

## **Decree of 5 April 2024 on methods of display, signage and general parameters for calculating the durability index of electrical and electronic equipment**

NOR: TRED2335002A

ELI: <https://www.legifrance.gouv.fr/eli/arrete/2024/4/5/TRED2335002A/jo/texte>

JORF No 0082 of 7 April 2024

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Target audience: 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: methods of display, signage and general parameters for the calculation of the durability index. Entry into force: the text shall enter into force the day after its publication.

Notice: the Decree lays down the methods of display, signage and general parameters for the calculation of the durability index.

References: the Decree may be consulted on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Minister for the Economy, Finance and Industrial and Digital Sovereignty and the Minister for Ecological Transition and Territorial Cohesion;

Having regard to 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, as amended;

Having regard to the Environmental Code, in particular Article L. 541-9-2 thereof;

Having regard to Decree No 2024-316 of 5 April 2024 on the durability index for electrical and electronic equipment;

Having regard to the notification sent to the European Commission on 2 August 2023;

Having regard to the observations made during the public consultation carried out between 5 September and 13 October 2023, in accordance with Article L. 123-19-1 of the Environmental Code,

Hereby order:

### **Article 1**

This Decree applies to all equipment subject to the calculation and display of the durability index in accordance with the provisions of Articles R. 541-215 to R. 541-221 of the Environmental Code.

### **Article 2**

For all equipment referred to in Article 1, the durability index shall be presented in the form of a score between 0 and 10, which may have up to one decimal place.

If the number after the first decimal place is less than 5, the score is rounded down to the lower decimal.

If the number after the first decimal place is greater than or equal to 5, the score is rounded up to the higher decimal.

### Article 3

Depending on the score obtained, the following colour codes are used to display the index:

1. Score greater than or equal to 0 and less than or equal to 1.9: dark red, Pantone reference 7427 C;
2. Score greater than or equal to 2 and less than or equal to 3.9: red, Pantone reference 186 C;
3. Score greater than or equal to 4 and less than or equal to 5.9: orange, Pantone reference 1585 C;
4. Score greater than or equal to 6 and less than or equal to 7.9: yellow, Pantone reference 7548 C;
5. Score greater than or equal to 8 and less than or equal to 10: dark green, Pantone reference 347 C.

The mandatory signage for the display of the durability index is the graphic representation consisting of the words 'durability index' and the pictogram indicating the score of the index below it:

You can view the entire text with its images from the extract of the authenticated electronic Official Journal accessible at the bottom of the page

The font size of this graphical representation must be at least the same as the font size of the digits in the on-shelf price label. Any adjustment to the size of this signage must retain the proportions of the elements.

Where the index is also affixed directly to each model unit or to the packaging by means of labelling or marking, the size of the graphic representation shall be visible and legible.

### Article 4

The communication and making available of the table detailing the durability index score of each equipment shall be presented in accordance with the table below, in a non-modifiable numerical format, measuring 21 × 29.7 cm.

Criteria	Sub-criteria	Sub-criteria scores	Sub-criteria coefficients	Criteria scores	Criteria coefficients	Total criteria scores
A. Repairability	A.1. Documentation	■/10	2.5	■/10	4.5	■/100
	A.2. Disassembly capability	■/10	2.5			
	A.3. Availability of spare parts	■/10	2.5			

	A.4. Price of spare parts	■/10	2.5			
B. Reliability	B.1. Stress and/or wear resistance	■/10	5	■/10	4.5	
	B.2. Maintenance and servicing	■/10	4			
	B.3. Durability and quality process guarantee	■/10	1			
C. Improvement	C.1. Software improvement	■/10	7.5	■/10	1	
	C.2. Functionality improvement	■/10	2.5			
	Durability index score					■/10

For equipment categories that do not take into account the family of improvement criteria, the communication and making available of the table detailing the durability index score of each equipment shall be presented in accordance with the table below, in a non-modifiable numerical format, measuring 21 × 29.7 cm

