

Waste Prevention and Eco-design Plan

Support Guide



The law on the fight against waste and the circular economy, known as **the AGEC Law**, requires marketers/producers to draw up a **waste prevention and eco-design plan (PPE)**.

In accordance with the obligation under Article 72 of the AGEC Law and Article L. 541-10-12 of the Code of the Environment, producers are required to draw up a five-year plan containing data on reduction and reuse, the origin of raw materials, the consumption of recycled material and recyclability.

This plan must be revised every 5 years and sent to your scheme for each of the EPR sectors for which you are eligible. Each scheme is required to publish a summary of its members' plans every three years, which must be accessible to the public, after presentation to its Stakeholder Committee in accordance with Article R. 541-101.

The schemes EcoLogic, Léko, Screlec and Valdelia support their members to draw up their first waste prevention and eco-design plans by proposing a common frame.

The proposed frame is an Excel table to be completed. It is the result of joint work by the schemes. It has also been the subject of consultation with professional federations and members of the schemes.

The purpose of this guide is to facilitate the use of this frame and to help you complete it. Indeed, in addition to meeting a regulatory obligation, the plan allows you to materialize your commitments in the prevention and eco-design processes.

This guide provides methodological and technical elements. **It does not constitute a legal analysis.**

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1. REGULATORY FRAMEWORK

The development and implementation of waste prevention and eco-design plan stems from a provision included in the AGECE law of 10 February 2020 and from Decree No. 2020-1455 on the reform of extended producer responsibility (EPR).

1.1 Art. L. 541-10-12 of the code of the environment (from Article 72 of the AGECE Act)

« All producers mentioned in article L. 541-10-1, must develop and implement **a waste prevention and ecodesign plan**, which aims to :

- reduce the use of non-renewable resources
- increase the use of recycled materials and
- increase the recyclability of products in processing facilities located on the national territory

The plan is **revised every 5 years**. It can be **an individual or joint plan for several producers**. It includes a review of the previous plan and defines the waste prevention and eco-design objectives and actions, to be implemented by the producer over the next 5 years.

The scheme set up by the producers may draw up a common plan for all its members.

The individual and joint plans are transmitted to the scheme set up by the producers, which publishes a summary accessible to the public, after presentation to the body representing the stakeholders in the stream. »

1.2 Art. R. 541-101 (from Article 2 of Decree n°2020-1455)

« The scheme **shall publish at least every three years** an updated summary of the individual and joint prevention and eco-design plans sent to it pursuant to Article L. 541-10-12».

1.3 Art. R. 541-118 of the code of the environment

« The scheme supports research and development projects in line with the objectives set by the specifications, in particular to develop the eco-design and environmental performance of products with regard to the criteria mentioned in Article L. 541-10-3 and support the measures of **the waste prevention and eco-design plans** provided for under Article L. 541-10-12.

These projects are established through partnerships or selected through a non-discriminatory procedure based on transparent award criteria. »

2. DEFINITIONS

Prevention: "any measures taken before a substance, material or product becomes waste, where such measures contribute to the reduction of at least one of the following items :

- the quantity of waste generated, including through the re-use or extension of the useful life of substances, materials or products;
- the harmful effects of the waste produced on the environment and human health;
- the content of dangerous substances to the environment and human health in the substances, materials or products" - definition from article L.541-1-1 of the code of the environment

/!\ The definition used is that of EPR for waste prevention. The other fields of prevention are therefore outside the framework.

Eco-design: "A systematic approach that considers environmental aspects of the design and development process with the aim of reducing negative environmental impacts throughout the life cycle of a product", according to ISO14006 v2020.

