**Decree No 2020-1757 of 29 December 2020 on the repairability index of electrical and electronic equipment**

**Initial version**

Target groups: producers, importers, distributors or other suppliers of electrical and electronic equipment, sellers of this equipment, and those using a website, platform or any other online distribution channel as part of their commercial activity in France.
Subject: implementing rules of the repairability index defined in Article L541-9-2 of the Environmental Code.
Entry into force: the text shall enter into force on 1 January 2021.
Notice: this Decree defines the procedures for implementing Article L541-9-2 of the Environmental Code, which provides for the introduction of a repairability index for certain categories of electrical and electronic equipment. It shall specify in particular the criteria and parameters of the calculation used to establish this index, as well as the general framework of the obligations relating to its communication and display.
References: this Decree may be consulted on the Légifrance website (http://www.legifrance.gouv.fr).

The Prime Minister,

On the report of the Minister for the Ecological Transition and the Minister for the Economy, Finance and the Recovery,

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, last amended by Directive (EU) 2018/851 of 30 May 2018;

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; together with the Notification sent to the European Commission on 21 July 2020;

Having regard to the Environmental Code, in particular Article L541-9-2 thereof as amended by Article 16 of Law No 2020-105 of 10 February 2020 on the fight against waste and on the circular economy;

Having regard to Law No 2020-105 on the fight against waste and on the circular economy, in particular Articles 16, 29 and 130 thereof;

Having regard to the observations made during the public consultation carried out between 21 July 2020 and 17 August 2020, pursuant to Article L123-19-1 of the Environmental Code;

Having heard the Council of State (public works division),

Hereby decrees:

**Article 1**

Chapter I of Title IV of Book V of the regulatory part of the Environmental Code shall be supplemented by a section 9 reading as follows:

‘Section 9
‘Informing the public on waste-generating products

‘Subsection 1
‘Displaying the repairability index

‘Article R541-210. - The repairability index for electrical and electronic equipment defined in Article L541-9-2 consists of a score out of ten to be brought to the attention of consumers when purchasing new equipment.
‘This index relates to each of this equipment’s models.

‘Article R541-211. - For the purposes of this section the following definitions apply:
‘1. “Making available on the market”: any supply of electrical or electronic equipment intended to be distributed or used on the national market in the course of a commercial activity, whether against payment or free of charge;

‘2. “Placing on the market”: the first instance of the electrical or electronic equipment being made available on the national market;

‘3. “Importer”: any natural or legal person who places electrical or electronic equipment from Member States of the European Union or third countries on the national market;

‘4. “Seller”: any natural or legal person who, within the context of a commercial business, makes electrical or electronic equipment available to consumers on the market by selling, including remotely;

‘5. “Distance selling”: contract entered into remotely between a professional seller and a consumer, within the context of an organised sales system, without the simultaneous physical presence of the professional and the consumer, by the exclusive use of one or more distance communication techniques until the contract is concluded;

‘6. “Model”: a version of a piece of equipment, all of the units of which share the same relevant technical characteristics for the purposes of calculating the repairability index.

‘The other terms are understood in accordance with the provisions of Article R543-171-2, “producer” meaning “manufacturer” within the meaning of this Article.

‘Article R541-212. - I.- For the electrical or electronic equipment that they place on the market, producers or importers shall establish the repairability index as well as the parameters used to establish such in accordance with the procedures specified in the Order referred to in Article R541-214(III).
‘II. - For each of the equipment’s models that they place on the market, producers and importers shall inform distributors or sellers, free of charge and in a paperless format, at the time of listing and delivering the electrical and electronic equipment, of:
‘1. The repairability index in accordance with the conditions and the signs provided for by the Order referred to in Article R541-213(I);
‘2. The parameters which enabled the repairability index to be established, in accordance with the format provided for in the Order referred to in Article R541-213(I).
‘III. - Where the distributor and seller are not the same, the distributor shall inform the seller, free of charge and under the same conditions mentioned in II, of the index and the parameters of its calculation at the time of referencing and delivery of electrical and electronic equipment.
‘IV. - In addition, the index may be affixed directly to each equipment or to the packaging by labelling or marking, in accordance with the signs provided for in the Order referred to in Article R541-213(I).
‘V.- The information mentioned in II shall be communicated free of charge by producers and importers, within 15 days, to any person who requests such for a period of at least two years after the last unit of an equipment model is placed on the market.

‘Article R541-213. - I. - Where electrical or electronic equipment is offered for sale in stores, the seller shall visibly indicate, in accordance with the procedures and the signs prescribed by order of the Minister responsible for the environment and the economy, the repairability index provided by the producer or importer, on each piece of equipment proposed for sale, or in the immediate vicinity.
‘II. - Where electrical or electronic equipment is offered for sale at a distance, the seller shall display the repairability index visibly in the presentation of the equipment and in the vicinity of its price, in accordance with the terms and conditions laid down in the Order mentioned in I.
‘III. - The seller shall also make available to consumers the parameters which enabled the establishment of the repairability index of the equipment, by any appropriate process.

‘Article R541-214. - I. - The repairability index shall be calculated using the following parameters:
‘1° A score out of twenty relating to the period of availability of technical documentation, instructions for use and maintenance instructions to producers, repairers and consumers;

‘2° A score out of twenty relating to how easily the equipment may be disassembled construed as the number of disassembly steps required for individual access to the spare parts, and characteristics of the required tools and the fastenings between the spare parts;

‘3° A score out of twenty relating to the period of availability of the spare parts on the market and to the delivery times to producers, spare parts distributors, repairers and consumers;

‘4° A score out of twenty relating to the ratio between the price of the parts sold by the manufacturer or importer and the price of the equipment sold by the manufacturer or importer, calculated according to the methods provided for in the relevant Order;

‘5° A score out of twenty relating to criteria specific to the category of equipment in question.
‘II. - The repairability index is obtained by adding together the five scores obtained and then dividing this total by ten to give an overall score on a scale from 1 to 10.
‘III. - For each category of electrical and electronic equipment, an Order from the Minister for the Environment and the Minister of the Economy and Finance specifies all the criteria and sub-criteria, including the criteria specific to the category, and the methods for calculating the index.

**Article 2**

The provisions of this Decree shall enter into force on 1 January 2021.

**Article 3**

The Minister for the Ecological Transition and the Minister for the Economy, Finance and the 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.

Dated 29 December 2020.

Jean Castex
By the Prime Minister :

The Minister for the Ecological Transition,
Barbara Pompili

The Minister for the Economy, Finance and the Recovery,
Bruno Le Maire