Criteria	Sub-criteria	Sub-criteria scores	Sub-criteria coefficients	Criteria scores	Criteria coefficients	Total criteria scores
A. Repairability	A.1. Documentation	■/10	2.5	■/10	5	■/100
	A.2. Disassembly capability	■/10	2.5			
	A.3. Availability of spare parts	■/10	2.5			
	A.4. Price of spare parts	■/10	2.5			
B. Reliability	B.1. Stress and/or wear resistance	■/10	5	■/10	5	
	B.2. Maintenance and servicing	■/10	4			
	B.3. Durability and quality process guarantee	■/10	1			

	Durability index score	■/10
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The coefficients and weightings given in the tables above for the calculation of the durability index shall apply to all electrical and electronic equipment. The detailed calculation method applicable to each category of equipment shall be specified by order as mentioned in Article R. 541-218 of the Environmental Code.

#### **Article 5**

The detailed calculation method specific to each category of equipment shall be defined by order as mentioned in Article R. 541-218 of the Environmental Code, in accordance with the definitions set out in Annexes I, II and III.

#### **Article 6**

The provisions of this Order shall enter into force the day after its publication.

#### **Article 7**

This Order shall be published in the Official Journal of the French Republic.

#### **Annex**

##### ANNEXES

##### Annex I

Definitions applicable to the Annexes

(1) 'Lists of parts': Two parts lists are defined for each category of equipment:

list 2: list of a maximum of three to five spare parts (depending on the category of equipment in question) that most frequently break or break down;

list 1: list of a maximum of 10 other spare parts (depending on the category of equipment in question) that must be in good condition for the equipment to function.

These lists do not necessarily cover all the parts of the equipment.

(2) 'disassembly step': A step is an operation that results in the removal of a component or part or in a tool change. A component can include one or more parts.

Exception to this general definition may be permitted for practical or safety reasons. These exceptions are specified by order of the Minister for the Environment and the Minister for the Economy and Finance for each category of equipment.

Fasteners or connectors are defined as assembly, fastening or sealing techniques. Fastening or connecting elements are not considered to be parts.

(3) 'types of fasteners': A fastener may be characterised by its ability or not to be reusable or removable.

(4) 'removable and reusable fastener': Removable and reusable fastener means a system of original fasteners that can be completely removed without causing damage to the equipment or leaving residues and that can be reused.

(5) 'removable and non-reusable fastener': A removable and non-reusable fastener means a system of original fasteners that can be completely removed without causing damage or leaving residues, but cannot be reused.

(6) 'non-removable and non-reusable fastener': A non-removable and non-reusable fastener means a system of original fasteners that cannot be completely removed without causing damage to the equipment or leaving residues and that cannot be reused.

(7) 'Types of tools': a tool can be common, specific or proprietary.

(8) 'Common tool': a commercially available tool from the list set out in technical standard EN 45554.

(9) 'specific tool': A specific tool is defined as tools that are not included in the list of common tools, without being proprietary tools.

(10) 'proprietary tool': A proprietary tool is a tool whose intellectual property is owned by the producer or by a specific actor.

(11) 'usage meter': A usage meter means a device that cumulatively records the use of the equipment in number of units. The usage meter may be directly visible to the consumer each time the device is started up or may require the user to perform an action in order to see the usage meter value.

## **Annex**

### Annex II

#### Criteria family A – Repairability

The repairability family score is determined according to the criteria below.

Spare parts lists and sub-criteria are specified for each category concerned

Criterion No 1. - Documentation:

Sub-criterion 1.1. - Duration of availability of the technical documentation:

Determined by the producer's commitment to make technical documents available free of charge, in number of years, from authorised and independent repairers and consumers

Sub-criterion 1.2. - Consumer support for diagnosis and repair:

Determined by the producer's commitment to make specific documents available free of charge for the consumer to repair the equipment himself/herself and to set up free-of-charge remote assistance.