Column name	Description	Help to fill in the column
Themes	The waste prevention and eco-design plan is developed in a top-down approach. Major themes are defined, forming the basis of the plan. Among these themes, some are mandatory and others are optional. The description of the mandatory and optional themes can be found in the chapter "presentation of the frame".	The "themes" columns cannot be modified.
Levers	Macro-categories of objectives, which are explicitly named, under the three mandatory themes that meet the requirements of the regulation, and six optional themes.	The « Levers » columns cannot be modified. Any eco-design objective that cannot be linked to one of the levers must be mentioned in the "other tracks" line of the theme. It is not necessary to fill in all

		<p>the fields of the levers indicated. However, for the three mandatory themes, it is imperative that at least one lever is completed.</p> <p>Each lever can be broken down into several objectives, actions etc. The frame includes four lines per lever by default, but lines can be added/duplicated if necessary.</p> <p>If a row is duplicated, do not merge the cells.</p>
Objectives	The objectives attached to the lever describe briefly the ambitions on this lever and translate the eco-design strategy of the company.	Define the objectives with verbs as far as possible, as defined in the examples provided by the eco-organisations.
Scope of the objective	<p>The objective may concern one version/product/range, or several.</p> <p>This column is used to define this scope.</p>	<p>Products must be named explicitly: "hoover", "bottles" etc. Model numbers or other internal company identifiers are not allowed.</p> <p>It is not necessary to specify the placing on the market in tonnage/unit in this column.</p>
Actions initiated or to be initiated	<p>These are the concrete elements put in place/to be put in place to achieve the objective.</p> <p>These actions can be defined qualitatively ; the indicators will allow a quantitative definition if necessary.</p>	The number of actions is not limited but one action per line must be entered.
Indicators	Field defining the quantitative measure of the objective where applicable (if a measure is possible)	If necessary, indicators can be added, depending on the actions, by duplicating the lines.
Definition of the indicator	Descriptive elements to understand the indicator defined, and how it is calculated if applicable.	The indicators can be of different kinds (monitoring of actions carried out, performance, etc.)
Unit	Unit of the indicator	Prefer relative units, in %.

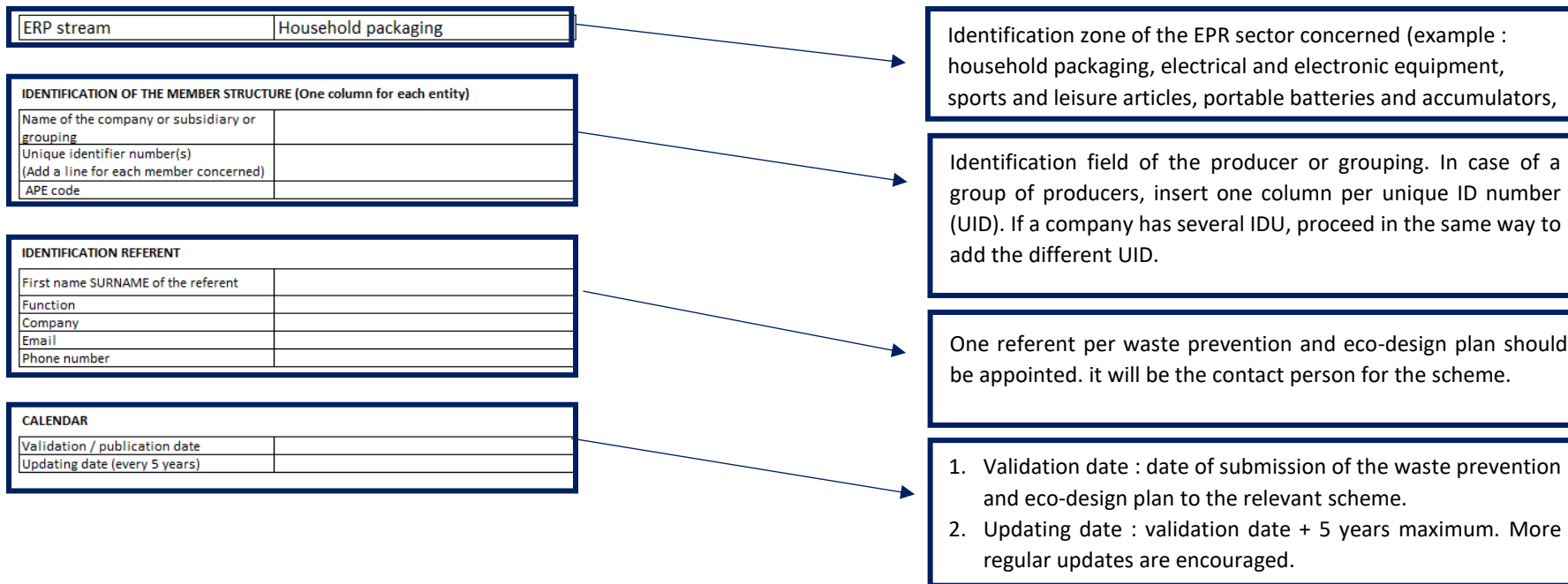
Current value/Target value	Measure associated with the indicator described above.	<p>These measures are quantitative so they are numbers, not words, even if they describe a quantity (a lot, most, some...)</p> <p>These numbers can be percentages or digits, depending on the unit indicated.</p>
Comments :	This field allows you to add any element necessary to understand the objective and the resulting actions.	<p>Context, historical values of the indicator, integration into the overall strategy, articulation of actions, geographical scope, maturity on the subject, level of priority, organisation associated with its implementation, etc.</p> <p>The shape or size of the comments is free. This column is therefore the development space of the waste prevention and eco-design plan</p>

