

**Frequently Asked Questions:** Simplified assessment of the  
recyclability of lamps meeting the requirements of Decree No.  
2022-748

26/06/2023

*Cancel and replaces any previous version*

## 1. Who is affected by this information obligation?

As stated in the FAQ published by the Ministry of Ecology (<https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits>), it is the producers, importers or other marketers of household products who are concerned by the obligation to inform the consumer about certain environmental qualities and characteristics of their products, within the meaning of Article 13 of the AGEC law. The producer is defined as "any natural or legal person who manufactures the product or has it designed or manufactured and markets it under his own name or brand". The importer is defined as "any natural or legal person who places a product from a third country on the French market". In general, in case of difference, the elements provided by the FAQ published by the Ministry in charge of ecology prevail over the answers provided in this FAQ.

## 2. How should turnover be calculated to determine the application of this information obligation?

As specified in the FAQ published by the Ministry of Ecology (<https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits>), the turnover to be taken into account to check whether the company is concerned corresponds to the annual turnover achieved cumulatively for all the products mentioned in Article R. 541-221 of the Environmental Code placed on the French market (cumulatively for the various EPR sectors) during the last accounting period.

## 3. Why can't the recycling rates communicated by ecosystem and ADEME be used directly to demonstrate that a product is mostly recyclable?

The **lamp recycling rates** communicated by the ecosystem and the **recyclability of lamps** placed on the market are two different indicators that cannot be directly compared. Indeed, the **lamp recycling rates** measured and published by ecosystem are based on characterisations carried out on the flows of end-of-life **appliances currently collected**. These flows are made up of several dozen or even hundreds of different types of products, themselves represented by a very wide variety of models and compositions: the recycling rates of the lamp sector therefore represent an average value for all of these products. Around this average, the recycling rates for each type of product can vary greatly depending on the type of product and, for a given type of product, depending on its composition. Moreover, the flows on which these recycling rates are evaluated are made up of appliances that were put on the market in the past, several years ago. Article 13 of the AGEC law and its implementing decree require the recyclability of products currently on the market to be assessed, whose composition cannot a priori be assumed to be identical to previous generations. **In order to meet the obligations of the AGEC law, ecosystem have therefore assessed the recyclability** by material and by category of equipment through a detailed and nationally representative analysis of the capacities of the recycling channels, in accordance with the criteria defined by decree n°2022-748. **This recyclability by material must be used to assess the recyclability of products currently on the market**, in accordance with the above-mentioned decree.

#### **4. How can we assess the recyclability of products that will only reach the end of their life in 15 or 20 years?**

Decree No. 2022-748 does not provide any particular rule or exemption depending on the life span of the equipment, but prescribes that the capacity of the product to be recycled on an industrial scale and in practice be assessed, and that it be verified whether the recycling channel can justify a good capacity to take in products that can be integrated into it (criterion No. 5 of the decree). The processes used as a reference to assess the recyclability of materials and components making up lamp reflect the best techniques currently available in the French lamp sector.

#### **5. Why is no product 100% recyclable?**

Before being recycled and available for a new use in an industrial production cycle, a material present in lamp must go through multiple successive sorting, preparation and refining operations. These operations necessarily involve a certain amount of loss, which limits recyclability to below 100%. Furthermore, the complexity of lamps, the wide variety of materials that make it up and their strong interdependence necessarily lead to the implementation of sorting strategies that result in the prioritisation of certain materials over others which, if present in minimal quantities, cannot be recycled industrially (criterion n°5 of the decree). As a result, lamps cannot be 100% recycled using existing techniques on an industrial scale.

#### **6. How to explain that the recyclability of a product assessed according to this procedure is lower than the recycling rate communicated by ecosystem for the corresponding lamp stream?**

The treatment processes implemented in the lamp sector operate on heterogeneous mixtures of end-of-life products and materials. Within each lamp stream, the various types of products treated achieve different levels of recycling depending on their composition: the recycling rate reported by ecosystem is an average that may mask a certain dispersion between products. Moreover, the products placed on the market and covered by this consumer information do not have exactly the same composition as those currently collected and processed by the lamp sector. Recycling rates measured on streams of products currently at the end of their life cannot therefore be taken directly as evidence of recyclability for new products belonging to the same categories.

#### **7. For some materials or components in my product, I can't find a direct match in the Technical guidance, what recyclability should I apply to them?**

By default, these materials or components should be considered as non-recyclable. You can contact ecosystem to study this case. The list of materials and components provided in this technical note may be progressively enriched according to needs.

## **8. For some materials or components in my product, I do not have access to their detailed composition: can I exclude them from my assessment and from the total mass of the product?**

The total mass to be taken into account to verify the 50% threshold is the total mass of the product placed on the market, excluding packaging. If the component is listed in the dedicated table of the technical Guidance, the default ratio provided can be applied. Otherwise, by default, materials or components for which the producer cannot find specific information on their composition or recyclability must be modelled as non-recyclable, and taken into account in the total mass of the product.