Criterion No 2. - Disassembly and access, tools, fasteners:

Sub-criterion 2.1. - Ease of disassembling the list 2 parts:

Determined by the number of disassembly steps allowing, for each part in List 2, to access that part individually and to separate it from the equipment, with a view to its replacement. There is therefore a link between the score of this sub-criterion and that of sub-criterion 3.1, in the event that a part cannot be disassembled; a score of zero for one of these sub-criteria has repercussions on the other.

Sub-criterion 2.2. - Tools required:

Determined by the type of tool required to disassemble each list 2 part, with the tools classed as either 'common', 'specific' or 'proprietary'.

Sub-criterion 2.3. - Fastener characteristics:

Determined, for each list 1 and 2 part, by the type of fastener used to attach them to the equipment's other parts, with the fasteners classed as either 'removable and reusable', 'removable and non-reusable' or 'non-removable and non-reusable'.

Criterion No 3. - Availability of spare parts:

Sub-criterion 3.1. - Period of availability of list 2 parts:

Determined by the producer's commitment to make the list 2 parts available to spare parts distributors, to approved and independent repairers, and to consumers. It is measured from the date that the last unit is placed on the market, in number of years.

Sub-criterion 3.2. - Period of availability of list 1 parts:

Determined by the producer's commitment to make the list 1 parts available to spare parts distributors, to approved and independent repairers, and to consumers. It is measured from the date that the last unit is placed on the market, in number of years.

Sub-criterion 3.3. - Delivery time for list 2 parts:

Determined by the producer's commitment to meet a delivery deadline for the supply of the list 2 parts to spare parts distributors, to approved and independent repairers, and to consumers. It is measured in number of working days from the day of the order.

Sub-criterion 3.4. - Delivery time for list 1 parts:

Determined by the producer's commitment to meet a delivery deadline for the supply of the list 1 parts to spare parts distributors, to approved and independent repairers, and to consumers. It is measured in number of working days from the day of the order.

Criterion No 4. - Price of spare parts:

Sub-criterion 4.1. - Ratio between the selling price of the parts by the producer or importer and the selling price of the equipment by the producer or importer:

The criterion is established by calculating the ratio between the 'parts\_price' and the 'equipment\_price'.

'parts\_price' is determined by the following calculation: the tax-free price of the most expensive part in list 2 is added to the average of the non-tax prices of the other parts in list 2. The whole is divided by 2

'equipment\_price' is determined by the tax-free price of the model of the equipment concerned.

Each price shall be understood as the tax-free price of the tariff schedule in force at the time of calculation of the index and included in the general conditions of sale of the producer or importer, or failing that in any relevant contractual document.

In the event that a manufacturer or importer has several price schedules for the parts or equipment in question according to its different categories of distributor or seller clients, the prices used to calculate the index are those of the schedule that represents the greater share of the manufacturer's or the importer's turnover for the parts or equipment in question during the last financial year. For equipment and parts newly placed on the market, in the case of multiple scales, the prices used shall be those of the lowest scale.

In the event that some of these parts are inseparable or in the event that the part in question is integrated into a module, which is the only one available, the price to be taken into account is the cumulative price of the parts or the price of the module.

Applicable calculation rules:

There is a link between the score of sub-criterion 2.1 and that of sub-criterion 3.1; in the event that a part cannot be disassembled, a score of zero for one of these sub-criteria has repercussions on the other.

There is also a link between the score of sub-criterion 2.1 and that of sub-criteria 2.2 and 2.3, in the event that a part cannot be disassembled, a score of zero for sub-criterion 2.1 has repercussions on the other.

There is a link between the score of sub-criterion 3.1 and that of sub-criterion 3.3; where the part is not available, sub-criterion 3.1 is allocated a score of zero. This score has repercussions on other criteria. This link also applies between sub-criteria 3.2 and 3.4.

