

Frequently Asked Questions: Simplified assessment of the recyclability of Small Fire Extinguishers (SFE) meeting the requirements of Decree No. 2022-748

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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 **Small Fire Extinguishers (SFE) recycling rates** communicated by the ecosystem and the **recyclability of SFEs** placed on the market are two different indicators that cannot be directly compared. Indeed, the **SFE recycling rates** measured and published by ecosystem are based on characterisations carried out on the flows of end-of-life **products 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 SFE 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 (up to 15, 20 or even more years for some). 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 some years?

Decree No. 2022-748 does not provide any particular rule or exemption depending on the life span of the product, 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 SFE reflect the best techniques currently available in the French SFE 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 SFE 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 SFEs, 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, SFEs cannot be 100% recycled using existing techniques on an industrial scale.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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".

11. 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.

12. 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".