OCAD3E

Authorized Coordination Body for Waste Electrical and Electronic Equipment

Technical Note

Premiums and penalties applicable to household WEEE effective January 1st, 2026

Version: 25/06/2026

Replaces all previous versions

Purpose of this document

This document presents **the criteria and calculation rules for the premiums and penalties applicable to** financial contributions paid by producers of **household electrical and electronic equipment, effective January 1st, 2026.**

As the adjustment criteria are subject to approval by the French Ministry of the Environment, the information presented in this document is subject to change based on requests from the supervisory authority (Directorate General for Risk Prevention).

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000052201296

This document is an official English translation of the original French document by Ecologic and Ecosystem. In the event of any ambiguity, misinterpretation, or discrepancy, the French version shall prevail and be considered the authoritative reference.

1. Overview of products subject to premiums and penalties

The table below provides an overview of products subject to premiums (in green) and penalties (in orange), along with the criteria and **pre-tax** amounts of premiums and penalties applicable **as of January 1st, 2026:**

Table1 . List of products subject to premiums and penalties

	Modulation					Super-modulation			
	LED source	**Battery separability**	**Presence of HFC gas**	**Presence of BFR**	**Single-use**	**French Repairability indexes**	**French Durability indexes**	**European Repair Score**	**Incorporation of recycled plastics (IRP)**
Robot vacuum cleaner and cordless vacuum cleaner		€0.79				€8.33			**CLOSED LOOP:** RP derived from post-consumer WEEE: €550/t of RP **OPEN LOOP:** RP derived from post-consumer waste from other EPR sectors: €450/t of RP
Corded vacuum cleaner				€1.00		€8.33			
Laptop				€0.46		€16.67			
Smartphone		€0.10						€16.67	
Front-loading and top-loading washing machines			€1.63				€16.67		
Washer-dryer			€1.63						
Dishwasher			€1.08			€16.67			
Television				€1.92			€16.67		
Lawn mower				€1.50		€8.33			
High-pressure washer						€8.33			
Tablet		€0.21							
E-cigarettes		€0.04			€0.13				
Medical self-tests					€0.13				
Disposable cameras					€0.71				
Personal care products*		€0.79							
Power tools*		€0.50							
Small electronics < 50 cm or < 500 g*		€0.79							
Toys*		€0.50							
Game console				€0.92					
Game console (handheld)		€0.79							
Lamps (Cat. 3)	€0.03								
All other EEE									

* See the detailed list of affected products in Chapter 4.

2. General Rules

2.1. Calculation of Premium and Penalty Amounts

The amounts of premiums and penalties are presented later in this document. They are set as flat rates in € per unit placed on the market and vary depending on the criteria and products to which they apply.

A premium cannot be obtained if a penalty has already been applied to the product in question. As an exception to this rule, the premium for incorporating recycled plastics may be combined with penalties. In this case only, the amounts of each premium and penalty are combined and added to the reference contribution amount to determine the total contribution owed by the marketer for each unit.

2.2. Reporting Procedure

When submitting their declarations, producers undertake, via the reporting tool of their Producer Responsibility Organization(s), to provide catalog references that meet the modulation criteria, by category as defined in Annex 1 of Directive 2012/19/EC and by type of product concerned as specified in this technical note.

At the request of their Producer Responsibility Organization, producers shall provide, at the producer's expense, supporting documentation for the classification of the product according to the eco-modulation criteria for products subject to these criteria (see below for the supporting documentation required according to the criteria and products concerned).

Regarding "super-modulation" (premiums linked to the French repairability/durability indexes and the incorporation of recycled plastics, known as "IRP"), producers must submit a preliminary declaration to their Producer Responsibility Organization.

Pre-declaration for supermodulation

Definitions

For the purposes of this note, the following definitions apply:

- **Supermodulation**: a mechanism whereby marketers are paid premiums in an amount exceeding the eco-contributions, it includes the premiums on indexes related to the french repairability and durability and the amount of recycled plastics incorporated.
- **Pre-declaration**: the preliminary annual declaration by which the producer notifies its Producer Responsibility Organization of its intention to apply for a supermodulation premium for a given calendar year, accompanied by the required estimates and supporting documents and in accordance with the procedures established by its Producer Responsibility Organization.
- **First-time filer**: a producer submitting a supermodulation pre-declaration to their Producer Responsibility Organization for the first time.

