

OCAD3E

Approved Coordinating Body for Waste Electrical and
Electronic Equipment



Technical note

Premiums and penalties applicable to household WEEE
from 1st January 2025

Version: 08/10/2024

Cancel and replaces all previous versions

Purpose of this document

This document sets out **the criteria and rules for calculating the premiums and penalties applicable to the financial contributions paid by producers of household electrical and electronic equipment from 1^{er} January 2025.**

Summary of applicable criteria

1. List of products subject to premiums and penalties

The table below gives an overview of the products subject to premiums (in green in the table below) and penalties (orange), the criteria and amounts **exclusive of tax** for premiums and penalties applicable as of **1st January 2025**:

	Modulation					Super-modulation	
	LED source	Battery separability	Presence of HFC gas	Presence of BFR	Single use	Repairability index	Incorporation of recycled plastic materials (RPM)
Robotic and cordless hoovers		0,79 €				8,33 €	CLOSED LOOP : RPM from post-consumer WEEE: 540€/t of RPM OPEN LOOP : RPM from post-consumer waste from other EPR systems: 450€/t of RPM
Wired Hoover				1,00 €		8,33 €	
Laptop computer				0,46 €		16,67 €	
Smartphone		0,10 €				16,67 €	
Washing machine (with porthole and top)			1,63 €			16,67 €	
Washer-dryers			1,63 €				
Dishwasher			1,08 €			16,67 €	
Television				1,92 €		16,67 €	
Lawn mower				1,50 €		8,33 €	
High-pressure cleaner						8,33 €	
Tablet		0,21 €					
Electronic cigarettes		0,04 €			0,13 €		
Medical self-tests					0,13 €		
Disposable cameras					0,71 €		
Personal care equipment		0,79 €					
Hand-held power tools		0,50 €					
Small electronics < 50 cm or < 500 g*		0,79 €					
Toys*		0,50 €					
Games console				0,92 €			
Games console (portable)		0,79 €					
Lamps (Cat.3)	0,03 €						
All other EEE							

** See detailed list of products concerned in chapter 4*

2. General rules

2.1. Calculation of premiums and penalties

The amounts of premiums and penalties are presented in the following. They are established in the form of lump sums in €/unit placed on the market and vary according to the criteria and products to which they apply.

Where a product is subject to several premiums or penalties, the corresponding amounts must be added to the amount of the reference contribution to establish the amount of the total contribution due by the producer for each unit.

For illustration purposes:

The product fills :	Total contribution per unit
- 1 criterion giving rise to a bonus of €0.5/unit - 1 criterion giving rise to a bonus of €0.2/unit	Reference contribution - €0.5 - €0.2 = Reference contribution - €0.7
- 1 criterion giving rise to a penalty of €0.5/unit - 1 criterion giving rise to a penalty of €0.2/unit	Reference contribution + €0.5 + €0.2 = Reference contribution + €0.7
- 1 criterion giving rise to a bonus of €0.5/unit - 1 criterion giving rise to a premium of €0.3/unit - 1 criterion giving rise to a penalty of €0.2/unit	Reference contribution - €0.5 - €0.3 + €0.2 = Reference contribution - €0.6
- 1 criterion giving rise to a bonus of €0.2/unit - 1 criterion giving rise to a penalty of €0.5/unit - 1 criterion giving rise to a penalty of €0.4/unit	Reference contribution -€0.2 + €0.5 + €0.4 = Reference contribution + €0.7
- 1 condition giving rise to a premium of €1/unit - 1 condition giving rise to a penalty of €0.3/unit	Reference contribution -€1 + €0.3 = Reference contribution - €0.7

2.2. Declaration method

When making their declarations of Products placed on the Market (PoM), producers will undertake, via the declaration tool of their Producers Responsibility Organisation (PRO), to provide :

- The certificate of truthfulness signed by a duly authorised legal representative of their company, by their chartered accountant or by their auditor.
- The list of catalogue references respecting the modulation criteria, by category within the meaning of Annex 1 of Directive 2012/19/EC and by type of products concerned as described in this technical note.