3. PRESENTATION OF THE FRAME

The first part of the frame is used to identify the holder of the waste prevention and eco-design plan and its subsidiaries, and to monitor the plan over time.

WASTE PREVENTION AND ECODESIGN PLAN

to be transmitted to the eco-organizations within the framework of the application of article L. 541-10-12 of the environmental code (french regulation)

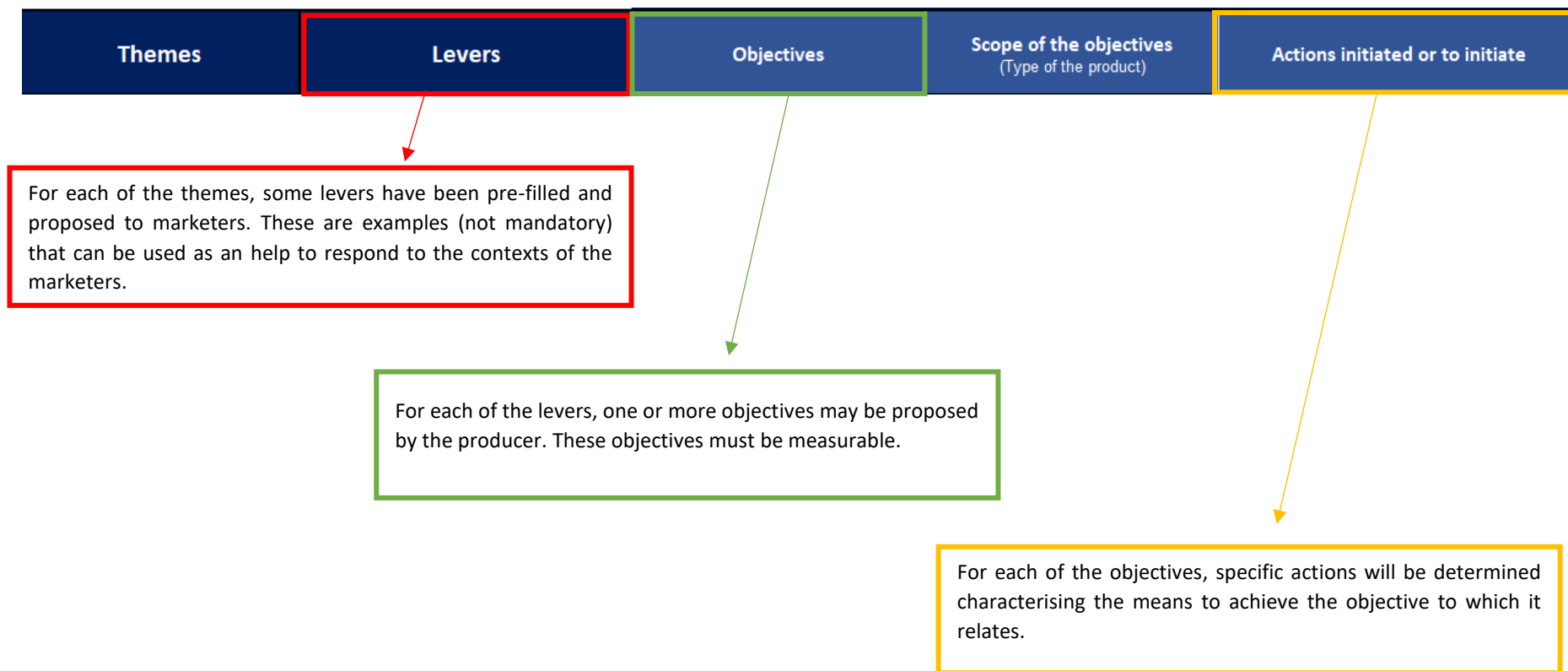


Then, the table forms the core of the prevention and eco-design plan. This part is divided into two blocks:

- An **obligatory block** responding to the themes imposed by the law, which are:
 - o Reduce the use of non-renewable resources ;
 - o Increase the use of recycled materials ;

- Increase the recyclability of products in processing facilities located on the national territory.
- An **optional block** allowing marketers/producers to identify new levers that do not respond to the themes below but can demonstrate the commitment to prevention and eco-design.

For each of the blocks, the member is asked to fill in different columns, defined above and also described below.



Quantitative elements in the case of a quantified indicator associated with an action or an objective										
Indicators (only if a measure is possible)	Definition of the indicator (and calculation method if applicable)	Unit (to precise)	Current value	Target value					Other deadlines	Comments (context, strategy, interprétation, geographical area, ...)
				2024	2025	2026	2027	2028		

Depending on the nature of the objective, a SMART indicator can be defined, such as : Specific, Measurable, Achievable, Realistic and Time-bound.

For each indicator, the method of assessing its progress and the associated unit will be specified.

4. FREQUENTLY ASKED QUESTIONS (FAQ)

The FAQ includes answers on :

- The producers involved,
- Sanctions,
- The modalities and timing of transmission,
- The results of previous plans,
- The languages,
- The obligations and freedoms to complete the themes, levers and indicators.

4.1 General