Purpose of the pre-declaration

The pre-declaration serves two purposes for the Producer Responsibility Organization:

1. To verify, within a timeframe compatible with the payment of premiums, the compliance of the supporting documents provided by the marketer, given the complexity of the eligibility criteria and the amounts involved.
2. To ensure that the financial provisions set aside are sufficient considering the premiums likely to be paid during the fiscal year in question.

Content of the pre-declaration for the premium linked to the French repairability and durability indexes and the European repair score

Prerequisite — publication on data.gouv.fr/EPREL

The publication of the French repairability or durability index score on the data.gouv.fr platform or the EPREL database—in the case of a European repair score—is a condition for eligibility for the premium. The marketer may only apply for the premium for products whose score has been published by the marketer on the platform prior to the marketer's pre-declaration.

Content of the preliminary declaration

When submitting their annual pre-declaration, marketers wishing to receive the premium must provide:

- The index scores applicable to the products in question, as published on data.gouv.fr or EPREL
- Good faith estimates of the volumes placed on the market during the reference period, by product category

Content of the pre-declaration related to the IRP premium

Prerequisite — Availability of certifications

The identification numbers of the certifications meeting the criteria mentioned in section 5.4 of this document must be available and accessible via the public databases of the certifying bodies, where such databases exist, or submitted to the Producer Responsibility Organization.

If a certificate is in the process of being obtained as of the date of the pre-declaration, it must be submitted no later than **December 31st of the current year** and be valid for the period covered by the final declaration.

Content of the preliminary declaration

When submitting their annual pre-declaration, marketers wishing to receive the per-ton premium must provide a good-faith estimate of the tonnages of recycled plastics incorporated, broken down by product and origins of the eligible plastics.

Pre-declaration procedure

1. *Notification of intent*

Any marketer wishing to benefit from the super-modulation for the current year must notify their Producer Responsibility Organization of this intention via a pre-declaration **no later than March 31st of the current year for the entire year**.

2. *Changes During the Year*

For any new product launched during the year, a pre-declaration may be submitted after this date and will then be valid for units placed on the market starting from the following quarter.

In the specific case of adjustment upward during the year to the scores for the French repairability/durability indexes, or the European repairscore, thereby making indexes for these products eligible for the premium, the changes made must be reported to the Producer Responsibility Organization according to the scoring grids that led to the increase in the score. Premiums will then be paid for units placed on the market starting in the following quarter.

The schedule below specifies the eligible units based on the date the pre-declaration was submitted:

Period of pre-declaration	**Eligible units**
On or before March 31st	Units sold from January 1st through December 31st
Between April 1st and June 30th, inclusive	Units sold from July 1st through December 31st
Between July 1st and September 30th, inclusive	Units sold from October 1st through December 31st
Between October 1st and December 31st, inclusive	No eligible units

Any preliminary declaration received **on or after October 1st of the current year** is inadmissible for the current year.

<u>Special case for the European repair score for 2026:</u>

For smartphones placed on the market between January 1, 2026 and June 30, 2026, the repair score used for applying the premium is, in principle, the one applicable at the time of placement on the market. As an exception, where a smartphone's repair score has increased between its date of placement on the market and July 1, 2026, due to a modification that may apply regardless of the date of sale, the bonus will be paid retroactively for all products sold during the period, based on the repair score determined in this manner.

In this regard, any change in the repair score resulting from an extension of the operating system's update cycle or an extension of the availability period for replacement parts—if demonstrated and applicable to the products in question—will be taken into account.

3. *Submission of supporting documents*

Supporting documents must be submitted to the Producer Responsibility Organization **no later than December 31st of the current year** or within the timeframe previously specified in the pre-declarations.

4. *Extended Deadline for First-Time Filers*

As an exception, the Producer Responsibility Organization may grant first-time filers an extension to submit their supporting documents. This extension may not exceed **three months** from December 31st of the current year, i.e., no later than **March 31st of the following year**. This exception may be granted only once per producer and per type of premium (FRI/FDI or IRP).

5. *Control Procedures and Applicable Penalties*

The control procedures and applicable penalties in the event of non-compliance with these provisions are defined in the chapter "Control Process."

3. Criterion, thresholds, and applicable amounts - Modulation

3.1. Separability of the battery or accumulator

The battery must be safely separable by the user, without compromising its integrity, using tools commonly available on the market:

- Screwdrivers for slotted, Phillips, or hex-socket head screws (ISO 2380, ISO 8764, ISO 10664)
- Wrenches for hex socket screws (ISO 2936)
- Combination wrench (ISO 7738)
- Universal pliers (ISO 5746)
- Scissors.