At the request of their Producers Responsibility Organisation (PRO), producers shall provide for the products concerned by the criteria, at the producer's expense :

- Proof of the product's classification according to the eco-modulation criteria (see below for the proofs required according to the criteria and products concerned).

The inspection procedures and possible penalties are described in detail in the section entitled "Control process".

3. Criteria, thresholds and amounts applicable: Modulation

3.1. Separability of the battery or accumulator

The battery or accumulator (P&A)¹ must be safely separable by the user without damaging the integrity of the battery, using commercially available tools:

- screwdriver for slotted, crosshead or internal six-lobe screws (ISO 2380, ISO 8764, ISO 10664)
- hexagon socket screw keys (ISO 2936)
- combination wrenches (ISO 7738)
- universal pliers (ISO 5746)
- scissors

Products intended for use under water and which must comply with watertightness standards to meet the safety requirements set out in the Low Voltage Directive 2014/35/EU are exempt from this criterion. For these products, the additional costs associated with fire risk management are included in the reference contribution paid to each PRO. This exemption currently applies to :

- clippers and epilators intended for underwater use
- waterproof razors, toothbrushes and hydropulators
- Intense pulse light (IPL) epilators

Any additional exemptions must be validated in advance by Ecologic and ecosystem PROs.

Products concerned	Premium for separable battery or accumulator		Penalty for non-separable battery or accumulator	
	(HT)	(INCL. VAT)	(HT)	(INCL. VAT)
Robotic and cordless hoovers			0,79 €	0,95 €
Personal care equipment			0,79 €	0,95 €
Smartphone	0,10 €	0,12 €		
Small portable electronic, audio and video equipment, camera, camcorder, < 50 cm or < 500 g			0,79 €	0,95 €
Tablet	0,21 €	0,25 €		
Games console (portable)			0,79 €	0,95 €
Toys			0,50 €	0,60 €
hand-held electric tools			0,50 €	0,60 €
Electronic cigarettes			0,04 €	0,05 €

The following supporting documents must be provided:

Document describing the steps required for the safe separation of the battery or accumulator by the user, using commercially available tools where appropriate.

¹ The criterion applies to power batteries. Button cells soldered onto an electronic board are not concerned. In the case of accumulators, the separability criterion applies to the cell + electronic component assembly.

3.1. LED light source

Lamps powered exclusively by an LED source are eligible for a premium of the amount shown below.

Products concerned	Criteria definition	Premium (excl. VAT)	Premium (incl. VAT)
Lamps	LED source only	0,03€	0,04€

The following proof must be provided: product data sheet

3.2. HFC gases

The gases subject to a penalty are the following: R134a, R407c, R410a, R404a, R507

Products concerned	Penalty (excl. VAT)	Penalty (incl. VAT)
Washing machines with porthole, top washing machines	1,63 €	1,95 €
Washer-dryers	1,63 €	1,95 €
Dishwasher	1,08 €	1,30 €

**By default, products that do not contain a thermodynamic circuit are not concerned.*

The following supporting documents must be provided:

Product data sheet indicating the type of gas used in the thermodynamic circuit, or showing the absence of a thermodynamic circuit

3.3. Brominated flame retardants

The penalty applies to the presence of brominated flame retardants (BFR) in plastic parts > 25 g, with the exception of cables and electronic cards.

Products concerned	Penalty (excl. VAT)	Penalty (incl. VAT)
Wired Hoover	1,00 €	1,20 €
Laptop computer	0,46 €	0,55 €
Television	1,92 €	2,30 €
Games consoles (excluding handheld consoles)	0,92 €	1,10 €
Lawn mower	1,50 €	1,80 €

The following supporting documents must be provided:

Proof of obtaining a recognised label (e.g. URL demonstrating the product's inclusion in the label register) specifying the absence of brominated flame retardants in its specifications (e.g. Blue Angel, EPEAT, TCO) or manufacturer's certificate in French or English (with the possibility of detailed control).

