

17 MARCH 2024. - Law on promoting the repairability and durability of goods (1)

CHAPTER I

Introductory provisions

Article 1

This law governs a subject referred to in Article 74 of the Constitution.

Article 2

For the application of this Law, the following definitions apply:

- 1) repairability score: a score calculated in accordance with Article 4 of this Law assessing the feasibility of dismantling and repairing a good
- 2) durability score: a score calculated in accordance with Article 5 of this Law assessing the feasibility of dismantling and repairing a good as well as its robustness and reliability;
- 3) technical standard: a standard relating to the technical characteristics of a good enabling the score of each criterion to be calculated;
- 4) maintenance manual: an educational document, designed to explain and facilitate the maintenance of the good;
- 5) repair manual: an educational document, designed to explain and facilitate the repair of the good;
- 6) reliability of the good: expresses the likelihood that a good will perform its planned functions over a given period of time;
- 7) robustness of the good: expresses the strength and resistance of a good;
- 8) placing on the market: the first making available on the national market of a good for distribution or use, whether in return for payment or free of charge, irrespective of the selling technique used;
- 9) importer: any natural or legal person who places a good from Member States of the European Union or from third countries on the national market;
- 10) manufacturer: any natural or legal person who manufactures a good or has a good designed or manufactured and markets it under their name or trademark;
- 11) seller: any natural or legal person who, in the course of a commercial activity, makes available on the market by selling goods, including remotely, to consumers;
- 12) distance selling: a 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;
- 13) distributor: any professional in the marketing chain or service provision chain whose activity does not affect the safety characteristics of the product within the meaning of Article I.10. (9) of the Code of Economic Law;
- 14) persons responsible for placing on the market: manufacturers, importers, distributors and sellers of the goods covered by the repairability and durability score;
- 15) goods: movable tangible goods in accordance with Article I.1(6) of the Code of Economic Law.

CHAPTER II

General provisions

Article 3

§ 1. The purpose of this Law is to provide as many members of the public as possible with reliable information on the repairability, lifespan and repair options of goods with a view to limiting the environmental impact of such goods.

§ 2. The goods covered by this Law refer only to goods placed on the market for the first time. Second-hand goods are excluded from the scope of this Law.

CHAPTER III

Repairability score

Article 4

§ 1. A repairability score shall be established for the goods referred to in Article 4(2), calculated on the basis of the following criteria:

1) a score out of twenty relating to the period of availability of technical documentation, instructions for use and maintenance instructions to manufacturers, repairers and consumers;

2) a score out of twenty relating to the possibility of dismantling the good, such as the number of dismantling steps for uniform access to spare parts, as well as the characteristics of the tools needed and the connections between these spare parts;

3) a score out of twenty relating to periods of availability on the market for spare parts and delivery times to manufacturers, importers, spare part distributors, repairers and consumers;

4) a score out of twenty relating to the relationship between the selling price of spare parts by the manufacturer or importer and the price of the equipment sold by the manufacturer or importer, calculated in accordance with the procedures laid down by Royal Decree. Prices refer to the price at the time the score is calculated;

5) a score out of twenty relating to criteria specific to the category of goods concerned.

The repairability score is obtained by adding together the five scores obtained and then dividing this total by 10 to give an overall score on a scale from 1 to 10.

§ 2. The King shall lay down by decree deliberated in the Council of Ministers the list of goods covered by the repairability score and, by category of good, the technical standards for determining the scores for each of the above criteria. He shall also determine the method of calculating the overall repairability score.

§ 3. The King shall determine by Royal Decree the methods of communication of the repairability score as well as the format in which it is to be communicated. He also defines accessibility to technical standards and the calculation of the score.

CHAPTER IV

Durability score

Article 5

§ 1. A durability score shall be created, which supplements or replaces the repairability score referred to in Article 4 for the goods referred to in Article 5(2), calculated on the basis of the reliability and robustness specific to each category of goods.

§ 2. The King shall lay down by decree deliberated in the Council of Ministers the list of goods covered by the durability score and the technical standards for establishing the score and the method of calculating the score.

§ 3. The King shall lay down by Royal Decree the methods of communication of the durability score as well as the format in which it is to be communicated. He shall also define accessibility to technical standards and the calculation of the score.

CHAPTER V

Data processing

Article 6

The Federal Public Service for Public Health, Safety of the Food Chain and the Environment shall be the only public service competent and responsible for the processing of personal data within the framework of Articles 7, 8, 9 and 10 of this Law. The data processed are the first names and surnames of the representatives of the companies or natural persons in order to enable the officials referred to in Article 8(1) to contact them in the context of the checks referred to in Article 8(2).

The maximum storage period for personal data to be processed is five years.

CHAPTER VI

Responsibility

Article 7

§ 1. A person who, as a manufacturer or importer, places goods referred to in Articles 4(2) and 5(2) on the market for the first time must calculate their reparability or durability score and communicate it to the sellers of those goods in accordance with Articles 4 and 5.

§ 2. Sellers and distributors of the goods referred to in Articles 4(2) and 5(2) of this Law shall communicate to the consumer the reparability score or the durability score, as communicated by manufacturers or importers.

They may not be held responsible for the accuracy of the information made available to them in accordance with Article 7(1). They shall not be liable if the information provided in Article 7(1) is not made available to them.

