La Kanzlei

# Reform of extended producer responsibility in France

Vertragsrecht / AGB
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**With the law "to combat waste and promote recycling" of 10 February 2020[1], France has extended producer liability (EPR) to additional products and tightened it for existing products**.

Extended producer responsibility (EPR) originates from European waste legislation[2]. It describes a system in which product manufacturers or importers and distributors bear the financial and organisational liability for management in the waste phase of the life cycle of the products they produce or market.

In France, the principle of extended producer responsibility has been enshrined in law since 1975. The first nationwide system was introduced in 1992 for the collection of packaging waste from private final consumers. Later, similar systems were introduced for batteries and accumulators, paper, electrical and electronic equipment, etc. Meanwhile there are about 20 different EPR systems ("channels") in France.

With the new Recycling Management Act, primarily European requirements were implemented. In addition to a variety of other measures, the law provides for the creation of ten new EPR channels and the expansion of the scope of some existing channels. This affects in particular toys, cigarettes, sanitary textiles, building products and materials, motor vehicles, etc.

Following the reform, article L.541-10-1 of the Environmental Code provides for extended producer responsibility for the following products (simplified):

1. packaging waste from private final consumers,
2. packaging waste from commercial final consumers (from 1.1.2025),
3. printed paper intended for final consumers (with the exception of books),
4. building products and building materials (from 1.1.2022),
5. electrical and electronic equipment,

6. batteries and accumulators,
7. chemical products and their containers which may pose a significant risk to health and the environment in so far as they constitute household waste (as from 1.1.2021 all waste of these products),
8. pharmaceuticals,
9. perforating medical devices used by patients for self-treatment (as from 1.1.2021, also electrical or electronic devices connected to such a device and not already in the scope of No. 5),
10. furniture and upholstered seating or sleeping furniture (from 1.1.2022 also textile decorative elements),
11. textile clothing, footwear and household linen for consumers and textile products for the home,
12. toys,
13. sports and leisure goods,
14. do-it-yourselfer and garden products,
15. passenger cars, vans, two- or three-wheeled motor vehicles and four-wheeled motor vehicles (from 1.1.2022),
16. tyres (from 1.1.2023),
17. mineral or synthetic lubricating or industrial oils (from 1.1.2022),
18. pleasure craft,
19. tobacco products with filters made wholly or partly of plastic (from 1.1.2021),
20. non-biodegradable synthetic chewing gums (from 1.1.2024),
21. disposable sanitary textile products, including pre-soaked wiping cloths, for personal and domestic use (from 1.1.2024),
22. fishing gear containing plastic (as from 1.1.2025).

The reform also extends producer liability to product design. Manufacturers of affected products will in future have to draw up five-year eco-design action plans to make their products more recyclable. Manufacturers who make their products more environmentally friendly will receive a discount on the contribution they have to pay for the disposal of their products. On the other hand, manufacturers who do not fulfil their obligations will pay a higher contribution.

In addition, the distributor of a product group affected by EPR is now obliged to provide, on request of the buyer, the number under which the manufacturer is registered if the product is subject to EPR obligations (Art. L.541-10-13 of the French Environmental Code).

The new regulation has already come into force, but it does not apply immediately to all new product categories. If changes have been made to an existing product category, the existing waste collection systems will remain permitted and will only have to comply with the new rules as from 1 January 2023 or at the expiry of their authorisation, whichever is earlier (cf. transitional provisions in Article 130 of the Reform Law).

**Practical advice:**

- Check whether, and if so when would it be applicable, the products you manufacture or distribute in France are covered by extended producer responsibility.
- Take timely action to ensure that you can prove to the French authorities that you are participating in an approved disposal and recovery system.

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[1] Loi n2020-15 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire, avaible at: https://www.legifrance.gouv.fr/eli/loi/2020/2/10/TREP1902395L/jo/texte.

[2] In particular the Waste framework directive (2008/98/EC).

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