V.19.03.2021

|  |  |  |
| --- | --- | --- |
| REPUBLIC OF FRANCE | | |
|  |  |  |
| Ministry for the Economy, Finance and Recovery | | |
|  |  |  |
|  |  |  |

Decree no. 2020-xxx of xxxx 2020

on the period of availability of spare parts for certain equipment referred to in Article L. 111-4 of the Consumer Code

NOR: ECOC2101006D

***Target audience:*** *manufacturers and importers of laptops and smartphones;*

***Subject:*** *to establish a list of categories of equipment (laptops and smartphones) and spare parts to be made available on the market for a minimum period of five years from the date the last unit of the equipment model concerned is placed on the market;*

***Entry into force:*** *1st January 2022;*

***Notice:*** *This Decree is issued for the application of Article L. 111-4 of the Consumer Code which requires producers (manufacturers and importers) of domestic appliances, small computer and telecommunications equipment, screens and monitors to make spare parts available for a period of not less than five years from the date the last unit of the model concerned is placed on the market. The provisions concerning the period of availability of parts for certain household appliances, screens and monitors are also laid down by Implementing Regulations for Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products.*

*Reference: This Decree may be consulted on the Légifrance website (*[***http://www.legifrance.gouv.fr***](http://www.legifrance.gouv.fr/)*).*

**The Prime Minister,**

Following the report of the Minister for the Economy, Finance and Recovery,

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;

Having regard to the Consumer Code, in particular Article L. 111-4, as amended by Article 19 of Law No 2020-105 of 10 February 2020 on the fight against waste and the circular economy;

Having regard to notification No 2021/XXX/F of XX 2021 addressed to the European Commission;

Having listened to the State Council (Finance Section),

Hereby decrees:

Article 1

After Article D. 111-4 of the Consumer Code two articles are inserted as follows:

“*Art. R. 111-4-1.* - I.- Manufacturers or importers of laptops shall ensure that the following spare parts are available at the latest after a period of two years following the placing on the national market of the first unit of the model of the laptop concerned and for a minimum period of five years from the date the last unit of the computer model concerned is placed on the national market:

“1 Motherboard;

“2 RAM;

“3 Fans;

“4 Heatsinks;

“5 Keyboard;

“6 Ports, connectors.

‘II.- The manufacturers or importers referred to in I shall ensure that the following spare parts are available at the time the first unit of the laptop model concerned is placed on the national market and for a minimum period of five years from the date the last unit of the laptop model concerned is placed on the national market:

“1 Mass memory component (HDD – SSD);

“2 Display device;

“3 Battery;

“4 Power connectors;

“5 Charger.

“For the purposes of this Article, a laptop is defined as a computer specially designed to be portable and to operate for a long period of time with or without a direct connection to an AC source. Laptops use an integrated screen with a visible diagonal of at least 22.86 cm (9 inches) and can operate on an integrated battery or other portable power source.

“The provisions of this Article do not apply to devices that include a touchscreen or computers that rely on a connection to remote computer resources to benefit from basic functionality and do not have disk storage media that form an integral part of the product.

“*Art. R. 111-4-2.* - I.- Manufacturers or importers of smartphones shall ensure that the following spare parts are available at the latest after a period of two years following the date the first unit of the smartphone concerned is placed on the national market and for a minimum period of five years from the date the last unit of the smartphone model concerned is placed on the national market:

“1 Charger connector;

“2 Connectors;

“3 Motherboard;

“4 Keys;

“5 Microphone.

“II.- Manufacturers or importers of smartphones referred to in I shall ensure that the following parts are available at the time of the placing on the national market of the first unit of a model and for a minimum period of five years from the date the last unit of the smartphone model concerned is placed on the national market:

“1 Display device;

“2 Battery;

“3 Front camera;

“4 Back camera;

“5 Charger.

Article 2

This Decree shall enter into force on 1 January 2020.

Article 3

The Minister for the Economy, Finance and Recovery and the Minister Delegate to the Minister for the Economy, Finance and Recovery, in charge of small and medium-sized enterprises, are responsible for the application of this Decree, which shall be published in the Official Journal of the Republic of France.

Done on:

By the Prime Minister,

The Minister for the Economy, Finance and

Recovery

Bruno LE MAIRE

Minister Delegate to the Minister for the Economy,

Finance and Recovery,

responsible for small and medium-sized enterprises,

Alain Griset