**Decree No. 2022-748 of 29 April 2022 on consumer information about the environmental qualities and characteristics of waste-generating products**

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The public concerned: producers, importers, distributors or other parties placing waste-generating consumer products on the market, including those using an on-line website, platform or other distribution channel in the course of their commercial activity in France, and consumers of such products.
Subject: implementation of the obligation laid down in Article L. 541-9-1 of the Environmental Code relating to consumer information on the environmental qualities and characteristics of waste-generating products.
Entry into force: Article R. 541-223 enters into force the day after the publication of this Decree. The products or packaging to which it applies shall benefit from a period of disposal of stocks until 1 January 2023, provided that they have been manufactured or imported before the date of publication of this Decree. Articles R. 541-220 to R. 541-222 come into force gradually from 1 January 2023 onwards, by undertaking.
Notice: the decree lays down detailed rules for the application of Article L. 541-9-1 of the Environmental Code, which provides proper information to consumers, from producers and importers, of the environmental qualities and characteristics of waste-generating products — concepts defined in this text. Producers and importers who declare an annual turnover of more than EUR 10 million for the products referred to in Article R. 541-221 which they place on the national market and who are responsible annually for the placing on the market of more than 10 000 units of those products shall be subject to the information requirement. This information shall be made available electronically and, where appropriate, in accordance with procedures laid down by order, display, labelling or any other legible and comprehensible device, at the time of the purchase. Those environmental qualities and characteristics include, depending on the product categories concerned, the incorporation of recycled material, the use of renewable resources, sustainability, compostability, reparability, possibilities for re-use, recyclability, the presence of hazardous substances, precious metals or rare earth metals, traceability and the presence of plastic microfibres. The format for making data available on these environmental qualities and characteristics to consumers must be easily reusable and usable by an automated processing system in an aggregated form.
References: this decree as well as the environmental code it amends may be consulted on the Légifrance website (https://www.legifrance.gouv.fr).

The Prime Minister,
On the report by the Minister for Ecological Transition and the Minister for Economic Affairs, Finance and Recovery;
Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;
Having regard to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, as amended, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006;
Having regard to European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;
Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;
Having regard to the Construction and Housing Code, in particular its Articles L. 171-2 and R. 171-17 thereof;
Having regard to the Environmental Code, in particular Articles L. 541-1-1, L. 541-9-1, L. 541-9-2, L. 541-10, L. 541-10-1, L. 541-10-3 and R. 543-226;
Having regard to the Public Health Code, in particular its Articles R. 5232-19 and R. 5232-20;
Having regard to Law No. 2020-105 of 10 February 2020 against waste and for the circular economy, in particular its Articles 13 and 130;
Having regard to notification No 2021/644/F sent to the European Commission on 4 October 2021 pursuant to Directive (EU) 94/62/EC and Directive (EU) 2015/1535 and the reply of 5 January 2022;
Having regard to the observations made during the public consultation carried out between 12 October and 17 November 2021, pursuant to Article L123-19-1 of the Environmental Code;
Having heard the Council of State (Public Works Section),
Hereby decrees:

**Article 1**

Section 9 of Chapter I of Title IV of Book V of the Regulatory Part of the Environmental Code is supplemented by a subsection 3 as follows:

" Sub-section 3
" Consumer information about the environmental qualities and characteristics of waste-generating products

" Article R. 541-220. - The environmental qualities and characteristics of the waste-generating products referred to in Article L. 541-9-1 shall be understood as those intended to inform the consumer of the conditions relating to better prevention and management of waste.
" Information on environmental qualities and characteristics, within the meaning of Article L. 541-9-1 and under the conditions laid down in this subsection, covers the new products placed on the market for the consumer referred to in Article R. 541-221.
" Producers, importers or any other entity placing on the market who declare, for the products referred to in Article R. 541-221 which they place on the national market, that they have a turnover exceeding EUR 10 million and are responsible annually for the placing on the national market of at least 10 000 units of those products shall be subject to the obligation to provide information.