1. Who is **concerned** by the establishment of a waste prevention and ecodesign plan ?

Any producer meeting the requirements of Article L.541-10-1 of the code of the environment is concerned : manufacturers, importers, introducers, sellers under their own name or brand, sellers of online products.

Thus, distributors making declarations of placing on the market must also draw up a plan. This plan may include technical elements from the manufacturers, as well as elements relating to the organisation of the distributor (logistics, collection and/or take-back system, information system with suppliers, etc.).

2. Are there any **sanctions** for not submitting the plan?

Yes, there are. In accordance with the article L541-9-5 of the code of the environment, marketers who fail to comply with their legal obligation are liable to an administrative penalty (i.e. a fine of up to €1,500 per unit or per tonne of product concerned for a natural person and €7,500 for a legal person, and, where applicable, a daily penalty of up to €20,000 until the measures prescribed by the administrative decision concerned have been complied with).

Delays in submitting the plan are also sanctioned, according to the contractual obligations defined in the eco-organisation's membership contract.

3. If I am a member of several schemes, do I have **to draw up several prevention and eco-design plans** ?

Yes, you do have to make a plan for each stream. The AGEC law requires producers to draw up and implement a prevention and eco-design plan for the products they put on the market.

However, by using the common template provided by Ecologic, Leko, Screlec and Valdelia, you can have only one Excel file with a tab per stream and send it to each of the schemes to which you belong.

4. How do I **submit** my company's waste prevention and eco-design plan to the scheme?

The plan must be sent by e-mail to each of the schemes at the following addresses :

ppe@ecologic-france.com, ppe@leko-organisme.fr, ppe@screelec.fr, ecoconception@valdelia.org.