Products intended for use underwater and required to meet waterproofing standards to comply with the safety requirements set by 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 Producer Responsibility Organization. This exemption currently applies to:

- Shavers and epilators intended for use underwater
- Waterproof razors, electric toothbrushes, and water flossers
- Intense pulsed light (IPL) hair removal devices

Button batteries soldered onto circuit boards are exempt and are not considered when applying the criterion.

Additional exemptions must be subject to prior validation and agreement by the Producer Responsibility Organizations Ecologic and ecosystem.

Table2 . Premiums & penalties on batteries and accumulators

Products covered	Premium if B&A is separable		Penalty if B&A non-separable	
	(excl. tax)	(Incl. tax)	(excl. tax)	(Incl. tax)
Robot vacuum cleaner, cordless			€0.79	€0.95
Personal care products			€0.79	€0.95
Smartphone	€0.10	€0.12		
Small electronics, portable audio and video devices, cameras, camcorders, < 50 cm or < 500 g			€0.79	€0.95
Tablet	€0.21	€0.25		
Game console (handheld)			€0.79	€0.95
Toys			€0.50	€0.60
Power tools			€0.50	€0.60
E-cigarettes			€0.04	€0.05

The following supporting documents must be provided:
Document describing the steps required for the user to safely disassemble the battery or accumulator, using tools commonly available on the market where applicable.

In anticipation of European Battery Regulation 2023/1542 which will apply as of February 18, 2027, this criterion is expected to be amended for application as of January 1st, 2027.

3.2. LED light source

Lamps operating exclusively with an LED light source are eligible for a rebate in terms of the amount indicated below.

Eligible products	Definition of the criterion	Premium (excl. tax)	Rebate (including tax)
Lamps	LED bulbs only	€0.03	€0.04

The following documentation must be provided: product data sheet

3.3. Presence of HFC gases

The gases subject to a penalty are as follows: R134a, R407c, R410a, R404a, R507

Affected products*	Penalty (excl. tax)	Penalty (including tax)
Front-loading washing machine, top-loading washing machine	€1.63	€1.95
Washer-dryer	€1.63	€1.95
Dishwasher	€1.08	€1.30

By default, products that do not contain a thermodynamic circuit are not affected

The following supporting documents must be provided:
Product data sheet specifying the type of gas used in the thermodynamic circuit, or indicating the absence of a thermodynamic circuit

3.4. Presence of brominated flame retardants

The penalty applies if any brominated flame retardant is present in a concentration exceeding 200 ppm in at least one plastic part weighing more than 25 g, except for cables and electronic circuit boards.

Affected products	Penalty (excl. tax)	Penalty (including tax)
Corded vacuum cleaner	€1.00	€1.20
Laptop	€0.46	€0.55
Television	€1.92	€2.30
Game console (excluding handheld consoles)	€0.92	€1.10
Lawn mower	€1.50	€1.80

The following supporting documents must be provided:
Proof of obtaining a recognized certification (e.g., a URL showing the product's registration in the certification registry) specifying that its specifications do not include brominated flame retardants (e.g., Blue Angel, EPEAT, TCO) or a manufacturer's statement in French or English (subject to further verification).

In the event of in-depth verification:

- a product test report conducted by an independent laboratory,
- or a Material Safety Data Sheet (MSDS) or certificates from the suppliers of the materials used for the entire product stating the absence of the targeted substances, accompanied by a bill of materials detailing the list of materials used in the product.

A RoHS compliance report, if it proves the absence of all brominated flame retardants (and not just those regulated), may constitute valid proof.

3.5. Single-use Products

A single-use device is a device not intended to be retained, and for which there are generally versions where the consumables are designed to be refilled.

The penalty applies to products meeting the following criterion:

- Products powered by a battery that are neither rechargeable nor replaceable

and/or

- Presence of a non-rechargeable “consumable” (liquid or any other consumable necessary for the device’s operation)

Affected products	Penalty (excl. tax)	Penalty (including tax)
Disposable e-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. Non-exhaustive list of eligible products

The table below provides additional details on the products affected by the adjustment.