In case of in-depth control:

- product test report produced by an independent laboratory,
- or Material and Safety Data Sheet or attestations from the suppliers of all plastic materials used for the entire product, stating the absence of the substances in question, accompanied by a nomenclature detailing the list of materials used in the product.

A RoHS compliance report, if it proves the absence of any brominated flame retardant (not just the regulated ones), can constitute valid proof.

3.4. Single-use products

Single-use equipment is an equipment that is not intended to be kept and of which there are generally versions whose consumables are designed to be refilled.

The penalty applies to products meeting the following criterion:

- Product powered by a non-rechargeable or non-replaceable battery and/or
- Presence of a non-rechargeable "consumable" (liquid or any other consumable required to use the appliance)

Products concerned	Penalty (excl. VAT)	Penalty (incl. VAT)
Disposable electronic cigarettes	0,13 €	0,15 €
Medical self-tests	0,13 €	0,15 €
Disposable cameras	0,71 €	0,85 €

The following supporting documents must be provided:

Product data sheet, user manual, sales documentation

4. Detailed list of products concerned

The table below provides further details on the products affected by premiums and penalties.

Product scope	
Products	Details
Personal care equipment	including : <ul style="list-style-type: none"> - Acupuncture device - Balneotherapy equipment - Massage appliance (back, body, feet) - Pressotherapy device - Electromuscultation device - Electrostimulation device - Electrotherapy device - Facial care appliance (blackhead vacuum, purifier, light therapy) - Heated curlers - Hair curler - Heated hairbrush - Electric toothbrush - Cleaning brush - Blower brush - Foot warmer - Dental combination - Soap/hydroalcoholic gel dispenser - Electric epilator - Straightening iron - Dental Hydropropeller - Inhaler - Masseur/bain pied - Electric baby fly - Electric ear cleaner - Bathroom scales - Manicure/pedicure sander - Electric shaver/trimmer - Facial sauna - Hair dryer - Nail dryer - Circulatory stimulator
Washing machines (porthole, top), Dishwashers, Washer-dryers	including: thermodynamic appliances. Washer-dryers are not eligible to the premium based on repairability index.
Laptop computer	excluded: PDAs, pocket PCs
Smartphone	excluded: accessories (earphones, hands-free kit, charger)
Small portable electronic, audio and video equipment, camera, camcorder, < 50 cm or < 500 grams	includes all of the following if < 50 cm or < 500 grams : <ul style="list-style-type: none"> - Camera (SLR, full frame, compact, bridge, instant, hybrid, digital, etc.) - Driving assistant - Voice assistant - Baby-phone - Electronic toll tag - motorway - Digital camera - Camcorder - Headset (PC, Bluetooth, etc.), virtual-reality headset - Dictaphone - Headphones (wired, wireless, noise reduction, etc.) - Stereo speaker, Bluetooth, wired / Baffle - Camera flash - GPS and similar - Electronic binoculars - Hands-free kit (wired, wireless) - Portable DVD player - Portable K7 and CD player - MP3/MP4 player

	<ul style="list-style-type: none"> - Conference microphones - Mini microphone - Radio cassettes - Simple radio - Clock radio - Walkie-talkie - Remote control - Landline telephone - Digital telescope - GPS plotter/tracker
Tablet	excluded: accessories (earphones, hands-free kit, charger)
Games console	excluded: accessories (steering wheel, joysticks, headsets)
Toys	including: model aircraft, games and electric toys within the meaning of European Directive 2009/48/EC on the safety of toys
Lawn mower	including: corded and battery lawnmowers, robotic lawnmowers
Portable electric tools	<p>including :</p> <ul style="list-style-type: none"> - Engraving machine - Chisel - Carrelette - Weeder - Electric shears - Electric chisel - Impact spanner - Strimmer - Scraper - Ungluing machine - Electric weeder - Fence energiser (mains or battery) - Drilling machine - Milling and boring machine - Nibbler - Grinder - Drill - Perforator - Pole pruner - Pressure gun - Glue gun - Spray gun - Electric sander - Grooving machine - Rotofil - Circular saw - Jigsaw - Blower/ Vacuum cleaner - Hedge trimmers - Laser rangefinder - Chainsaw - Electric screwdriver

5. Criteria, thresholds and amounts applicable: Super-modulation

5.1. Repairability index

The Producers Responsibility Organisations (PROs) are proposing to implement a premium scheme based on the Repairability Indexes of the products concerned, as presented below.