To simplify processing, it is strongly advised to give standard titles to your email and waste prevention and eco-design plan :

- **Email** : PEP – [Company/group name] – [Unique Identifier Number (UID)]
- **PEP in excel format** : PEP – [Company/group name] – [UID]

5. Can a member submit a plan based on **another frame** than the one proposed ?

Yes, he can. Members are free to use the frame of their choice to produce their waste prevention and eco-design plan. Thus, a producer of another EPR stream may use the frame proposed by the other scheme.

Nevertheless, it is strongly recommended to use the frame proposed by Ecologic, Leko, Screelec and Valdelia, in order to harmonise the plans in their structuring and composition and to facilitate the synthesis work.

6. Is it possible to establish a common plan **per trade union** ?

Yes, it is. You are invited to contact your trade unions/federations to find out how to proceed.

These possible joint plans can be carried out freely, provided that the identification of the grouping is notified in the frame via the unique identifier number of each structure.

5. Can this plan be **linked to a Corporate Social Responsibility (CSR) report or a 'sustainability report'** ?

Yes, it can. In principle, there may be common elements, it depends on the content of these reports. However, they cannot replace the waste prevention and eco-design plan, as their form, scope and objective do not meet the regulatory requirements. Particularly in relation to the three themes notified in the article of law.

7. Is the data shared under the plan **confidential** ?

Yes, it is. As with your declaration of placing on the market, the data transmitted to your scheme is covered by confidentiality and will be anonymised when writing the summary. The summary does not give individual figures or company names.

It is therefore not necessary for the plan to contain only public data and information.

8. What is the **deadline** for submitting our waste prevention and eco-design plan ?

The waste prevention and eco-design plan must be submitted to the scheme before **31/07/23**.

9. What **happens to the plans** after they are received by the scheme ?

All the plans received will be studied by the scheme, which will produce a summary that will be sent to the public authorities and published before 31/12/23. This summary will only present non-confidential aggregated data. It will be shared with the Stakeholder Committee set up by the scheme before being distributed.

10. How should the prevention and eco-design plan **be monitored over time**?

It is advisable to monitor the prevention and eco-design plan on a regular basis, particularly if indicators have been drawn up, requiring regular monitoring of progress, especially if intermediate values are to be achieved for each of the five years of the plan.

11. How **binding are the targets** set in the plans?

The targets and indicators for the next 5 years are commitments, but they have no legal value and cannot be subject to sanctions. They will be anonymised in the summary, so only the scheme will have access to the indicators and figures provided by a producer.

To define these elements, the approach is to specify the geographical perimeter (for example: "European Union"), and to apply the objectives and indicators to the French market by performing ratios.

12. Article L541-10-12 states that this plan must include an assessment of **the previous plan**. Is it **compulsorily required** ?

Yes it is, except for the first plan. Nevertheless, it is advisable from the first plan to establish the eco-design actions already underway or completed. The progress of ongoing actions can be specified in the 'current value' and 'target values' columns.

13. Does this waste prevention and eco-design plan have to be completed in **French** ?

No, it doesn't. The plan can also be completed in English. The frame and guide are also available in English.

The scheme's summary may be translated into English where appropriate, at the discretion of each scheme.

14. Where can I find the eco-design frameworks of **the different sectors**?

The schemes distribute this information and make the documents available on their respective websites and member areas.

15. How should **importers/distributors** deal with this frame ?

Distributors and importers have more limited access to information about product and packaging design and a variable ability to influence product/packaging design, which is highly dependent on the type of business relationship with their supplier.

It is accepted that the plan transmitted should take account of these constraints, that the objectives should be adapted to the company's capacity for action and information and that the actions and indicators should be adapted to the existing relationship with the suppliers.

For example, with regard to product design aspects, it is possible to indicate long-term objectives, without setting a precise date for achievement, giving directions for action. Similarly, with the actions and indicators, it is possible to focus on adapting the relationship with the supplier in order to obtain relevant information (substances present, share of recycled plastic, etc.) and/or to strengthen the company's ability to change the design of the imported or distributed product.

