**Decree No 2022-190 of 17 February 2022 on the conditions of use of the terms ‘reconditioned’ and ‘reconditioned product’**

NOR: ECOC2114295D
ELI: https://www.legifrance.gouv.fr/eli/decret/2022/2/17/ECOC2114295D/jo/texte
Alias: https://www.legifrance.gouv.fr/eli/decret/2022/2/17/2022-190/jo/texte
JORF No 0041 of 18 February 2022
Text No 2

Groups concerned: sellers of products placed on the market, including when offered for sale using an online interface.
Purpose: conditions of use of the terms ‘reconditioned’ and ‘reconditioned product’.
Entry into force: the Decree shall enter into force on 1 January 2022.
Notice: This Decree determines the conditions governing the application of Article L122-21-1 of the Consumer Code, which 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. 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.
Reference: the Decree may be consulted on the Légifrance website (https://www.legifrance.gouv.fr).

The Prime Minister,
On the basis of the report by 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 Commercial Code, in particular Article L. 321-1 thereof;
Having regard to the Consumer Code, in particular Article L. 122-21-1 thereof;
Having regard to the opinion of the French Data Protection Authority (CNIL) dated 22 July 2021;
Having regard to notification No 2021/0030/F sent to the European Commission on 21 January 2021 and the latter’s reply of 22 April 2021;
Having heard the Council of State (Finance Section),
Hereby decrees:

**Article 1**

Book I, Title II, Chapter II of the Consumer Code is amended as follows:
1. The Single Section becomes Section 1;
2. It is supplemented by a Section 2 worded as follows:

‘ Section 2
‘Use of the terms ‘reconditioned’ and ‘reconditioned product’

‘ Article R. 122-4 - A used product or spare part, within the meaning of Article L. 321-1 of the Commercial Code, may be considered a ‘reconditioned product’ or be accompanied by the term ‘reconditioned’ provided that the following conditions are met:
‘ 1. The product or spare part must have undergone tests covering all its functionalities in order to establish that it meets the legal safety obligations and is suitable to be used in the way the consumer would legitimately expect;
‘ 2. Where appropriate, the product or spare part must have undergone one or more interventions to restore its functionalities. This intervention includes the deletion of all data recorded or stored in connection with a previous use or user, before the product or part changes ownership.

‘ Article R. 122-5 - The expressions ‘new condition’, ‘like new’, ‘refurbished’ or any equivalent term must not be used for a product or spare part considered to be a ‘reconditioned product’ or accompanied by the term ‘reconditioned’.

‘ Article R. 122-6 - The use of the term ‘reconditioned in France’ is reserved for the operations mentioned in Article R122-4 that are carried out entirely on national territory.’

**Article 2**

This Decree shall enter into force on 1 January 2022.

**Article 3**

The Minister for the Economy, Finance and the Recovery shall be responsible for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Signed on 17 February 2022.

Jean Castex
By the Prime Minister:

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