

Article L. 541-9-4-1 of the Environmental Code provides for a control and sanction system in the event of non-compliance with the obligations defined in Article L. 541-9-1 of the Environmental Code. It specifies that any breach is subject to an administrative fine of up to €3,000 for a natural person and €15,000 for a legal person. This control and sanction regime is applicable as of 1 January 2023.

Pursuant to Article L. 511-7 of the Consumer Code, DGCCRF inspectors are empowered to investigate and record breaches or violations of these provisions from 1 January 2023.

1.3.2. What is the relationship with sanctions for misleading commercial practices?

As with any other commercial practice, the system of sanctions relating to misleading commercial practices, provided for in Article L. 132-2 of the Consumer Code, is applicable. Article 11 of Law 2021-1104 of 22 August 2021 on combating climate change and strengthening resilience to its effects strengthened the penalties applicable when misleading commercial practices are based on environmental claims. Indeed, the amount of the fine may be increased, in a manner proportionate to the benefits derived from the offence, to 10% of the average annual turnover, calculated on the last three annual turnovers known on the date of the offence, or to 80% of the expenses incurred in carrying out the practice constituting this offence.

2.Environmental qualities and characteristics

I. Index of reparability and durability

2.1.1. What is the scope of the information obligation?

The reparability index applies on a mandatory basis to all electrical and electronic equipment covered by a joint order of the Minister for the Environment and the Minister for the Economy. The list of categories concerned and useful information can be found on the official page of the scheme:

<https://www.ecologie.gouv.fr/indice-reparabilite>

However, it is not forbidden to include the reparability/durability index in the product sheet on a voluntary basis.

2.1.2. Are the display methods provided for by Decree No. 2022-748 of 29 April 2022 on consumer information on the environmental qualities and characteristics of waste-generating products and those of the reparability index cumulative?

No, specific display methods are defined for the reparability index. Useful information can be found on the official page of the scheme: <https://www.ecologie.gouv.fr/indice-reparabilite>

II. Composability

2.2.1. What is the scope of the "compostable packaging" information requirement?

Only collection bags (paper/cardboard or domestic compostable plastics) that are eligible for joint collection and recovery with source-separated biowaste are "compostable", cf. Order of 15 March 2022 listing compostable, methanatable and biodegradable packaging and waste that may be collected jointly with source-separated biowaste.

2.2.2. Does the requirement to use the "Do not throw away" label for plastic products and packaging apply?

The answer is specified in the frequently asked questions in part 3 on "prohibited terms".

2.2.3. Does the prohibition of the term "Compostable" for plastic products and packaging that can only be composted in an industrial unit apply?

The answer is specified in the FAQ in part 3 on "prohibited terms".

III. Incorporation of recycled materials

2.3.1. What is the scope of the information obligation?

The products subject to EPR mentioned in 3° (printed paper), 5° (Electrical and electronic equipment), 6° (Batteries and accumulators), 7° (Containers of chemical products), 10° (Furnishing items), 11° (Textile products for clothing, linen, shoes except leather items), 13° (Sport and leisure items), 14° (Do-it-yourself and garden items) and 15° (Household products) are subject to the EPR obligation.

2.3.2. Can we indicate % ranges such as "our packaging contains 30% to 80% recycled material"?

The mandatory statement is "at least X%".

2.3.3. What should be done if the information is not available? Can we put "not available" or must we make a negative communication?

The answer is specified in the frequently asked questions in part 1 on "general questions".

2.3.4. What if the product does not contain any recycled material?

Negative statements are not required in the product sheet. They can be included voluntarily by the producer or marketer, only in the form "product does not contain recycled material". Otherwise, the producer or importer does not have to include anything in the product sheet.

2.3.5. What is the definition of a leather article?

A "leather article" is defined as an article for which the leather pictogram for the upper is present as provided for by Decree No. 96-477 of 30 May 1996 on the labelling of materials used in the main components of footwear offered for sale to the consumer. As stipulated in Article 5 of the said decree, the leather material is therefore in the majority when it "represents at least 80% of the surface of the upper". Such an article can therefore be described as a "leather article".

2.3.6 Can the incorporation of recycled material from chemical recycling and mass balance be included in this percentage?

It is not excluded at this stage to take into account chemical recycling, but it will be necessary to refer to the calculation methods validated at EU level once these are defined.

IV. Usage of renewable resources

2.4.1 What is the scope of the information obligation relating to "renewable resources"?

This obligation applies only to products subject to EPR mentioned in 4° (construction materials) of Article L. 541-10-1 of the Environmental Code.

