



PREMIUMS & PENALTIES
APPLICABLE TO
PROFESSIONAL EEE FROM
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CONTENTS

1. APPLICATION OF MODULATION CRITERIA FOR BONUSES	3
1.1. AVAILABILITY OF SPARE PARTS	3
1.2. INCORPORATION OF RECYCLED PLASTICS	4
1.3. ABSENCE OF BROMINATED FLAME RETARDANTS	5
2. APPLICATION OF MODULATION CRITERIA FOR PENALTIES	6
2.1. SEPARABILITY OF THE BATTERY OR ACCUMULATOR	6
3. DECLARATION AND CONTROL PROCESS	7
3.1. GENERAL PROCESS	7
3.2. PURPOSE OF THE CONTROL AUDIT	7
3.3. POSSIBLE PENALTIES	8

1. APPLICATION OF MODULATION CRITERIA FOR BONUSES

1.1. SPARE PARTS AVAILABILITY

Products	Availability time	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 screen > 100 cm ² .		
Refrigeration appliances with 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>
Equipment for printing, photocopying, faxing, etc.	≥ 6 years	Paper tray / cassette / drawer, Power supply unit / power supply, Motherboard / logic board / Formatter board, Duplex unit, if any, Printer hard disk, if any, 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 casing gaskets) - Batteries - Light sources if declared replaceable, - Accessories (vandal-resistant 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 parts to be finalized].
Drills, screwdrivers, chisels	≥ 17 years	Motors, cables, switches, mechanical parts, electrical parts, carbon brushes, electronics, chuck, wear parts.
Geared motors for sanitary fittings (actuators)	≥ 10 years	[list of parts to be finalized].

The following documents must be provided:

- General Sales Conditions (GSC)

Or failing that:

- Single agreement and/or category/specific contract
- Special Conditions of Sale (CPV)
- Product instructions (publicly available)

1.2. INCORPORATION OF RECYCLED PLASTICS

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 marketed in France and subject to the EEE EPR scheme.**

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

Waste origin	<u>"OPEN LOOP":</u> PRM from post-consumer waste from EPR systems	<u>"CLOSED LOOP":</u> PRM from post-consumer WEEE
Premiums (excl. VAT)	450€/t of RPM	540€/t of RPM

These bonuses are granted on condition that :

- the **plastic is derived from the recycling of waste subject to an extended producer responsibility scheme** established in application of European Directive 2012/19/EU with regard to the incorporation of **closed-loop** plastic, or established in application of Article 8a of European Directive 2008/98/EC as amended with regard to the incorporation of **open-loop** plastic;
- the materials **are recycled** within 1500 km of their collection point; and
- all waste sorting, recycling preparation and recycling facilities comply with provisions equivalent to those of Title I of Book V of the French Environment Code,
- the producer is able to provide his eco-organization with all of the following supporting documents:
 - 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 EN15343:2008, Recyclclass , UL2809, Plastica Seconda Vita, IPC/LNE level 2, or an equivalent method;
 - o Calculation of recycled content in the product according to EN45557:2020

Any other traceability and control system designed to justify receipt of the premium must first be agreed by the eco-organizations and notified to the administrative authority.

The amount of the bonus is calculated, by reference, in :

1. Establishing the origin of the PRM(s) incorporated in the reference concerned (e.g.: "RPM from post-consumer WEEE")
2. Establishing the quantity of (each) PRM incorporated in the reference concerned (e.g.: "1.2 kg of PRM 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 provided in the table above (e.g.: "12 t x 540 € = 6,480 €)

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

1.3. NO BROMINATED FLAME RETARDANTS

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

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

The following documents must be provided:

Proof of obtaining a recognized label specifying the absence of brominated flame retardants in its specifications (e.g. Blue Angel, EPEAT, TCO) or producer's certificate.

In the case of in-depth checks: product test report produced by a laboratory accredited to EN ISO/IEC 17025, or Material and Safety Data Sheet or attestations from suppliers of the materials used stating the absence of the substances in question, accompanied by a nomenclature detailing the list of materials used in the product.

2. APPLICATION OF MODULATION CRITERIA FOR PENALTIES

2.1. SEPARABILITY OF BATTERY OR ACCUMULATOR

Consistent 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 requiring the use of specialized tools, unless these are supplied free of charge with the product, or proprietary tools, heat energy or solvents to disassemble the product.

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

- a) Devices 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 (applies only where this derogation is necessary to guarantee the safety of the user and the device);
- 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 must be subject to prior validation by the trade federations concerned and the eco-organizations, in accordance with the principle established by Regulation (EU) 2023/154, article 11, paragraph 3.

The following 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 reporting marketings. It presupposes 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 ticks the box(es) for the modulation(s) that concern him/her.

When the equipment is subject to penalty, if the producer is concerned or cannot demonstrate that he is not, the penalty is applied with the modulation box is pre-ticked.

When declaring, the producer undertakes, via the eco-organization's declarative tool, to provide a list of 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 set out in this technical note.

At the request of the eco-organization, for products covered by the modulation criteria, the producer must provide, at its own expense, proof of the product's classification according to the eco-modulation criteria.

All supporting documents must be written in either French or English. Failing that, these documents must be accompanied by a certified translation.

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

In addition to this process, requests for supporting documents can be made at any time, either by the eco-organization, or by a third party mandated by the eco-organization as part of control audits.

To this end, the producer must at all times provide the eco-organization with documents enabling it to justify the use of this modulated price list.

If it is impossible to produce the evidence, the declaration must be re-established and corrected on the basis of the unmodulated price list, 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, the audit is carried out at the request of the eco-organization, as part of a general audit request covering all declarations for the previous two years. It covers both verification of the quantities declared and the methodology used by the declarant, as well as verification of the existence of a written declaration procedure enabling a declaration rule to be established and, where applicable, its transmission to another declarant in the event of the principal declarant's impediment. General audits are governed by the Cahier des Charges d'agrément des éco-organismes.

The audit may also cover a specific control point defined by the eco-organization, such as the application of modulation criteria. As part of the review of modulation criteria, we propose extending this type of audit.

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

- the existence of evidence allowing access to the modulated price list,
- the conformity and authenticity of documents,
- that they are fully consistent with the eligibility criteria used,
- that they are perfectly in line with the criteria used at the time of inspection, and that they comply with the declaration date.

Auditees will be chosen either randomly and objectively, or selectively by the auditor and validated by the eco-organization.

3.3. POSSIBLE PENALTIES

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

The declarant will be asked to provide proof of the missing information within two months of notification. If he fails to do so, he 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 eco-organization may impose penalties:

- a surcharge of up to 50% of the product's full contribution, applied to the number of products.
- a temporary suspension of its UIN,
- to the DGPR.