



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2021/0030/F (France)

Decree on the conditions of use of the terms ‘reconditioned’ and ‘reconditioned product’

Date received : 21/01/2021

End of Standstill : 22/04/2021 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2021) 00232

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2021/0030/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidējimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202100232.EN)

1. MSG 002 IND 2021 0030 F EN 21-01-2021 F NOTIF

2. F

3A. Direction générale des entreprises

SQUALPI

Bât. Sieyès -Teledoc 151

61, Bd Vincent Auriol

75703 PARIS Cedex 13

d9834.france@finances.gouv.fr

3B. Ministère de l'économie, des finances et de la relance

DGCCRF

Télédoc 242

59, Bd Vincent Auriol

75703 PARIS -t

Bureau-3a@dgccrf.finances.gouv.fr - 01 44 97 30 43

4. 2021/0030/F - X00M

5. Decree on the conditions of use of the terms ‘reconditioned’ and ‘reconditioned product’

6. Reconditioned products

7. -

8. This Decree determines the conditions governing the application of Article L122-21-1 of the Consumer Code, which



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provides a legal framework for the use of the terms 'reconditioned' and 'reconditioned product'. As such, it reserves the use of these terms for second-hand products and specifies the conditions under which they may be used, with regard to the performance of tests and the requirement of one or more technical interventions, to ensure the safety and functionality of the product. The intervention(s) carried out on the product constitute an essential characteristic of the product. Furthermore, in order to prevent consumers from being misled as to the characteristics of a reconditioned product, this Decree prohibits any reference to a new product and reserves the use of the words 'reconditioned in France' for reconditioning operations that are carried out entirely on national territory. These rules also apply to spare parts.

9. This is the Implementing Decree for Article 37 of Law No 2020-105 of 10 February 2020 on the fight against waste and for the circular economy, provided for by this text. This Article leaves to a decree the task of establishing the conditions under which a professional can use the terms 'reconditioned' or 'reconditioned product'. This provision was introduced into law in order to protect the consumer from operators who offer reconditioned products without having performed the necessary tests to verify that the product is in working order and does not pose any safety problems. This consumer protection is all the more necessary as the market for reconditioned products is developing significantly, given that these products are less expensive than new products. The development of the market for reconditioned products, which protect the environment, must guarantee consumer rights. That is the purpose of the Decree.

10. Reference(s) to basic text(s): Law No 2020-105 of 10 February 2020 on the fight against waste and for the circular economy

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: grow-dir2015-1535-central@ec.europa.eu