



## Introduction

In previous newsletters, we informed you about Decree No. 2022-748 dated April 29, 2022, defining the correct information to consumers regarding the qualities and environmental characteristics of waste-generating products in France. Decree n° 2022-748 is intended for the environmental labeling of waste-generating products. It applies to all relevant producers, importers, and dealers of products intended for consumers.

We developed a guidance and added information regarding packaging. In this document we will set out the most important requirements for the Decree No. 2022-748 in other words the AGEC law.

Please note the steps and assess whether this decree applies to you.

### Who does it concern?

From 1 January 2023, for producers, importers and any other marketers who report an annual turnover of at least 50 million euros for the products they have placed on the national market, and who place at least 25,000 units of these products on the national market annually. However, the obligations are not applicable to products for which the last unit will have been placed on the market between January 1 and March 31, 2023.

From 1 January 2024, for producers, importers and any other marketers who report an annual turnover of at least 20 million euros of products that they have placed on the national market, and who are responsible annually for placing at least

10,000 units of these products on the national market.

From January 1, 2025, for producers, importers and any other marketer who report a turnover greater than 10 million euros of products, that they have placed on the national market, and who are responsible annually for placing at least 10,000 units of these products on the national market.

Products or packaging manufactured or imported before 30th April 2022 are allowed to sell off stocks until 1st January 2023

### Environmental Qualities and Characteristics for Clothing, Textiles, and Shoes

The environmental qualities and characteristics that consumers must be informed about regarding clothing, textiles, and shoes include:

- Percentage of recycled fibers

The percentage of recycled fibers/materials is stated as follows: "produit comportant au moins [%] de matières recyclées" ["product containing at least [%] recycled materials"].

If there is no recycled material incorporated: Negative mentions are not required. In this case, the producer or importer must not include anything in the product sheet.

- Recyclability

The recyclability of waste is indicated by the following:

1. Efficient waste collection accessible to the public through local collection points;

2. Sorting ability, i.e., effective channels for recycling;
3. No components or substances restricting sorting, recycling, or use of recycled material;
4. The recycled material resulting from the applied recycling process must constitute more than 50% of the mass of the collected waste;
5. The quality of the recovered recycling material must be sufficient for reuse in other products.

If these five criteria are met, the product must be labeled "produit majoritairement recyclable" ["largely recyclable product"].

If the recycled material generated by the recycling processes constitutes more than 95% by mass of the collected waste, the provided information may include the statement "produit entièrement recyclable" ["fully recyclable product"].

The manufacturer receives this information from the disposal company to which they have transferred their extended producer responsibility.

If the recycled material is mainly reused in products of the same kind without functional loss of the material, the manufacturer can supplement the information on recyclability with the statement "produit recyclable en un produit de même nature" ["recyclable product in a product of the same nature"].

If the product is not recyclable: Negative mentions are not required. In this case, the producer or importer must not include anything in the product sheet.

Note: The obligation on the use of renewable resources, on durability, compatibility, reparability, and possibilities for the product of being reused are not applicable to textile products.

#### • The presence of precious metals or rare earths

It must be indicated if certain listed rare earths or precious metals (gold, silver, platinum, palladium) are present in a total of more than 1 mg. Note: The obligation on precious metals, or rare earths are not applicable to textile products, but silver threads are conceivable and would be

indicated as follows: "contient au moins [X milligrammes] d'argent" ["contains at least [X milligrams] of silver"].

#### • Hazardous substances

The presence of a particularly hazardous substance, if present in a concentration of more than 0.1% by mass in a substance, mixture, or article, must be indicated with the words "contient une substance extrêmement préoccupante" ["contains an extremely concerning substance"]. According to further description in the decree, this concerns substances on the REACH Candidate List (SVHC substances). Furthermore, France publishes its own list.

#### • Traceability

In consumer information on traceability, the geographic location of the country where each of the following steps is primarily carried out must be specified:

- a. Weaving
- b. Dyeing and Printing
- c. Confection

For shoes:

- a. Punching
- b. Stitching
- c. Assembly

Note: In the absence of an area where the stage was mainly carried out, "the country to be indicated is the one where most of them are carried out".

#### • Presence of Microplastic Fibers

Consumer information on the presence of microplastic fibers is understood as the mass fraction of synthetic fibers in the product. This information is provided as follows when the proportion of synthetic fibers is greater than 50%: "rejette des microfibrilles plastiques dans l'environnement lors du lavage" ["releases plastic microfibers into the environment during washing"].