Table3 . Products affected by the adjustment

Product scope	
Products	**Details**
Personal care products	Includes: - Acupuncture device - Hydrotherapy device - Massage device (back, body, feet) - Pressotherapy device - Electromuscular stimulation device - Electrostimulation device - Electrotherapy device - Facial care device (Blackhead remover, Skin purifier, Light therapy) - Heated curlers - Hair curler - Heated hair brush - Electric toothbrush - Cleansing brush - Hot air brush - Foot warmer - Dental handpiece - Soap/hand sanitizer dispenser - Electric epilator - Hair straightener - Dental water flosser - Inhaler - Foot massager - Electric baby nasal aspirator - Electric ear cleaner - Bathroom scale - Manicure/pedicure nail file - Electric razor/trimmer - Facial steamer - Hair dryer - Nail dryer - Circulation stimulator
Front-loading washing machine, top-loading washing machine, dishwasher, washer-dryer	Included: thermodynamic appliances. Washer-dryers are not eligible for the repairability index premium.
Vacuum cleaner	Includes all vacuum cleaners, including hand vacuum cleaners
Laptop	Excluded: personal digital assistants, pocket PCs
Smartphone	Excluded: accessories (earphones, hands-free kit, charger)
Small portable electronics, audio and video devices, cameras, camcorders, < 50 cm or < 500 grams	Includes all of the following devices if < 50 cm or < 500 grams: - Camera (SLR, full-frame, compact, bridge, instant, hybrid, digital…) - Driving assistant - Voice assistant - Baby monitor - Toll tag - highway - Digital camera - Camcorder

Product scope	
Products	**Details**
	- Headphones (PC, Bluetooth, etc.), virtual reality headset - Voice recorder - Headphones (wired, wireless, noise-canceling, etc.) - Stereo speakers, Bluetooth, wired / Speaker - Camera flash - GPS and similar devices - Digital binoculars - Hands-free kits (wired, wireless) - Portable DVD player - Portable cassette and CD player - MP3/MP4 players - Conference microphones - Mini microphone - Smart Watch - Cassette radios - Basic radio - Clock radio - Walkie-talkies - Remote control - Landline phone - Digital telescope - GPS tracker
Tablet	Excluded: accessories (earphones, hands-free kit, charger)
Game console	Excluded: accessories (steering wheel, controllers, headsets)
Toys	Included: model kits, games, and electric toys as defined by European Directive 2009/48/EC on toy safety
Lawn mower	Included: corded, battery-powered, and robotic lawn mowers
Power tools	Included: - Engraving tool - Chisel hammer - Cultivator - Edge trimmer - Electric shears - Electric wood chisel - Impact wrench - Brush cutter - Scraper - Stripper - Electric weeder - Fence energizer (mains or battery) - Pole pruner - Drill - Milling/boring machine - Notch cutter - Grinder - Drill - Hammer drill - Glue gun - Paint sprayer - Air gun - Electric sander - Grooving machine

Product scope	
Products	**Details**
	- Grass trimmer - Circular saw - Jigsaw - Blower/Vacuum - Hedge trimmer - Laser rangefinder - Chainsaw - Electric screwdriver

5. Applicable criteria, thresholds, and amounts- Supermodulation

5.1. French Repairability indexes (FRI)

Article 2.1 of the EEE sector specifications states that the repairability index must be one of the criteria for modulation. For the year 2026, the products subject to this modulation, as well as the premium amounts and trigger thresholds, are as follows:

Table4 . Products with a French repairability index

Products with a repairability index	Premiums		
	Amounts (excl. tax)	Amounts (including tax)	Threshold
Vacuum cleaner	€8.33	€10	≥ 9.6
Dishwasher	€16.67	€20	≥ 9.3
Laptop	€16.67	€20	≥ 9.5
Lawn mower	€8.33	€10	≥ 9.2
High-pressure washer	€8.33	€10	≥ 9.5

The French repairability index calculation tables are available on the webpage: "https://www.ecologie.gouv.fr/politiques-publiques/index-reparabilite". The selected trigger thresholds must allow the premium to be granted to 5% of equipment in each category, so that the premium remains an incentive. For 2027, the goal will be to target 10% of equipment in a category eligible for the premium.
The trigger threshold for each category is set based on robust empirical data and an analysis of the distribution of EEE sales for each index score.

! REMINDER ! The premium linked to the French repairability index cannot be granted to a product subject to a penalty.