2.4.2 Are the display requirements of Decree 13-I and those of the EHDS regulations cumulative?

These requirements are not cumulative.

V. Possibility of re-use

2.5.1. What is the scope of the information obligation relating to "reuse possibilities"?

This obligation applies only to packaging subject to EPR as referred to in 1° of Article L. 541-10-1 of the Environmental Code.

2.5.2 Is it possible to specify additional information to the mandatory statement?

The mandatory statement is "reusable packaging" or "refillable packaging". In addition, it is possible to voluntarily indicate additional information on the product or in the product sheet provided that this does not cause confusion for the consumer.

2.5.3. How to define the fact that a packaging is indeed reusable?

With reference to Decree No. 2022-507 of 8 April 2022 on the minimum proportion of reusable packaging to be placed on the market annually, reusable packaging is packaging designed to be used at least a second time, non-cumulatively:

- for a use of the same nature as that for which it was designed, and whose reuse or reutilisation is organised by or on behalf of the producer;
- or by being refilled at the point of sale in the context of bulk sales, or at home if it is a refill device organised by the producer, is deemed to be reused.

VI. Recyclability

Update as of 29.12.22: A tolerance period in the controls will be applied, until 1 July 2023, for the transmission by the eco-organisations of the calculation methods of recyclability. Manufacturers will have a maximum of 3 months from the date of transmission of the calculation methodology to implement this

information in their "product sheets".

2.6.1. What is the scope of the "recyclability" information requirement?

The products subject to EPR mentioned in 1° (household packaging), 3° (printed paper), 4° (construction products and materials), 5° (electrical and electronic equipment), 6° (batteries and accumulators), 7° (chemical products and containers), 10° (Furnishing items), 11° (Textile products for clothing, linen, shoes), 13° (Sport and leisure items), 14° (DIY and garden items) and 15° (car, van, 2, 3 and 4-wheeled vehicle) of Article L. 541- 10-1 of the Environment Code.

2.6.2. What is the calculation methodology?

Recyclability is characterised for these waste-generating products by compliance with the following criteria

- 1) The capacity to be efficiently collected on a territorial scale, via the population's access to local collection points.
- 2) The capacity to be sorted, i.e., directed towards the recycling channels in order to be recycled.
- 3) The absence of elements or substances that interfere with sorting, recycling or limit the use of the recycled material.
- 4) The ability of the recycled material produced by the recycling processes implemented to represent more than 50% by mass of the waste collected.

5) The capacity to be recycled on an industrial scale and in practice, in particular by guaranteeing that the quality of the recycled material obtained is sufficient to ensure the sustainability of the outlets, and that the recycling sector can justify a good capacity to take on products that can be integrated into it.

The eco-organisations are obliged to provide their members with the information needed to check whether the criteria are being met.

As regards producers in individual systems, this information is provided under their own responsibility.

VII/VIII. Precious metals and rare earths

2.7.1. What is the scope of the information obligation on precious metals and rare earths?

This obligation applies only to products subject to EPR mentioned in 5° (electrical and electronic equipment) and 15° (car, van, 2, 3 and 4-wheeled vehicle) of article L. 541-10- 1 of the Environment Code.

IX. Presence of dangerous substances

Update of 29.12.22: a period of tolerance in the controls will be applied, until 1 April 2023, with regard to the controls on the obligation to provide information on dangerous substances.

2.8.1. What is the scope of the information obligation on dangerous substances?

Articles, substances, mixtures within the meaning of Decree No. 2021-1285 of 1 October 2021 on the identification of hazardous substances in products that generate waste.

2.8.2. How is information on the presence of hazardous substances displayed?

Article R. 541-222 of the Environmental Code provides for two possibilities regarding the provision of information on the presence of hazardous substances referred to in IX of Article R. 541-221 of the Environmental Code:

- Either via the "product sheet" made available on a dedicated website or page,

- Or by means of the Scan4Chem application if possible (application allowing consumers to obtain information on the possible presence of substances of very high concern (SVHC) backed up by a centralised European database developed under the LIFE AskREACH programme). The use of the Scan4Chem application will soon be determined by an order of the Minister for the Environment.

In this case, if a "product sheet" is to be drawn up and made available on a dedicated website or page for at least one other environmental quality or characteristic, it must mention that the information on the presence of dangerous substances is provided by means of the Scan4Chem application and include a direct internet link to it.

It should be noted that it is not intended to designate any other application than the Scan4Chem application to comply with the obligation to inform consumers about the presence of hazardous substances in products.

The database of information on substances of concern in articles ("products") established under the Waste Framework Directive 2008/98/EC, known as "SCIP" (Substances of Concern in Products), is to be filled in.