If a list 2 part is considered non-removable in criterion 2.1, then the score obtained in criterion 4 is 0. In the event that the non-removable list 2 part under sub-criterion 2.1 is part of a subset of non-removable parts available for sale, then the calculation of criterion 4 is made by taking the price of that sub-assembly as the price of the part concerned.

## **Annex**

### Annex III

#### Criteria family B - Reliability

Reliability is understood as the probability that equipment will operate, in accordance with the intended use and description of the seller, under specified conditions over a given period of time, without breaking down or being damaged.

The score of the reliability criteria family shall be determined according to the following criteria.

Criterion No 1. - Stress and/or wear resistance:

Determined by the ability of the equipment or main subparts of the equipment to be robust and durable. Depending on the categories of equipment, the criterion may refer to one or more ageing tests at the level of the equipment or main sub-parts of the equipment, or to sub-criteria relating to resistance to external stresses, or to sub-criteria relating to the wear resistance of the equipment or main parts of the equipment.

Criterion No 2. - Maintenance and servicing:

Sub-criterion 2.1. - Maintenance (including software):

Determined by the possibility of the equipment or main sub-parts of the equipment to be maintained in a functional condition that agrees with the expected use and description of the seller.

Sub-criterion 2.2. - Servicing:

Determined by the possibility of the equipment or main sub-parts of the equipment to be serviced in a functional condition that agrees with the expected use and description of the seller. Depending on the categories of equipment, this includes the ease of access to information on servicing actions, the quality and level of detail of the information on servicing actions or the ease of carrying out servicing actions.

Criterion No 3. - Durability and quality approach guarantee:

Sub-criterion 3.1. - Duration of the commercial durability guarantee:

Determined by the consent of the producer, or other marketer, to the consumer of a commercial durability as guarantee defined in Article L. 217-23 of the Consumer Code, for a given period and without any expense.

Additional conditions for the allocation of points in this sub-criterion may be defined for each category of equipment.

Sub-criterion 3.2. - Implementation of a continuous improvement process:

Determined by a commitment on the part of the producer or other marketer to set up a documented and demonstrable continuous improvement process over the period of the placing on the market of the equipment model concerned to increase the durability of the equipment concerned.

The improvement process must involve at least the identification, monitoring and treatment of any malfunctions in the operation that go against the expected use and description of the seller of the equipment of the model concerned.

## **Annex**

### Annex IV

#### Criteria family C - Improvement

The criteria family for improving equipment concerns certain product categories.

Improvement means the ability of an equipment to be subject to improvements in terms of the capabilities or performance of the equipment, its functionalities, or the development of new functionalities in compliance with the intended use and description of the equipment vendor of the model concerned.

Where appropriate, the score of the improvement/scalability criteria family should be determined according to the following criteria.

Criterion No 1. - Software improvement:

Determined by a commitment on the part of the producer, or other marketer, to provide improvements of a software nature in order to improve the capabilities and performance of the equipment, an existing functionality or to develop another functionality, while ensuring functionality that complies with the expected use and description of the seller of the equipment of the model concerned.

Criterion No 2. - Hardware improvement:

Determined by a commitment on the part of the producer, or other marketer, to provide improvements of a hardware nature in order to improve the capabilities and performance of the equipment, an existing functionality or to develop another functionality, while ensuring functionality that complies with the expected use and description of the seller of the equipment of the model concerned.

Where necessary, the hardware improvement also includes one or more software improvements specific to its integration.

Done on 5 April 2024.

The Minister for Ecological Transition and Territorial Cohesion,

For and on behalf of the Minister:

Commissioner-General for Sustainable Development

T. Lesueur

The Minister for the Economy, Finance and Industrial and Digital Sovereignty,

For and on behalf of the Minister:

The Director-General  
for Competition, Consumer Affairs  
and Prevention of Fraud,

S. Lacoche