CHAPTER VII

Supervision and penalties

Article 8

§ 1. Without prejudice to the responsibilities of criminal police officers, the statutory or contract staff members of the Federal Public Service for Public Health, Safety of the Food Chain and the Environment, appointed for this purpose by the King, shall monitor compliance with the provisions of this Law and its implementing decrees.

The contract staff members shall take an oath in front of the Minister in charge of the Environment or his/her delegate before assuming their duties.

§ 2. The King shall determine the technical provisions relating to checks, in particular in the context of the inspection of goods sold online, including the procedural arrangements for administrative fines.

Article 9

§ 1. In the event of an infringement committed by one of the persons referred to in Article 7(2), the statutory or contract staff members designated by the King under Article 8 shall send the report establishing the infringement to the official in charge of the Legal and Litigation Service of the Federal Public Service for Public Health, Safety of the Food Chain and the Environment.

The official in charge may propose to the offender an administrative fine, after giving the person concerned the opportunity to present his means of defence.

If a proposal for an administrative fine has been made, a copy of the report shall be sent to the public prosecutor for information purposes.

§ 2. In the event of an infringement committed by one of the persons referred to in Article 7(1), the statutory or contract staff members designated by the King under Article 8 shall send the report establishing the infringement to the public prosecutor and a copy of this report to the official in charge of the Legal and Litigation Service of the Federal Public Service for Public Health, Safety of the

Food Chain and the Environment.

The public prosecutor shall decide whether or not to sue criminally. Criminal proceedings exclude the application of an administrative fine, even if an acquittal closes them.

The public prosecutor has three months from the day of receipt of the report to notify their decision to the official in charge of the Legal and Litigation Service of the Federal Public Service for Public Health, Safety of the Food Chain and the Environment.

Article 10

§ 1. Failure to comply with the obligations laid down in Article 7 and failure to comply with the technical standards and implementing rules laid down in the decrees adopted pursuant to Article 4(2) and (3), and Article 5(2) and (3), shall constitute an infringement and shall be punishable by an administrative fine of EUR 100 to EUR 15 000.

§ 2. The surcharges referred to in Article 1, paragraph 1, of the Law of 5 March 1952 on surcharges on criminal fines shall also apply to the administrative fines referred to in paragraph 1 of this Article.

§ 3. The management and issuance of administrative fines are the responsibility of the Legal Service of the Federal Public Service for Public Health, Safety of the Food Chain and the Environment.

§ 4. Administrative fines collected following the reports drawn up by the departments referred to in Article 8(1) shall be paid to the Budget Fund for Raw Materials and Goods.

CHAPTER VIII

Belgian consultation and knowledge platform

Article 11

§ 1. A Belgian consultation and knowledge platform shall be created to promote the exchange of knowledge and the dissemination of information for repairing and extending the lifespan of goods.

§ 2. The platform shall consist of at least manufacturers, importers, distributors, sellers and repairers of goods, knowledge centres, consumer organisations, employers' organisations, workers' organisations, environmental organisations and federal authorities. Regional authorities are invited to participate in the platform.

§ 3. The King shall determine how the platform operates.

CHAPTER IX

Final provisions

Article 12

Every six months from the date of entry into force of the Royal Decree determining the goods covered by the repairability or durability score, the platform referred to in Article 11 shall submit to the Ministers or State Secretaries responsible for the environment, the economy and consumer protection a report on the development of technical standards, calculation methods and pictograms contained in the decrees adopted pursuant to this Law and on any necessary amendments.

Article 13

On a quarterly basis, ongoing work on information requirements on the repairability of goods, as well as their reliability and robustness, both at the level of other Member States and at EU level as a whole, shall be assessed.

The King shall designate the person or department responsible for this assessment and shall lay down the arrangements for it.

Article 14

§ 1. This Law shall enter into force 12 months after the date of its publication in the *Moniteur belge*, without prejudice to paragraphs

2 and 3.

§ 2. As regards the importer referred to in Article 2(9) and the manufacturer referred to in Article 2(10), the provisions relating to the system of checks and penalties in Chapter VII shall enter into force:

1) 24 months after the date of publication in the *Moniteur belge*, for natural persons, small enterprises as defined in Article 1:24 and micro-enterprises as defined in Article 1:25 of the Companies and Associations Code;

2) 18 months after the date of publication in the *Moniteur belge*, for other companies.

§ 3. As regards the seller referred to in Article 2(11) and the distributor referred to in Article 2(13), the provisions on the system of checks and penalties in Chapter VII shall enter into force 30 months after the date of publication in the *Moniteur belge*.

ADOPTED BY THE HOUSE OF REPRESENTATIVES,

Brussels, 8 February 2024

The Speaker of the House of Representatives,

The Registrar of the House of Representatives,

WE PROMULGATE THIS ACT, ORDER IT TO BEAR THE SEAL OF THE STATE AND TO BE PUBLISHED BY THE *MONITEUR BELGE*.

ISSUED

BY THE KING:

The Minister for the Economy,

The Minister for Justice and the North Sea,

The Minister for the Environment,

The Secretary of State for Consumer Protection,

Seal of the State:

The Minister for Justice,

Note

(1) House of Representatives

(www.lachambre.be)

Documents: 55-3766(2023-2024)

Full report: 8 February 2024