

OCAD3E

Approved Coordinating Body for Waste Electrical and
Electronic Equipment

Technical note

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

Version: 18/11/2024

Cancel and replaces all previous versions

1. Products, criteria and amounts of premiums and penalties

1.1. Premium for the incorporation of recycled materials

All professional EEE are eligible for a premium based on the incorporation of recycled plastic materials (RPM), the amount of which varies according to the origin of the 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

The premium amounts above **apply to the mass of recycled plastics incorporated in each reference placed on the market in France**, and not to the unit weight of the whole product (see detailed rules in section 2.2).

1.2. Other premiums and penalties

The table below shows the amounts (excluding VAT) of premiums and penalties linked to the other criteria. When the fee scale of the Producers Responsibility Organisation (PRO) is established in €/unit, it is up to the PRO to calculate the amount of premiums and penalties expressed in €/u, based on the average weight of equipment of the same type declared to it, using the amount in €/t below.

Family	Products	Premium		Penalty	Unit
		Absence of BFR	Spare parts availability	Battery separability	
All other products not listed below (subject to eligibility - see details in the relevant chapters)		21,00 €/t	NA	80,00 €/t	€/t
Control and monitoring equipment	Geared motors for sanitary fittings (actuators)	21,00 €/t	25,00 €/t	80,00 €/t	€/t
	Other monitoring and control instruments < or > 50 cm	21,00 €/t	NA	80,00 €/t	€/t
	Access control equipment	21,00 €/t	NA	80,00 €/t	€/t
Lighting and light-signalling equipment	Emergency lighting systems	21,00 €/t	25,00 €/t	80,00 €/t	€/t
	Other lighting and signalling equipment	21,00 €/t	NA	80,00 €/t	€/t
Electric vehicle charging points		21,00 €/t	NA	80,00 €/t	€/t
Professional print cartridges	per unit, according to weight thresholds	0,001 €/u	NA	80,00 €/t	€/unit
	by weight	21,00 €/t	NA	80,00 €/t	€/t
Medical devices	Dental treatment stations	21,00 €/t	NA	80,00 €/t	€/t
	Electric medical furniture	21,00 €/t	NA	80,00 €/t	€/t
	Portable in vitro diagnostic medical devices	21,00 €/t	NA	80,00 €/t	€/t
	In vitro diagnostic medical devices (fixed and mobile)	21,00 €/t	NA	80,00 €/t	€/t
	Fixed and mobile medical devices	21,00 €/t	NA	80,00 €/t	€/t
	Portable medical devices	21,00 €/t	NA	80,00 €/t	€/t
Distributors (food and non-food)	Dispensers with refrigerated circuit	21,00 €/t	30,00 €/t	80,00 €/t	€/t
	Water fountains	21,00 €/t	25,00 €/t	80,00 €/t	€/t

	Cash withdrawal equipment	21,00 €/t	NA	80,00 €/t	€/t
	Fuel pumps	21,00 €/t	NA	80,00 €/t	€/t
Personal mobility and electric mobility vehicles	Electric mobility vehicles (gyropode, VAE, etc.)	21,00 €/t	NA	80,00 €/t	€/t
	Other electric mobility equipment (electric mobility accessories, charging points, docking stations, etc.)	21,00 €/t	NA	80,00 €/t	€/t
Audiovisual equipment	Audio, video and photo equipment	21,00 €/t	NA	80,00 €/t	€/t
	Electronic displays	21,00 €/t	40,00 €/t	80,00 €/t	€/t
	Electronic labels	21,00 €/t	NA	80,00 €/t	€/t
Installation equipment for the LV electrical power network and the communications network	Mains equipment < or > 50cm	21,00 €/t	NA	80,00 €/t	€/t
Electrical energy production, conversion and storage equipment	Generator set	21,00 €/t	10,00 €/t	80,00 €/t	€/t
	Uninterruptible power supplies (UPS)	21,00 €/t	20,00 €/t	80,00 €/t	€/t
	Other production, conversion and storage equipment < or > 50cm (excluding generating transformers)	21,00 €/t	NA	80,00 €/t	€/t
Network equipment & IT infrastructure		21,00 €/t	NA	80,00 €/t	€/t
Printing, photocopying and fax equipment		21,00 €/t	20,00 €/t	NA	€/t
Professional cooking, drying and washing equipment		21,00 €/t	NA	NA	€/t
Professional sports and leisure equipment		21,00 €/t	NA	80,00 €/t	€/t
Professional hygiene, beauty and care equipment		21,00 €/t	NA	80,00 €/t	€/t
Cold furniture, cold systems, housed and unhoused	Refrigeration appliances with a direct sales function	21,00 €/t	30,00 €/t	80,00 €/t	€/t
	Chest freezers	21,00 €/t	30,00 €/t	80,00 €/t	€/t
Professional instructors (>100 cm²)	Monitors	21,00 €/t	40,00 €/t	80,00 €/t	€/t
	Digital terminals with a screen > 100 cm ² .	21,00 €/t	20,00 €/t	80,00 €/t	€/t
Production tools and equipment, engines	Other production tools and equipment, engines	21,00 €/t	NA	80,00 €/t	€/t
	Welding equipment	21,00 €/t	20,00 €/t	80,00 €/t	€/t
	Drills, screwdrivers, chisels	21,00 €/t	20,00 €/t	80,00 €/t	€/t
Servers		21,00 €/t	NA	80,00 €/t	€/t
Collection and payment system		0,45 €/u	NA	18 €/u	€/unit

Where several premiums and/or penalties are applicable to the same reference, their amounts are added together by simple addition, without capping.