"SCIP" (Substances of Concern In articles as such or in complex objects (Products)) does not currently meet the obligation to provide information on the presence of hazardous substances in products as provided for in Article 13-I of the AGECL law. The information in the SCIP database is based on the criteria of Article 33 of the REACH Regulation, which are different from those provided for in the AGECL Act.

[2.8.3. What are the dangerous substances referred to in IX of Article R. 541-221 of the Environmental Code? What is the deadline for providing information on the presence of a hazardous substance following its identification as a hazardous substance?](#)

Decree n° 2021-1285 of 1 October 2021 lists the dangerous substances within the meaning of article L.541- 9-1 of the environmental code whose presence in waste generating products must be the subject of information to the consumer.

The information shall be made available no later than six months after the identification of the substance as a hazardous substance in accordance with Article R. 541-221 of the Environmental Code.

[2.8.4. How does this decree relate to the decree on endocrine disruptors \(decree no. 2021-1110 of 23 August 2021 on the provision of information to identify endocrine disruptors in a product\) ?](#)

When a product is concerned by 13-II and 13-I, it uses the same medium ("product sheet" or "Scan4Chem application").

"Scan4Chem application" if applicable)

[2.8.5. How to take into account the different layers of packaging?](#)

The obligation to display information on the presence of a dangerous substance applies as soon as it is present in a concentration of more than 0.1% by mass in a substance, mixture or article, within the meaning of points 1, 2 and 3 of Article 3 of Regulation (EC) No. 1907/2006, known as "REACH", with the exception of medicines.

For products placed on the market with primary packaging or sales packaging within the meaning of Article R. 543-43 of the Environmental Code, the packaging is covered by this obligation.

The provision of this information applies as soon as the concentration of a hazardous substance is greater than 0.1% by mass in either the product concerned or in its primary packaging or sales packaging.

The environmental qualities and characteristics of the packaging must be indicated separately from those of the product, within the same product sheet.

X. Traceability

2.9.1. What is the scope of the traceability information obligation?

This obligation applies only to products subject to EPR mentioned in 11° (textile products for clothing, linen and footwear) of Article L. 541-10-1 of the Environmental Code.

2.9.2 Specify the methodology to be used:

"where each of the operations are mainly carried out". The geographical area indicated must correspond to the country where the stages concerned are mainly carried out. If there is no area where the stage was predominantly carried out, then the country indicated is the one where the most stages are carried out.

XI. Plastic microfibres

2.10.1 What is the scope of the information requirement for plastic microfibres?

This obligation applies only to products subject to EPR mentioned in 11° (Textile products for clothing, linen and footwear) of Article L. 541-10-1 of the Environmental Code.

Part 2 – Prohibited terms

3.1 What is the applicable period of entry into force? What is the scope of the measure?

The prohibition on using the terms "biodegradable", "environmentally friendly" and their equivalents on a product or packaging placed on the French market

The ban on labelling a product or packaging on the French market with the terms "biodegradable", "environmentally friendly" and their equivalents came into force on 1 May 2022.

For products and packaging manufactured or imported before 30 April 2022, the ban applies from 1 January 2023.

3.2 What are the equivalent claims?

The new version of the guide to environmental claims, which is currently being drawn up by a working group of the National Consumer Council and which will be published by the DGCCRF, may provide information on the terms considered equivalent to "environmentally friendly" and "biodegradable".

3.3 How does the prohibition in Articles L.541-9-1 and R.541-223 of the Environmental Code on the use of the term "environmentally friendly" fit in with the authorisation provided for by the European Ecolabel to use this term on products?

Regulation 66/2010 of the European Parliament and of the Council of 25 November 2009 authorises label holders to display optional logos, determined for each standard, including mentions such as "better for the environment", "limited impact on the aquatic environment" or "minimum content of hazardous substances".

"minimum content of hazardous substances". The authorised claims are defined in each standard and according to the 3 main environmental criteria of each product category. This provision, which is directly applicable, prevails over any other national regulation.

3.4. Is the obligation to use the words "Do not throw into nature" for plastic products and packaging applicable?

This provision is directly applicable under Article L.541-9-1 of the Environmental Code. All plastic products and packaging that can be composted at home or in an industrial composting facility must be labelled "Do not throw into the environment".

3.5. Is the prohibition of "Compostable" labelling for plastic products and packaging that can only be composted in an industrial unit applicable?

This provision is directly applicable and concerns plastic products and packaging that can only be composted in an industrial unit, as set out in Article L.541-9-1 of the Environmental Code.