Products	premiums	
	Amounts (excl. VAT)	Amounts (incl. VAT)
Hoovers	8,33 €	10 €
Washing machine - porthole	16,67 €	20 €
Washing machine - top	16,67 €	20 €
Dishwasher	16,67 €	20 €
Laptop computer	16,67 €	20 €
Smartphone	16,67 €	20 €
Television	16,67 €	20 €
Lawn mower	8,33 €	10 €
High-pressure Cleaner	8,33 €	10 €

The scheme will be introduced gradually, with the aim of rewarding around 10% of equipment placed on the market with the best index scores for each product category at the end of the approval period. The right threshold for triggering premiums, for a given product category, will be established on the basis of robust empirical data, providing a breakdown of EEE sales by past index scores. On the basis of these analyses, the PROs will propose a minimum threshold per product concerned per year and an estimate of the percentage of products concerned, this percentage making it possible to determine the additional cost of the reference contribution required to finance these premiums on a product-by-product basis. The thresholds and the estimated percentage of products concerned will be determined and communicated at least 3 months before the end of the calendar year. Exceptionally, they may be adjusted in the event of a discrepancy between the target percentage of products receiving premiums and the percentage declared, and in this case will apply at least 3 months later.

As of 1st January 2025, the following thresholds will trigger the premiums shown in the table above:

Products	Repairability index thresholds (French repairability index)
Hoovers	≥ 9,8
Washing machine - porthole	≥ 9,7
Washing machine - top	≥ 8,6
Dishwasher	≥ 9,3
Laptop computer	≥ 8,8
Smartphone	≥ 9,2
Television ≤ 32"	≥ 8,0
Television > 32" ≤ 50"	≥ 8,7
Television > 50"	≥ 8,9
Lawn mower	≥ 9,3
High-pressure Cleaner	≥ 9,1

The proper implementation of these premiums will be based on :

- The producer's obligation to transmit detailed calculation information for the Repairability Index to **data.gouv**
- The development of **signalconso**, which will enable PROs to make reports on dubious reparability indexes on the basis of 3 levels of risk: a) presumed risk, b) presumed risk and strong impact, c) proven risk.
- National investigations carried out by the DGCCRF on the reparability index for EEEs, in particular on the veracity of the indexes displayed, integrating the reports from PROs via **signalconso** for pre-targeting purposes and passing on the investigators' reports to PROs for contractual action.

The following supporting documents must be provided:

Dated notes and calculation grids corresponding to the declared reference, transmitted on data.gouv

5.2. Incorporation of recycled materials

Producers can benefit from a premium for the incorporation of recycled plastic materials (RPM), **the amount of which is set, reference by reference, according to the total quantity of RPM incorporated into units placed on the market in France and subject to the WEEE EPR systems.**

There are 2 levels of premiums, depending on the origin of the recycled material:

Origin of waste	"OPEN LOOP": RPM from post-consumer waste from EPR systems	"CLOSED LOOP": RPM from post-consumer WEEE
Premiums (excl. VAT)	450 €/t of RPM	540/t RPM

These premiums are granted on condition that :