## **9. What does "total product mass" mean for the verification of the 50% threshold?**

The total mass to be taken into account to verify that the 50% threshold is reached is the mass of the product placed on the market, excluding packaging. The recyclability of batteries and accumulators and packaging must be assessed in accordance with the information provided by the approved PROs for these sectors.

## **10. How do you check whether a plastic has a density of less than or greater than 1.1?**

This information is usually contained in the technical data sheets or material safety data sheets drawn up by plastics suppliers. In the absence of this information, the plastic in question should not be considered recyclable. Technical data sheets may indicate the density as a volumetric mass, in kg/m<sup>3</sup> or g/cm<sup>3</sup>: a density of 1.1 corresponds to a density of 1.1 g/cm<sup>3</sup>.

## **11. How recyclable is an electronic card or a LED chip in the framework of Decree n°2022-748 ?**

Electronic boards (including here the whole printed circuit board and the components mounted on it) as well as LED chips, are separated from the rest of the materials through a combination of automated and manual sorting in order to be sent to specific recycling channels. The data provided in the dedicated table of the Technical Guidance should be applied to PCB materials where the manufacturer knows their composition. Where this is not the case, the ratio provided in the dedicated table can be used as a default.

## **12. How recyclable is electrical cable in the framework of Decree n°2022-748?**

After various stages of manual separation, mechanical separation and refining, the metal part of the electrical cables is recycled. The data provided in the dedicated table should be applied to the cable materials when the manufacturer knows their composition. Where this is not the case, the ratio provided in Table 3 can be used as a default.

### **13. Why are only some plastic resins considered recyclable in the framework of Decree n°2022-748 for the lamp sector?**

Lamps contain a multitude of different resins, which are themselves implemented with various formulations in terms of fillers and additives. The existing processes aim to identify and sort these resins using different techniques (optical sorting and/or densimetry in particular) in order to direct them into recycling channels. However, the variety of resins used in equipment and their formulations does not allow, on an industrial scale and in practice, to obtain for each of these resins a sorting quality and purity levels that satisfy the specifications set by the potential users downstream of the recycling chain (plastics manufacturers and lamp manufacturers). As a result, only certain resins can currently be identified and sorted with quality levels that guarantee the existence and sustainability of outlets, and thus meet the conditions set by the decree.

### **14. How to count rare earths in the recyclability of the product in the framework of Decree n°2022-748?**

Although their recycling is an environmental issue and a technological challenge, given their very low mass in equipment, by simplification these materials do not need to be specifically documented as part of the assessment of the recyclability of an item of equipment as prescribed by Decree No 2022-748. On the other hand, the presence of rare earths is a characteristic that is itself subject to a consumer information obligation under the same decree.

### **15. How to account for accessories?**

Accessories should be assessed by applying the rules and recyclability rates of the category to which the equipment they are associated with belongs. An accessory sold separately will however have to be the subject of a dedicated product sheet. The FAQ published by the public authorities indicates (as of 26/01/2023): "the obligation does not apply to each component of a product, but to the product as a whole. Only the information on recyclability - since it depends on the information given by each eco-organisation - can be given at the level of each component covered by an EPR channel".

### **16. Should packaging be included in the assessment?**

Packaging itself is considered a "waste generating product" within the meaning of the Environmental Code and Decree No. 2022-748. Their recyclability must therefore be assessed and communicated separately, on the basis of the information communicated by the approved PROs of the EPR sector on packaging.

### **17. How can the recyclability of products collected through individual systems be assessed?**

The guidance provided by ecosystem does not apply to products managed through individual systems. As stated in the FAQ published by the Ministry of Ecology (<https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits>), this information is the responsibility of the producers who have set up individual systems.

## **18. Is third-party verification necessary and what are the possible sanctions?**

The data is declarative and does not necessarily have to be verified by a third party before publication. Nevertheless, the veracity of this information is the responsibility of the producer. Penalties may therefore be imposed if the obligation to provide information is not complied with, or if the information provided is incorrect because the calculation methodology proposed by the Producers Responsibility Organisations has not been respected. As the FAQ published by the Ministry of Ecology reminds us (<https://www.ecologie.gouv.fr/encadrement-des-allegations-environnementales-et-information-du-consommateur-sur-produits>), "a system of control and sanction is provided for in Article L. 541-9-4-1 of the Environmental Code in the event of non-compliance with the obligations defined in Article L. 541-9-1 of the Environmental Code. [Under Article L. 511-7 of the Consumer Code, DGCCRF inspectors are empowered to seek out and record violations or breaches of these provisions, as of 1 January 2023. Furthermore, "as for any other commercial practice, the system of sanctions relating to misleading commercial practices, provided for in Article L. 132-2 of the Consumer Code, is applicable".

## **19. How is downcycling taken into account in recyclability?**

"Downcycling" does not have a regulatory definition. However, Article L541-1-1 explicitly differentiates "recycling" from other treatment methods such as "material recovery" or "backfilling". As Decree No. 2022-748 only considers recycling operations to assess the recyclability of materials, channels that do not meet the regulatory definition of "recycling" are not taken into account.