The proper implementation of these premiums depends on:

- The marketer's mandatory submission of the repairability indexes for its products (along with the calculation grids) via the **data.gouv** platform, which is part of the pre-declaration.
- Verification by the DGCCRF of declarations related to the repairability indexes of the products in question (annual surveys on consumer information);

The following supporting documents must be provided:
Detailed, dated notes and calculation sheets corresponding to the declared reference, submitted via data.gouv or upon request to the Producer Responsibility Organization.

5.2. French Durability Indexes

The French durability index calculation tables are available on the webpage: "https://www.ecologie.gouv.fr/politiques-publiques/index-durabilite". For two product categories, durability indexes were established in 2025: televisions and washing machines. Since January and April 2025, respectively, these two products have had a durability index, whose criteria consider repairability, robustness, and upgradability.

For these two product categories, new thresholds have been proposed to award the premium to 2% of products placed on the market in 2026, applying the same rigor as for setting the French repairability index thresholds. For 2027, the plan is to target 10% of equipment in a category eligible for the premium.
The premium amounts and trigger thresholds are shown in the table below:

Table5 . Products with a French durability index

Products with a durability index	Incentives		Threshold
	Amounts (excl. tax)	Amounts (including tax)	
Television	€16.67	€20	≥ 9.2
Top-loading & front-loading washing machines	€16.67	€20	≥ 9.4

5.3. European Repair Score

Given the repeal of the French repairability index applicable to smartphones and its replacement by the European repairability index (known as *the repair score*) as of June 2025, this European repair score will serve as the basis for the premium starting July 1st, 2026, with retroactive effect as of January 1st, 2026.

The specific trigger threshold for this product category was defined as planned in June 2026. Pre-declarations for smartphones placed on the market during the first half of the year may be submitted starting July 1st, 2026, through September 30th, 2026.

The pre-declaration procedures for this premium linked to the European Repair Score are identical to those for other product categories with a French repairability or durability index and is defined in 2.2, noting that the reference for the scores and calculation grids database of the Repair Score is the EPREL database .

The premium amount and the trigger threshold are presented in the table below:

Table6 . Products with a European repairability index (repair score)

Products with a European repair score	Premiums		
	Amounts (excl. tax)	Amounts (including tax)	Trigger threshold
Smartphone	€16.67	€20	**≥ 3.87**

5.4. Incorporation of recycled plastics

The producer may be eligible for a premium for the incorporation of recycled plastics (IRP), **the amount** of which **is determined based on the total quantity of plastic material incorporated into units placed on the market in France and subject to the WEEE EPR scheme**. The terms of this premium were established by decree dated September 5th, 2025, and apply the full EPR scheme. **Two premium levels are established, depending on the origin of the recycled material**:

Origin of the waste	**"OPEN LOOP":** RP derived from **post-consumer waste from EPR schemes**	**"CLOSED LOOP":** RP derived from **post-consumer WEEE**
Premiums (excl. tax)	€450/t of RP	€550/t of RP

To qualify for this incentive, the producer must ensure compliance with all criteria listed in Figure below. These criteria can be verified through the certifications and supporting documents mentioned in the green boxes:

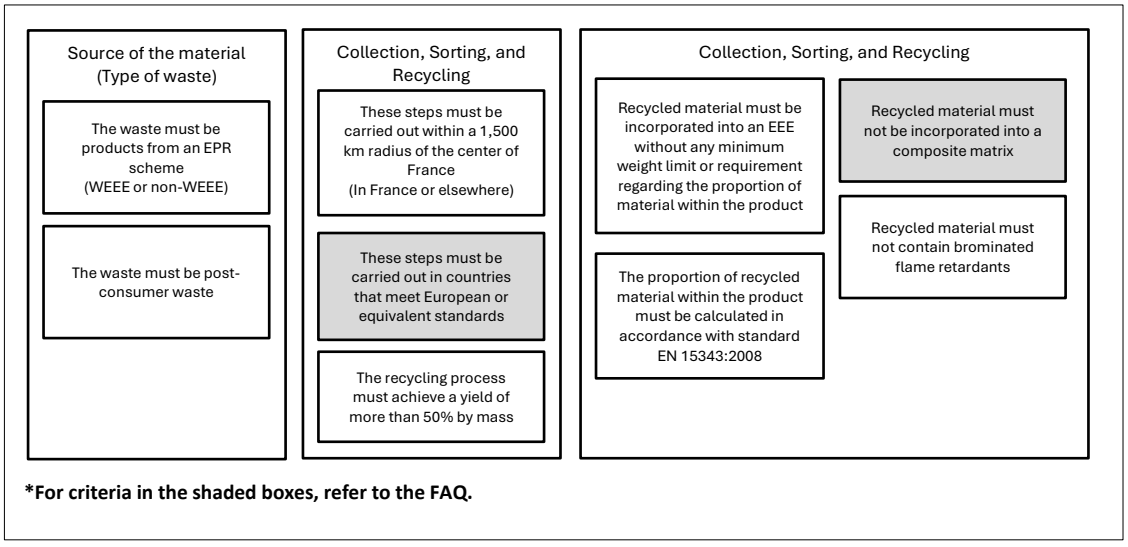

Figure1 - Conditions for obtaining the incentive for the incorporation of recycled plastic and associated standards

The proximity criterion is shown in the associated map below:

Figure 2. 1,500 km radius around the center of France for reference

OCAD3E has established a list of countries part of whose territory is located within a maximum radius of 1,500 kilometers from the barycenter of mainland France (46° 29’ 38” N, 2° 36’ 10” E) and which are members of the European Union: Germany, Austria, Belgium, Croatia, Denmark, Spain, France, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, and Czechia. The EU countries not included within the 1,500 km radius are: Bulgaria, Finland, Estonia, Lithuania, Latvia, Greece, and Cyprus. The other non-EU countries located wholly or partially within the 1,500 km radius are: Albania, Andorra, Bosnia and Herzegovina, Liechtenstein, Monaco, Montenegro, Norway, the United Kingdom, Saint Martin, Serbia, Switzerland, Vatican City, Algeria, Morocco, and Tunisia.

For operations carried out in a country that is only partially included within this perimeter, or in a third country, the producer is responsible for providing evidence that all relevant operations were duly carried out within the 1,500-kilometer limit and in a country meeting the applicable regulatory requirements.

The producer must ensure compliance with these criteria by providing the Producer Responsibility Organization with:

- The LNE IMPR Part 3 certification, or the Recyclass certificates: Recycling Process (regenerator) and Recyclass: Recycled Content Traceability (injector), to obtain the premium.
- The regenerator must provide a certificate indicating the source of the recycled material (the type of waste: WEEE / other sectors). Without this information, the open-loop premium applies. Self-declarations are not accepted; all declarations must be validated by a third party.
- For information on the treatment of accessories, recycling disruptors, and chemical recycling, please refer to the OCAD3E FAQ (Ecologic link and ecosystem link).

It is the producer's responsibility to verify that all required criteria can be verified using the certification documents at their disposal.

Other equivalent certifications may be submitted by the producer if they meet all the requirements defined in the decree of September 5th, 2025, establishing the adjustments applicable to financial contributions paid by producers when they incorporate recycled plastics, and they must be subject to prior validation and consultation with the Producer Responsibility Organizations Ecologic and ecosystem.

The amount of the premium is calculated, by reference, based on:

- Establishing the origin of the RPM incorporated into the product in question *(e.g., "RPM derived from post-consumer WEEE")*
- Determining the quantity of (each) recycled plastic material incorporated into the relevant product *(e.g., "1.2 kg of recycled plastic material from post-consumer WEEE incorporated into product XYZ")*
- Multiplying this quantity by the number of units of this product placed on the market in France during the period covered by the declaration *(e.g., "10,000 units of product XYZ placed on the market in France during the period [dd/mm/yyyy – dd/mm/yyyy]")*
- Multiply the result obtained above *(e.g., 1.2 kg × 10,000 units = 12 tons)* by the applicable premium amount provided in the table above *(e.g., "12 t × €540 = €6,480").*

When the established quantity is likely to vary from one production batch to another, for example due to differences in IRP content between batches of materials used in production, or due to the sourcing of parts from different factories incorporating different IRP contents in their production, it is recommended to calculate and apply the minimum IRP content that can be guaranteed on average across all units declared as placed on the market for this product.

Only the premium for incorporating recycled plastic material may be combined with penalties.

For details on the procedures for calculating the proximity criterion or the recycled material rate, please refer to the dedicated FAQ (Ecologic link and ecosystem link) and the FAQ of the French Ministry of the Environment.

6. Rules regarding consumer information

6.1. Details on the display of premium amounts

Currently, the rates provided by Producer Responsibility Organizations to producers incorporate adjustments based on the criteria set forth in the current specifications. These criteria are directly linked to the actual costs of managing WEEE. For example, the non-separability of a battery or the presence of hazardous substances necessitate specific steps during the collection or sorting of waste equipment.