- the **plastic material is derived from the recycling of waste subject to an extended producer responsibility (EPR) scheme** established in application of European Directive 2012/19/EU² with regard to the incorporation of **closed-loop recycled** plastics, or established in application of Article 8a of European Directive 2008/98/EC³, as amended, on waste with regard to the incorporation of **open-loop recycled** plastics;
- the materials **are recycled** within 1500 km of their collection point; and
- **all waste sorting, preparation for recycling and recycling facilities** comply with provisions equivalent to those of Title I of Book V of the French Environment Code;
- the producer can present all the following supporting documents to its PRO:
 - Traceability of the origin and volumes of recycled materials purchased by the regenerator(s) and plastics manufacturer(s), according to the POLYREC, PolyCert Europe or IPC/LNE part 1 reporting systems, or an equivalent method;

² "in application of European Directive 2012/19/EU": waste subject to an EPR scheme established by the European 'WEEE' Directive

³ "in application of Article 8a of European Directive 2008/98/EC": waste subject to an EPR scheme that meets the minimum requirements applicable to EPR schemes in the European Union

- Certificate attesting to the recycled content of the materials used in manufacture in accordance with standard EN15343:2008, Recyclclass, UL2809, Plastica Seconda Vita, IPC/LNE part 2, or an equivalent method;
- Calculation of the recycled content of the product in accordance with standard EN45557:2020.

Any other system of traceability and control designed to justify obtaining the premium must be subject to the prior concerted agreement of the 2 Producers Responsibility Organisations and notified to the administrative authority.

The amount of the premium is calculated, per reference, by :

1. Establishing the origin of the RPM(s) incorporated in the reference concerned (e.g. "RPM from post-consumer WEEE")
2. Establishing the quantity of (each) RPM incorporated in the reference concerned (e.g.: "1.2 kg of RPM from post-consumer WEEE incorporated in reference XYZ")
3. Multiplying this quantity by the number of units of this reference placed on the market in France during the period covered by the declaration (e.g.: "10,000 units of reference XYZ placed on the market in France during the period [dd/mm/yyyy - dd/mm/yyyy]").
4. Multiplying the result obtained above (e.g.: 1.2 kg x 10,000 units = 12 tonnes) by the applicable premium amount given in the table above (e.g.: "12 t x €540 = €6,480)

Where the quantity established in point 2) is likely to vary from one production batch to another, for example due to differences in the RPM content between batches of material used in production, or due to the sourcing of parts from different factories incorporating different levels of RPM in their production, the minimum RPM content that can be guaranteed on average over all the declared units placed on the market for this reference should be calculated and applied.

6. Clarifications on the display of bonus amounts

Background :

- Reminder of current practice: the amount of the scales sent by the Producers Responsibility Organisations (PROs) to the Producers includes the modulations established on the basis of the criteria set in the specifications applicable to the PROs. These criteria have a direct impact on the WEEE management costs (collection, recycling, etc.) (e.g. separability of batteries/hazardous substances, etc.). **The mandatory visible fee displayed on invoices includes this modulated scale.**
- The provisions of the AGEC law and their implementation in the specifications applicable to the PROs notably require the introduction of two new criteria subject to a super-modulation: the reparability index and the incorporation of recycled plastics. These two criteria make it possible to obtain premiums ('super modulation') with no direct link to the costs of WEEE management by the PROs.

Deployment of the new eco-modulation system:

- **1st step:** diffusion via the PROs websites of the OCAD3E technical note presenting the complete system (equipment concerned, amounts of premiums and penalties for each criterion and methods of proof).

- **2nd step:** implementation of eco-modulation by Producers
 - What hasn't changed: the eco-contributions (*visible fees*) as set in the scales published by the PROs are passed on identically throughout the value chain to the consumer.
 - “Super-modulation”: producers are free to display premiums paid in the event of “super modulation” (reparability index, incorporation of recycled plastic) and to pass them on or not in the price of the product, since they do not have a direct impact on the actual cost of recycling.

In all cases, the QCE sheet provided for in the AGEC law (article 13, see next section), requires consumers to be informed about :

- Whether or not the product is modulated;
- The modulation criterion(s) (premium or penalty), with no obligation to display the amount concerned.