4.2 Frame

16. Does the waste prevention and eco-design plan only cover **the end-of-life of products** ?

No, it doesn't. Several of the proposed themes relate to the design and manufacture of the product. However, the structure of the EPR stream and the three mandatory themes suggest that more attention should be paid to the end-of-life of products placed on the market.

17. Is it possible to include **illustrative or supporting documents** in the prevention and eco-design plan ?

No, it is not possible to add other elements in the Excel template in order not to make the file too heavy. Additional documents can be attached alongside the plan if necessary.

18. Are there **specific elements** to be completed for prevention and eco-design plans ?

Yes, there are. The proposed frame contains 3 themes and levers. Objectives and actions are to be freely defined. These different elements of the frame, and how to fill them in, are described in this guide - part 'presentation of the frame'.

19. Do you have to fill in **all the themes, all the levers** ?

No, you don't have to fill in all the levers if your company does not plan to take action on them. Nevertheless, for the three compulsory themes, it is imperative that at least one lever is filled in. At least one objective must be associated with it, as well as an action undertaken or to be undertaken for this objective. Quantitative indicators are not mandatory.

/!\ The plans are commitments made by marketers/producers and reflect their involvement and ambitions in prevention and eco-design initiatives.

20. My identified levers are not all present in the frame ; can I **add some**? And if so, how?

The list of levers identified is normally sufficiently comprehensive to include all your issues, specifying the specifics in the objectives column so as to remain true to them.

If one of your issues does not seem to correspond to any of the levers, but relates to one of the three compulsory themes, it can be developed in "other tracks".

If one of the issues does not seem to fit any of the levers, and does not relate to one of the three compulsory themes, then you can add it in the "optional" part of the framework, by adding a line as in the example below.

OPTIONAL	Implementing tools related to eco-design and impact assessment
	Improve product efficiency
	Train/ Raise awareness/ Communicate
	Company organization
	My problematic

As a reminder, you should not delete lines corresponding to levers for which your company has not planned any action, but only leave them empty.

21. Do all my objectives have to be **linked** to an action and/or an indicator?

Yes, it does. The objectives must all be linked to an action defining the means to be implemented in a qualitative manner. In addition, the objectives can also be linked to quantitative indicators whose calculation methodology, unit and current value should be specified.

22. What if I have **several actions** relating to the same objective, but on different product scopes?
If I have the same action, but different product scopes?

The filling method should allow for only one piece of information per cell.

To do this, if necessary, the fill line can be duplicated, but without merging the cells. The other elements of the row should remain intact.

Levers	Qualitative elements		
	Objectives	Scope of the objectives (Type of the product)	Actions initiated or to initiate
Optimize manufacturing processes	Objective 1		Action 1.1
	Objective 2	Product A	Action 2.1
	Objective 2	Product B and C	Action 2.2
	Objective 3		Action 3.1

For several indicators related to the same objective, or for any other combination, proceed in a similar way.

23. What support is provided by the schemes to complete the plan? Are there any **examples available** of specific targets for the sectors?

The description of the themes and the definition of each column in the first chapter of the guide makes it possible to understand the hierarchy of the information to be given: a theme is broken down into levers to which objectives relate, translated into concrete actions and possibly monitored by quantitative indicators.

For objectives and actions, it is advisable to use verbs, or possibly nouns, in simple forms. For example, write 'Reduce the weight of the product', or 'Reduce the weight of the product', rather than phrases such as 'weight reduction where possible' or 'consideration is being given to reducing the weight of part of the XX range'.

Examples of targets per lever are provided by your schemes in the "examples of targets" tab, to inspire, facilitate pre-filling and harmonise the indicators. These examples can be expanded if necessary.

If you have a specific question that is not described in this guide, you are advised to contact your scheme directly at the following addresses : ppe@ecologic-france.com, ppe@leko-organisme.fr, ppe@screelec.fr, ecoconception@valdelia.org.