The mandatory visible fee displayed on invoices therefore incorporates this adjusted rate, except for premiums awarded based on repairability and durability indexes and premiums awarded for the incorporation of recycled plastics.

In fact, the premiums awarded based on the incorporation of recycled plastics are expressed in euros per ton, which would make it impossible to display an amount converted to a unit-exceed the eco-contributions, it would then be necessary to display a negative amount on invoices, which would contravene the very principle of contribution under Extended Producer Responsibility.

6.2. Information to consumers - Article 13 of the French AGEC Law

Article 13 of the 2020 French Circular Economy Act requires that the "product quality and environmental characteristics sheets" for products indicate whether the product in question is subject to a premium or a penalty, specifying the relevant criteria. This information does not necessarily need to include the amount of these premiums and penalties.

To facilitate compliance by producers, the following wording is suggested:

"As part of the adjustment of eco-contributions for the Extended Producer Responsibility (EPR) scheme for Electrical and Electronic Equipment, this product has been subject to:

- *a premium for the incorporation of recycled materials.*
- *a penalty for the presence of hazardous* substances"

! REMINDER ! Only the premium for the incorporation of recycled materials may be granted to a product subject to a penalty.

The indications on products must be in French.

Please also refer to the FAQ provided by the government:
https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits

7. Control process

7.1. General Process

The use of the modulated scale occurs at the time of POM reporting. It requires that the reporter be familiar with the modulation criteria and their eligibility conditions and be able to justify them if they wish to benefit from them. The reporter then uses the eco-modulated code by checking the box that specifies the criterion met.

When submitting their declaration, the producer commits, via the Producer Responsibility Organization's declaration tool, to providing catalog references that meet the modulation criteria, by category as defined in Annex 1 of Directive 2012/19/EC and by type of product concerned as specified in this technical note.

At the Producer Responsibility Organization's request, for products subject to the modulation criteria, the producers must provide, at their own expense, supporting documentation verifying the product's classification according to the eco-modulation criteria.

In addition to this process, a request for supporting documentation may be made at any time either by the Producer Responsibility Organization or by a third party appointed by the Producer Responsibility Organization as part of control audits.

To this end, the producer **must keep the documents** justifying the use of this adjusted scale **available to the Producer Responsibility Organization at all times**.

If the supporting evidence cannot be provided, the declaration must be redrafted and corrected based on the non-modulated scale, tracing back to the source of the erroneous declarations and within a two-year limit.

Once the declarations have been validated by the member, no retroactive adjustments may be applied to premium claims.

7.2. Possible penalties

In the event that ineligible equipment is reported, a detailed report will be provided to the declarant to identify the errors made or the failure to submit valid supporting documentation. The declarant will be asked to provide proof of the missing information within two months of receiving notification. If this is not done, the declarant must correct the invalidated declaration and pay the resulting contributions at the full rate.

In the event of clear evidence of bad faith or intent to violate regulations, or in the event of a repeat offense, the Producer Responsibility Organization reserves the right to report the producer in question to the DGPR and ADEME for a request to suspend the French Unique Identifier (IDU).

7.3. Purpose of the Control Audit

Conducted by a COFRAC-accredited third-party audit firm, it takes place at the request of the Producer Responsibility Organization as part **of a general audit** covering all declarations from the previous two years. It covers both the verification of the reported quantities and the methodology used by the declarant, as well as the verification of the existence of a written reporting procedure that establishes reporting rules and, where applicable, allows for the transfer of reporting duties to another declarant in the event the primary declarant is unable to perform their duties. General audits are overseen by the Producer Responsibility Organizations' Specification Agreement and must cover a selection of members representing at least 20% of the quantities placed on the market by the Producer Responsibility Organization.

To demonstrate compliance with the modulation criteria, supporting documents must consist of original documents in French or English, or certified true copies.

The audit may also focus on a **specific control** point defined by the Producer Responsibility Organization, such as the application of the modulation criteria. As part of the review of the modulation criteria, Producer Responsibility Organizations are proposing an expansion of this type of audit.

- the existence of evidence justifying eligibility for the modulated rate or exemption from penalties,
- that the documents are compliant and authentic,
- that they are fully consistent with the eligibility criteria used,
- that they are fully current with the criteria used at the time of the audit and compliant with the declaration date.

Auditees will be selected either randomly and objectively or selectively by the auditor and validated by the Producer Responsibility Organization.