7. Display in accordance with Article 13 of the AGEC Act

Drafting suggestions :

" Dans le cadre de la modulation des éco-contributions, ce produit a fait l'objet:

- *d'une prime sur l'incorporation de matières recyclées*
- *d'une prime sur la réparabilité*
- *d'une pénalité sur la présence de substances dangereuses "*.

See also the FAQ provided by the public authorities: <https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits>

Excerpts :

- A single product sheet for each product model. The information must be provided at model level.
- Information concerning premiums and penalties consists of indicating the existence of a premium or penalty for the model concerned, as well as the criteria to which this premium or penalty relates.
- If the mandatory information entered for the product model concerned is no longer valid, the producer or importer must update it. In this case, the producer or importer must indicate the date of the update on the product sheet.

8. Declaration and control process

8.1. General process

The modulated scale is used when declaring the Products placed on the Market (PoM) to the Producers Responsibility Organisation (PRO). It assumes that the declarant is aware of the modulation criteria and the conditions for accessing them, and that he/she is able to justify them if he/she wishes to benefit from them. The declarant then uses the eco-modulated code by ticking the box specifying the criterion met.

When making a declaration, the producer undertakes, via the PRO's declaration tool, to provide :

- a) The declaration of truth signed by a duly authorised legal representative of their company, by their chartered accountant or by their statutory auditor.
- b) The list of catalogue numbers meeting the modulation criteria, by category within the meaning of Annex 1 to Directive 2012/19/EC and by type of product concerned, as described in this technical note.

At the request of the PRO, for products covered by the modulation criteria, the producer must provide, at its own expense, proof that the product has been classified according to the eco-modulation criteria.

This evidence may be subject to prior examination by the Producer's PRO as part of a pre-declaration process. The purpose of this will be to authorise the Producer to request payment of the premium during the declaration phase.

In addition to this process, requests for supporting documents may be made at any time, either by the PRO or by a third party appointed by the PRO as part of control audits.

To this end, the producer must at all times make available to the PRO the documents enabling it to justify the use of this adjusted scale.

If the evidence cannot be produced, the declaration will have to be re-established and corrected on the basis of the unmodulated scale, going back to the origin of the erroneous declarations and within a limit of 2 years.

8.2. Purpose of the control audit

Carried out by a COFRAC-accredited third-party audit firm, it takes place at the request of the PRO as part of a **general audit request** covering all declarations for the previous two years. It involves checking the quantities declared and the methodology used by the declarant, as well as checking the existence of a written declaration procedure making it possible to establish a declaration rule and, where applicable, to pass it on to another declarant if the main declarant is unable to do so. General audits are governed by the approval specifications for PROs and must cover a selection of producers representing at least 15% of the total quantities declared to each PRO.

In order to demonstrate compliance with the modulation criteria, the supporting documents must be original documents in French or English, or certified true documents.

The audit may also cover a **specific control** point defined by the PRO, such as the application of modulation criteria. As part of the review of the modulation criteria, the PROs are proposing an extension of this type of audit.

Covering declarations that have applied modulated contributions, it will aim to ensure :

- the existence of evidence allowing access to the sliding scale or exemption from penalties,
- the conformity and authenticity of documents,
- that they are fully consistent with the eligibility criteria used,
- they are perfectly in line with the criteria used at the time of the inspection and comply with the declaration date.

Those audited will be chosen either randomly and objectively, or selectively by the auditor and validated by the PRO. The **members audited will represent at least 15% of all modulated declarations.**

8.3. Possible penalties

In the event of ineligible equipment being declared, a detailed report will be drawn up to inform the declarant of the errors made, or the failure to present compliant evidence.

The declarant will be asked to provide proof of the missing information within two months of notification. If they fail to do so, they will be required to correct the invalidated declaration and pay the resulting full-rate contributions. In the event of clear evidence of bad faith or intent to contravene, or in the event of a repeat offence, the declarant may be penalised by the PRO:

- a surcharge of up to 50% of the product's full contribution, applied to the number of products.
- a temporary suspension of its IDU,
- to report it to the DGPR (French administration).