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| **FRENCH REPUBLIC** |
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| Ministry of the Ecological Transition Ministry of the Economy and Finance |
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**Decree No 2020-xxx of xx xxx 2020
on the repairability index of electrical and electronic equipment**

Reference number:

***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:*** *implementing rules of the repairability index defined in Article L. 541-9-2 of the French Environmental Code.*

***Entry into force:*** *the text shall enter into force on 1 January 2021.*

***Notice:*** *this Decree defines the implementing rules of Article L. 541-9-2 of the Environmental Code, which provides for the introduction of a repairability index for certain categories of electrical and electronic equipment. It specifies in particular the criteria and the calculation method used to establish this index. Producers and importers of the equipment concerned shall communicate the repairability index and its calculation parameters free of charge to distributors and to any person who requests it. Distributors, including distance sellers, shall inform the consumer of the index repairability of the equipment concerned free of charge, at the time of purchase, by marking, labelling, displaying, or using any other appropriate process.*

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

**The Prime Minister,**

The Minister for the Ecological Transition and the Minister for the Economy and Finance,

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as amended;

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 its introductory Article in the version resulting from Law No 2017-203 of 21 February 2017 ratifying Ordinances No 2016-301 of 14 March 2016 and No 2016-351 of 25 March 2016;

Having regard to the Environmental Code, in particular Article L. 541-9-2 in the version resulting from Article 16 of Law No 2020-105 of 10 February 2020 on the fight against waste and on the circular economy;

Having regard to Notification No XXXX/XXXX/X submitted to the European Commission in accordance with Directive (EU) 2015/1535;

Having heard the Council of State (public works division),

**Hereby decrees:**

**Article 1**

In Title IV of Book V of the regulatory section of the Environmental Code, a Chapter IV and a Section 1 are inserted, worded as follows:

‘Chapter IV

‘Information for the public on waste-generating products

‘Section 1

‘Displaying the repairability index

‘Article R. 544-1.- The repairability index for electrical or electronic equipment defined in Article L. 541-9-2 of the Environmental Code consists of a score out of 10 to be brought to the attention of consumers when purchasing new equipment.

‘This index relates to each model of this equipment.

‘Article R. 544-2.- For the purpose of this Decree, the terms are defined as follows:

‘1. “Making available on the market”: any supply, within the context of a commercial business, of electrical or electronic equipment intended for distribution or use on the national market, for consideration or free of charge;

‘2. “Placing on the market”: the first instance of the electrical or electronic equipment being made available on the national market;

‘3. “Producer”: any natural or legal person who manufactures a piece of electrical or electronic equipment or has such equipment designed and markets it under their own name or trademark;

‘4. “Importer”: any natural or legal person who places electrical or electronic equipment from Member States of the European Union or third countries on the national market;

‘5. “Distributor”: any natural or legal person in the supply chain, other than the producer or the importer, who offers electrical or electronic equipment for sale on the national market;

‘6. “Seller ": any natural or legal person who, within the context of a commercial business, makes electrical or electronic equipment available to consumers on the market by selling, including remotely;

‘7. “Distance selling”: 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 entered into;

‘8. “Model”: a version of a piece of equipment, all of the units of which share the same relevant technical characteristics for the purposes of calculating the repairability index.

‘Article 544-3.-

‘I.- For the electrical or electronic equipment that they place on the market, producers or importers establish the repairability index as well as the parameters used to establish it in accordance with the procedures specified in the relevant Order.

‘II.- For each model of equipment that they place on the market, producers and importers inform distributors or sellers, free of charge and in a paperless format, at the time of listing and delivering the electrical and electronic equipment, of:

‘a) the repairability index according to the methods and signage provided for in the relevant Order.

‘b) the parameters used to establish the repairability index, according to the format provided for in the relevant Order.

‘III.- When the distributor and seller are not the same, the distributor informs the seller, free of charge and under the same conditions mentioned in a) and b), at the time of listing and delivering the electrical and electronic equipment, of the index and its calculation parameters.

‘IV.- The index may also be affixed directly to each model unit or to the packaging using a label or marking, in accordance with the signage rules provided for in the relevant Order.

‘V.- The information mentioned in paragraph 2 is communicated free of charge by producers and importers, within 15 days, to any person who requests it for a period of at least two years after the last unit of an equipment model is placed on the market.

‘Article 544-4.-

‘I.- When the electrical or electronic equipment is offered for sale in shops, the seller displays the repairability index supplied by the producer or importer in a visible manner on the equipment being offered for sale, or in the immediate vicinity of this equipment, according to the methods and the signage provided for in the relevant Order.

‘II.- When the electrical or electronic equipment is offered for sale in the context of distance selling, the seller displays the repairability index in a visible manner within the presentation of the equipment and close to the price, according to the terms and signage provided for in the relevant Order.

‘III.- The seller also makes available to consumers the parameters used to establish the equipment's repairability index, according to the format provided for in the relevant Order, through any appropriate process.

‘Article 544-5.- The repairability index and the parameters used to establish it are made available to the consumer by the producers or importers for a period of at least two years after the last unit of a model of the equipment in question has been placed on the market.

‘Article 544-6.-

‘I-. The repairability index is calculated using the following parameters:

‘a) A score out of 20 relating to the period of availability of technical documentation, instructions for use and maintenance instructions to producers, repairers and consumers;

‘b) A score out of 20 relating to how easily the equipment may be disassembled: number of disassembly steps required for individual access to the spare parts, and characteristics of the required tools and the fastenings between the spare parts;

‘c) A score out of 20 relating to the period of availability of the spare parts on the market and to the delivery times to producers, spare parts distributors, repairers and consumers;

‘d) A score out of 20 relating to the ratio between the price of the parts sold by the manufacturer or importer and the price of the equipment sold by the manufacturer or importer, calculated according to the methods provided for in the relevant Order.

‘e) A score out of 20 relating to criteria specific to the category of equipment in question.

‘II-. The repairability index 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.

 ‘III-. For each category of electrical and electronic equipment, an Order from the Minister for the Environment and the Minister for the Economy and Finance specifies all the criteria and sub-criteria, including the criteria specific to the category, and the methods for calculating the index.

‘Article 544-7.- From 1 January 2024, a durability index supplements or replaces the repairability index for certain categories of equipment by including new criteria, in particular the reliability and robustness of the equipment.’

**Article 2**

The provisions of this Decree shall enter into force on 1 January 2021.

**Article 3**

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

Done on xx xx 2020

By the Prime Minister:

Jean Castex

The Minister for the Ecological Transition

Barbara Pompili

The Minister for the Economy and Finance,

Bruno Le Maire