2. Application of the modulation criteria

2.1. Availability of spare parts

Products	Availability	List of parts to be available
Display screens	≥ 10 years	Defined in Annex I, §5. a) 1) and §5. a) 2) of <u>REGULATION (EU) 2019/2021</u>
Monitors		
Digital terminals with a screen > 100 cm ² .		
Refrigeration appliances with a direct sales function	≥ 10 years	Defined in Annex II, §2. a) 1) and §2. a) 2) of <u>REGULATION (EU) 2019/2024</u>
Water fountains		
Professional chest freezers	≥ 15 years	Defined in Annex II, §3. a) 1) and §3. a) 2) of <u>REGULATION (EU) 2019/2019</u>
Welding equipment	≥ 15 years	Defined in Annex II, §2. a) 1) of <u>REGULATION (EU) 2019/1784</u>
Printing, photocopying and fax equipment, etc.	≥ 6 years	Paper tray / cassette / drawer, Power supply unit / power supply, Motherboard / logic board / formatter board, Duplex unit, if fitted, Printer hard disk, if fitted, External main power cable, Paper separator, Control / operating panel / display / panel, Document feeder / Automatic Document Feeder (ADF)
Emergency lighting systems	≥ 10 years	- Pictograms / markings, - Cable glands, covers and sealing elements if "standard" part (including envelope gaskets) - Batteries - Light sources if declared replaceable, - Accessories (vandal-proof grilles, pictogram flags, suspension kits, nameplates)
Uninterruptible power supplies < 50 cm	≥ 10 years	DC filter capacitors, AC filter capacitors, fans, batteries
Uninterruptible power supplies ≥ 50 cm	≥ 12 years	
Generator sets	≥ 10 years	[list of documents to be finalised]
Drills, screwdrivers, chisels	≥ 17 years	Motors, cables, switches, mechanical parts, electrical parts, carbon brushes, electronics, chucks, wear parts.
Geared motors for sanitary fittings (actuators)	≥ 10 years	[list of documents to be finalised]

The following supporting documents must be provided:

- General terms and conditions of sale (GTCS)
- Or failing that:
- Single agreement and/or category/specific contract
 - Special Terms and Conditions of Sale (CPV)
 - Product user manual (available to the public)

2.2. 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/EU¹ with regard to the incorporation of **closed-loop recycled** plastics, or established in application of Article 8a of European Directive 2008/98/EC², 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:
 - o 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 level 1 reporting systems, or an equivalent method;
 - o 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 level 2, or an equivalent method;
 - o 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"*)

¹ "in application of European Directive 2012/19/EU": waste subject to an EPR scheme established by the European 'WEEE' Directive

² "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

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.

2.3. Brominated flame retardants

To be eligible for the premium, products must meet the following 3 conditions:

- 1) Proportion of plastics greater than 20% of the total mass of the equipment
- 2) Presence of plastic parts > 25 g requiring the use of flame retardants
- 3) No **brominated** flame retardants in plastic parts > 25 g, with the exception of cables and electronic cards

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.

2.4. Separability of the battery or accumulator

In line with the definitions in Regulation (EU) 2023/1542, Article 11, **a product is not subject to this penalty if** the battery or accumulator is easily removable by the end user, i.e. when it can be removed from the product using commercially available tools, without the need for specialised tools, unless these are supplied free of charge with the product, or proprietary tools, heat energy or solvents to dismantle the product.

As an exception to the requirement for possible separation by the end user above, some products incorporating portable batteries may be designed so that the battery can only be removed or replaced by independent professionals:

- a) appliances specially designed to operate mainly in an environment regularly subjected to water splashes, flows or immersion in water, and which are intended to be washable or rinseable (only applies where this exemption is necessary to guarantee the safety of the user and the appliance);

- b) professional medical imaging and radiotherapy devices, as defined in Article 2(1) of Regulation (EU) 2017/745, and in vitro diagnostic medical devices, as defined in Article 2(2) of Regulation (EU) 2017/746.

Any exemption from this penalty will have to be subject to prior validation between the professional federations concerned and the PROs, in accordance with the following principle established by Regulation (EU) 2023/154, Article 11, paragraph 3: *"the obligations [of battery removability] do not apply when a continuous power supply and a permanent connection between the product and its respective portable battery are necessary in order to ensure the safety of the user and the device or, as regards products whose main function is to collect and provide data, for reasons of data integrity."*

The following supporting documents must be provided:

The producer must declare (and be able to justify in the event of an inspection) whether the references declared contain a battery or accumulator. If so, the producer must be able to provide a document describing the steps required to separate the battery or accumulator safely, using commercially available tools where appropriate.

3. DECLARATION AND CONTROL PROCESS

3.1. 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.

3.2. 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**.

3.3. 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).