### Environmental Qualities and Characteristics for Packaging

Regarding packaging, the environmental qualities and characteristics that consumers must be informed about include:

#### • Compostability

Packaging mentioned in the regulation dated March 15, 2022, listing compostable, methanizable, and biodegradable packaging and waste that can be collected together with source-separated organic waste, falls under consumer information on compost ability. This information must be expressed as "emballage compostable" ["compostable packaging"].

#### • Percentage of Recycled Fibers

The percentage of recycled materials is stated as follows: "emballage comportant au moins [%] de matières recyclées" ["packaging containing at least [%] recycled materials"].

#### • Recyclability

The recyclability of waste is marked by the following:

1. Efficient waste collection accessible to the public through local collection points;
2. Sorting ability, i.e., effective channels for recycling;
3. No components or substances restricting sorting, recycling, or use of recycled material;
4. The recycled material resulting from the applied recycling process must constitute more than 50% of the mass of the collected waste;
5. The quality of the recovered recycling material must be sufficient for reuse in other products.

If these five criteria are met, the product must be labeled "emballage majoritairement recyclable" ["largely recyclable packaging"].

If the recycled material generated by the recycling processes constitutes more than 95% by mass of the collected waste, the provided information may include the statement "produit entièrement recyclable" ["fully recyclable product"].

The manufacturer receives this information from the disposal company to which they have transferred their extended producer responsibility.

If the recycled material is mainly reused in products of the same kind without functional loss of the material, the manufacturer can supplement the information on recyclability with the statement "emballage recyclable en un emballage de même nature" ["recyclable packaging in packaging of the same nature"].

#### • Reusability

For packaging that can be reused, the information "emballage réemployable" ["reusable packaging"] or "emballage rechargeable" ["rechargeable packaging"] must be indicated. This does not apply to packaging in the clothing industry.

### Prohibition of Specific Environmental Claims

Furthermore, there is a general prohibition on using specific environmental claims. It is prohibited to use the words "biodégradable" ["biodegradable"], "respectueux de l'environnement" ["environmentally friendly"], or other equivalent environmental claims for a product or packaging intended for the consumer.

### How should this information be made available to the consumer?

Electronically and, if necessary, according to the procedures established by the decree, making this information or access to the website easily accessible to the consumer at the time of purchase (e.g., QR code).

The electronic format in which this data on environmental qualities and characteristics is provided to consumers must be easily applicable and usable by an automated processing system in aggregated form. This provision must be freely accessible at the time of purchase. For this purpose, the manufacturer or importer must provide the information for each product on a specific website or webpage titled "fiche produit relative aux qualités et caractéristiques environnementales" ["product sheet on environmental qualities and characteristics"].

### Sanctions Environmental Code

Administrative fines:

€3,000 for a natural person.

€15,000 for a legal person.

#### Other sanctions

As for any other commercial practice, the penalty regime relating to misleading commercial practices, provided for in Article L. 132-2 of the Consumer Code, is applicable. Article 11 of Law No. 2021-1104 of August 22, 2021 on the fight against climate change and strengthening resilience to its effects has reinforced the penalties applicable when misleading commercial practices are based on allegations in environmental matters. Indeed, the amount of the fine may be increased, in proportion to the benefits derived from the offence, to 10% of the average annual turnover, calculated on the last three annual turnovers known at the date of the events, or 80% of the expenses incurred for carrying out the practice constituting this offence.

#### Summary:

General requirements AGEC law:

1. The amount of recycled material incorporated
2. Recyclability, information on the use of renewable resources, on durability, compatibility, reparability, and possibilities for the product of being reused
3. The presence of hazardous substances, precious metals, or rare earths
4. Geographical traceability of the 3 major manufacturing steps (weaving, dyeing, assembly/finishing)
5. The presence of plastic microfibers when the proportion by mass of synthetic fibres is greater than 50%
6. It is prohibited to include the words "biodegradable", "environmentally friendly" or any other equivalent environmental claim on a new product or packaging intended for consumers.

Useful links & reference documents:  
[FAQ document by the French government](#)

Disclaimer: The authors have made every effort to provide accurate and complete information, data may change. Modint provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of furnished data. Use of the information and data contained is at your sole risk.