" Article R. 541-221. - I. - Consumer information on repairability or durability relates to electrical or electronic equipment to which the repairability index or durability index defined pursuant to Article L. 541-9-2 is applicable.
" This information shall be materialised in the form of the display of a repairability index or, from 1 January 2024, a durability index, in accordance with the provisions of Articles R. 541-210 to R. 541-214.
" II. - The types and categories of packaging appearing on the list mentioned in the fourth paragraph of Article R. 543-226 fall within the scope of consumer information on compostability.
" This information shall be expressed by reference to the term “compostable packaging”.
“III.-The incorporation of recycled material shall be measured as the overall proportion of the mass of materials derived from recycling within the meaning of Article L. 541-1-1.
" Consumer information on the incorporation of recycled material concerns the categories of products mentioned in (3), (5), (6), (7), (10), (11) with the exception of leather articles, (13), (14) and (15) of Article L. 541-10-1.
" This information shall be expressed for these products by reference to the term “product containing at least [%] recycled materials”.
" Consumer information on the incorporation of recycled material also includes the packaging mentioned in (1) of Article L. 541-10-1.
" This information shall be expressed for these products by reference to the term “packaging containing at least [%] recycled materials”.
" IV. - Consumer information on the use of renewable resources includes the products or building materials mentioned in (4) of Article L. 541-10-1 and subject to an environmental declaration under the conditions laid down in Article R. 171-17 of the Construction and Housing Code.
" This information shall be made available on the terms and conditions set out in subsection 1 of Section 3 of Chapter I of Title VII of Book I of the regulatory part of the Construction and Housing Code.
" V. - The packaging mentioned in (1) of Article L. 541-10-1 falls under the consumer information on the possibilities of reuse.
" Reuse possibilities are understood as the possibilities for packaging to meet the conditions set out in (3) of Article R. 541-350 in order to qualify as reused or reutilised packaging.
" This information shall be expressed by reference to the term “reusable packaging” or “refillable packaging”.
“VI.- Recyclability shall mean the effective recycling capacity of waste from identical or similar products. Recyclability is characterised for these wastes by:
"(1) The ability to be efficiently collected locally, through the population’s access to local collection points;
"(2) The ability to be sorted, i.e. directed to certain recycling channels in order to be recycled;
"(3) The absence of elements or substances that will disrupt the sorting, recycling or limit the use of the recycled material;
"(4) The extent to which the recycled material produced by the recycling processes used represents more than 50% of the bulk of the waste collected;
"(5) The ability to be recycled on an industrial scale and in practice, in particular through a guarantee that the quality of the recycled material obtained is sufficient to guarantee the sustainability of the outlets, and that the recycling chain can demonstrate sufficient ability to take charge of the products that can be integrated into it.
" Information on recyclability is made available to the consumer under the heading “mostly recyclable product” or “mostly recyclable packaging”, when these five criteria are met. If the recycled material produced by the recycling processes implemented represents more than 95% of the bulk of the waste collected, the information made available may include the statement “fully recyclable product”.
" It shall be communicated to the producer by the eco-organisation to which they have transferred their obligation of extended responsibility under Article L. 541-10, if necessary with the provision of a tool for calculating the recyclability of the product. according to a harmonised method. Where the producer has set up an individual extended responsibility system, they shall determine the information under their responsibility.
" When the ability to be recycled corresponds to a recycling of materials mostly reincorporated into products of an equivalent nature that meet an identical use and destination without functional loss of the material, the producer can supplement the information on recyclability with the statement “product recyclable into a product of the same type” or “packaging recyclable into a packaging of the same type”.
" The categories of products referred to in (1), (3), (4), (5), (6), (7), (10), (11), (12), (13), (14) and (15) of Article L. 541-10-1 are covered by consumer information on recyclability.
" VII. - Consumer information on the presence of precious metals, with regard to the environmental impact of their extraction conditions, includes the following metals: gold, silver, platinum and palladium.
" The information relating to precious metals shall be made available for the categories of products referred to in (5) and (15) of Article L. 541-10-1.
" This information shall be expressed by mass, provided that it is greater than 1 milligram, either in the form of the words ‘contains at least [X milligrams] of precious metals’ or by an indication of the detail of each precious metal present, expressed as a minimum mass in the same unit, in the form of ‘contains at least [X milligrams] of gold, silver, platinum, palladium’.
" VIII. - Information to the consumer on the presence of rare earths, having regard to the environmental impacts of their extraction conditions, shall include the following: scandium, yttrium, lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutecium.
" Information relating to rare earths shall be made available for the product categories referred to in (5) and (15) of Article L. 541-10-1.
" This information shall be expressed by mass, provided that it is greater than 1 milligram, either in the form of the words ‘contains at least [X milligrams] of rare earth’ or by an indication of the detail of each rare earth expressed as a minimum mass in the same unit, in the form of ‘contains at least [X milligrams] of scandium, yttrium, lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutecium’.
" IX. - Consumer information relating to the presence of a hazardous substance applies when it is present in a concentration greater than 0.1% by mass percentage in a substance, mixture or article, within the meaning of points 1, 2 and 3 of Article 3 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 on the registration, evaluation and authorisation of chemical substances, as well as restrictions applicable to these substances (REACH) establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Regulation (EC) No 1488/94 of the Commission as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, with the exception of medicinal products.
" In the preceding paragraph, ‘hazardous substance’ means any substance identified by the decree, taken after the opinion of the National Agency for Food, Environmental and Occupational Health Safety, referred to in the last paragraph of Article L. 541-9-1, on the identification of hazardous substances in waste-generating products.
" This information shall be expressed by the words “contains a hazardous substance” or, where the hazardous substance present is included in the list mentioned in Article 59(1) of Regulation (EC) No 1907/2006 of 18 December 2006 cited above and published under Article 59(10), in the form of the statement “contains a substance of very high concern”. The information shall be supplemented by the name of each hazardous substance present.
" However, this method of providing information does not apply to the substances mentioned in (1) and (2) of Article R. 5232-19 of the Public Health Code, for which the information methods mentioned in Article R. 5232-20 of the same code apply.
" The information shall be made available no later than six months after the substance is identified as a hazardous substance.
" X. - Consumer information on traceability for the products mentioned in (11) of Article L. 541-10-1 shall mean the geographical indication of the country in which each of the following operations is carried out principally, where they exist:
"(1) Weaving;
"(2) Dyeing and printing;
"(3) Tailoring.
" For footwear included in (11) of Article L. 541-10-1, these operations shall be as follows:
"(1) Stitching;
"(2) Mounting;
"(3) Finishing.
" This information shall be expressed in the form of a reference, for each stage, to the country in which it was carried out.
" XI. - Consumer information relating to the presence of plastic microfibres in the products mentioned in (11) of Article L. 541-10-1 shall be understood as the proportional mass of synthetic fibres in the product. This information shall be made available where the proportion of synthetic fibres exceeds 50%.
" It shall be expressed by the words “shedding of plastic microfibres into the environment during washing”.

