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WEEE COMPLIANCE IN FRANCE: A VISIBLE FEE

The French Decree 2005-829 of July 20, 2005, implementing the WEEE Directive 2002/96/EC, imposes an obligation to the producers and distributors of Electrical and Electronic Equipment (“EEE”) with regard to the invoicing relating to the sales of such products.

This obligation became effective on November 15, 2006. Producers now have to pay fees to the organizations authorized to carry out the recovery and treatment of EEE. The amount corresponding to the recycling of products put on the market before August 13, 2005 shall be mentioned to the purchasers of new EEE, until February 13, 2011 or February 13, 2013, depending on the category of the considered products.

As a consequence, there are two possible situations:

1. The EEE was put on the market before August 13, 2005

The waste of products put on the market before August 13, 2005 is called “*historical waste*”. For all historical waste, the producers have to pay fees to organizations managing end-of-life products.

The fees to be paid are determined by the organizations, depending on the product categories listed in the Decree. The unit cost of an EEE is indicated to the producers, who will pass it on to each subsequent purchaser, until it reaches the end consumer (the “*visible fee*”).

Before November 15, 2006, as the approval of the organizations was not effective, the producers did not have to pay fees to the recycling companies, and as a consequence were not able to inform the purchasers of the visible fee.

Since November 15, 2006, and until February 13, 2011 or February 13, 2013, depending on the considered product category, the producer shall mention the visible fee relating to the recycling of historical products in the invoice corresponding to each EEE sold.

2. The EEE was put on the market after August 13, 2005

After February 13, 2011 or February 13, 2013, depending on the considered product category, the producers will carry on paying fees to organizations managing end-of-life products, but such fees will not have to be “visible” anymore.

If you would like more guidance or details about the French regulations in this area, please contact us at newdevelopment@kahnlaw.com, or contact directly one of our partners (www.kahnlaw.com).

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