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| FRENCH REPUBLIC | | |
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| Ministry of the Economy, Finance and the Recovery | | |
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Decree No 2020-... of ... 2020

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

NOR: […]

***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:***

***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. 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;*

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

**The Prime Minister,**

On the report of the Minister for the Economy, Finance and the Recovery;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation);

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 (codified text), and in particular Notification No year/XXX/F;

Having regard to the Commercial Code, in particular Article L321-1 thereof;

Having regard to the Consumer Code, in particular Article L122-21-1, as amended by Article 37 of Law No 2020-105 of 10 February 2020 on the fight against waste and on the circular economy;

Having regard to Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties, as amended;

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 R122-4* - A product or spare part may be considered a ‘reconditioned product’ or be accompanied by the term ‘reconditioned’ provided that all of the following conditions are met:

1. It must be a second-hand product or spare part, within the meaning of Article L321-1 of the Commercial Code, having 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, as well as, if necessary, one or more interventions in order to restore its functionalities;

2. Whenever necessary, the intervention(s) specified in the previous subparagraph shall include the deletion of all personal data recorded or stored in connection with a previous use or a previous user in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and of Law No 78-17 of 6 January 1978 on data processing, data files and individual liberties, in particular with regard to the right to the recovery and portability of personal data.

It is up to the professional proposing the sale of a product or a spare part deemed to be a ‘reconditioned product’ or accompanied by the term ‘reconditioned’ to prove that the operations provided for in the previous subparagraphs have been carried out.

*Article R122-5* - The intervention(s) carried out on the product or spare part justifying the use of the terms ‘reconditioned product’ or ‘reconditioned’ or ‘reconditioned in France’ shall constitute an essential characteristic of said product or spare part.

*Article R122-6* - 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 R122-7* - 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 April 2021.

**Article 3**

The Minister for the Ecological Transition and the Minister for the Economy, Finance and the Recovery shall be responsible, within the scope of their respective competences, for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.

Done on:

By the Prime Minister,

Minister for the Ecological Transition

Barbara Pompili

Minister for the Economy, Finance and the Recovery

Bruno Le Maire