" Article R. 541-222. - The producer, importer or other party placing the products referred to in Article R. 541-221 on the market shall make available information on the environmental qualities and characteristics of those products or categories of products and information on the premiums and penalties referred to in Article L. 541-10-3 and paid by the producer on the basis of environmental performance criteria. This shall be made available in a paperless format, accessible free of charge at the time of the purchase and reusable in such a way as to allow aggregation. To this end, for each product mentioned in Article R. 541-221, the producer or importer makes available the information provided on a dedicated website or internet page comprising a sheet entitled “product sheet relating to the qualities and environmental characteristics” so as to allow direct research and queries on the internet as well as the extraction of data for possible automated processing of the information presented.
" However, in the case of substances referred to in IX of Article R. 541-221, such provision of information may be made by means of an application designated by order of the Minister for the Environment. In the event that the provision of information is made by means of an application, if a dedicated website or web page must be established for at least one other quality or environmental characteristic, this site or this page must mention that information on hazardous substances is produced through an application and includes a direct internet link to it.
" A decree from the Minister responsible for the environment specifies, as necessary, the technical characteristics and the methods of presentation of the sites or internet pages dedicated to the environmental qualities and characteristics of the products mentioned in Article R. 541-21.
" The obligation to provide the information mentioned in Article R. 541-221 remains applicable for two years after the last unit of the product concerned has been placed on the market.
" Any provision of information relating to the environmental qualities and characteristics voluntarily made on a material medium must comply with the provisions of Article R. 541-221.
" The information methods defined in this article do not apply to the environmental qualities and characteristics mentioned in I and IV of Article R. 541-221.

" Article R. 541-223. - It is prohibited to include on a new product or packaging intended for the consumer, the words “biodegradable”, “environmentally friendly” or any other equivalent environmental claim.”

**Article 2**

In the first paragraph of Article R. 5232-20 of the Public Health Code, the wording: “on a dedicated web page” is replaced by the wording: “on a dedicated website or web page” and the wording: “and including an application programming interface” shall be deleted.

**Article 3**

I.- Articles R. 541-220 to R. 541-222 of the Environmental Code, as amended by Article 1 of this Decree, apply:
(1) From 1 January 2023 to producers, importers and any other entities placing on the market who declare, for the products referred to in Article R. 541-221 that they place on the national market an annual turnover exceeding EUR 50 million and are responsible annually for the placing on the national market of at least 25 000 units of those products. However, they shall not apply to products for which the last unit is placed on the market between 1 January and 31 March 2023;
(2) From 1 January 2024 to producers, importers and any other placing on the market who declare, for the products referred to in Article R. 541-221, that they place on the national market an annual turnover exceeding EUR 20 million and are responsible annually for the placing on the national market of at least 10 000 units of those products;
(3) From 1 January 2025 to producers, importers and any other placing on the market who declare, for the products referred to in Article R. 541-221 that they place on the national market an annual turnover exceeding EUR 10 million and are responsible annually for the placing on the national market of at least 10 000 units of those products.
II. - Without prejudice to the provisions of I, Articles R. 541-220 to R. 541-222 of the Environmental Code, as amended by Article 1 of this Decree, apply to the products mentioned in (4), and (12) to (15) of Article L. 541-10-1 of the Environmental Code from 1 January 2024.
III. - Article R. 541-223 of the Environmental Code, in the wording resulting from Article 1 of this Decree, shall come into force the day after the publication of this Decree. The products or packaging to which it applies shall benefit from a period of disposal of stocks until 1 January 2023, provided that they have been manufactured or imported before the date of publication of this Decree.

**Article 4**

The Minister for Ecological Transition and the Minister for the Economy, Finance and Recovery shall be responsible, within the scope of their respective competences, for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Signed on 29 April 2022.

Jean Castex
By the Prime Minister:

The Minister for Ecological Transition,
Barbara Pompili

The Minister for Economic Affairs, Finance and Recovery,
Bruno Le Maire