

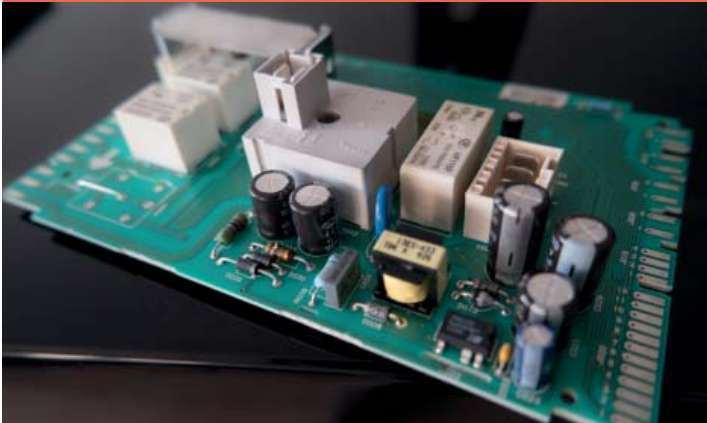
# ACCELERATING THE TRANSITION TO CIRCULAR CONSUMPTION MODELS: the example of the AGEC law in France

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Laetitia Vasseur is co-founder and general delegate of the association HOP / *Halte à l'obsolescence programmée* and Adèle Chasson, formerly in charge of public affairs. HOP aims to bring citizens together to influence laws and manufacturers towards more sustainable and repairable products.

The NGO HOP contributed to drafting the AGEC act (Anti-Gaspillage et Economie Circulaire) [Anti-Waste and Circular Economy] adopted by the French parliament in early 2020. HOP was an active member of the working groups that prepared sections of the new law dealing with reparability and extending the working life of electrical and electronic products. Working with government, manufacturers, retailers and repair specialists, organizations like HOP worked to represent consumers' interests, helping to ensure the adoption of a reparability index that will help consumers understand the extent to which certain categories of products can be repaired.

The process that ultimately led to the AGEC law also led to the establishment of a repair fund intended to lower the ultimate repair cost paid by consumers. These mechanisms should help to shift people's thinking. It is hoped they will also encourage manufacturers and retailers to improve their practices so that they offer products that are easier to repair and last longer. They may also encourage consumers to choose products that are more respectful of the environment.

## What are HOP's main missions and activities?

Laetitia Vasseur and Adèle Chasson: HOP was founded in 2015 to unify citizens, influence policymaking and encourage manufacturers to make products that are easier to repair and last longer. It represents a community of 40,000 people and its day-to-day activities are run by a 20-strong team of volunteers.

Our work covers three primary areas.

- Raising awareness in the general public through activities such as conferences and studies designed to allow people to learn more about planned obsolescence (defined in article L.213-4-1 of the French consumer code as “any technique by which a provider seeks deliberately to reduce the lifetime of a product in order to increase the rate of replacement”) and the solutions that exist for extending the life of products. We also run an internet platform, at [www.produitsdurables.fr](http://www.produitsdurables.fr), that offers French consumers advice about keeping their products working for longer and ranks products according to their longevity.
- Our lobbying activities seek to guide and influence policymakers in the drafting of new laws. Specifically, we contributed to implementation of the Anti-Waste and Circular Economy law (AGEC).
- The final pillar of our activities focuses on the Business Durability Club we have set up to encourage member companies to share best practices so they can offer products that are more durable.

## Before the AGEC law was finally enacted in January 2020, working groups were established, made up of members from a wide variety of horizons, including retailers, manufacturers, repair specialists, NGOs and public bodies. How did the consultation process function?

LV and AC: In reality it began prior to 2018, with one of the main early achievements being the government's publication, in April 2018, of its roadmap for the circular economy. This law is the fruit of an extensive process of prior consultation between the various interested parties. Working groups with a special focus on the reparability index were set up following the measures announced in the roadmap, with sub-groups for each product category (washing machine, TV, laptop computer and electric lawnmower). The consultation process gave us a chance to think about the reparability criteria to include in the index, which we hope to extend to include other families of products. Specifically, we want to see it extended to include printers and small household appliances.

This was a true collective effort that involved lots of hearings with stakeholders at the national assembly and the ministry for ecological transition, including NGOs like us, even though we do not have the same resources as some industrial lobbyists. However, we certainly made an impact because our work inspired over 50 amendments that were lodged by members of parliament.



Logo of the HOP NGO

## More specifically, what position did HOP adopt during the process of drafting the new law?

LV and AC: Our number one aim was to ensure that consumers were informed and protected. From the outset, we actually argued for a durability index to be introduced as of 2021/2022. However, the government's preference was to start with a reparability index in 2021 before moving, in 2024, to a durability index that would also take account of products' robustness. This means it will be more of a gradual process. And although we are happy with the overall result, we will keep a very close eye on how it is implemented.

For instance, consumers will be informed about the availability of technical documents (instructions, user advice needed to make repairs, product updates, etc.) and will benefit from a six-month warranty extension if their product is repaired.

But you must never lose sight of the fact that product durability depends essentially on manufacturers and not consumers. This is why we feel that there needs to be a requirement to make spare parts available during the entire life of the product, and that there should be a ban on products that cannot be repaired. For example, in 2016 HOP denounced Apple for one of its practices that meant that an error code was generated if a device was repaired by a repairer not certified by Apple. It is important to make sure that manufacturers do not force people to use their network for repairs.

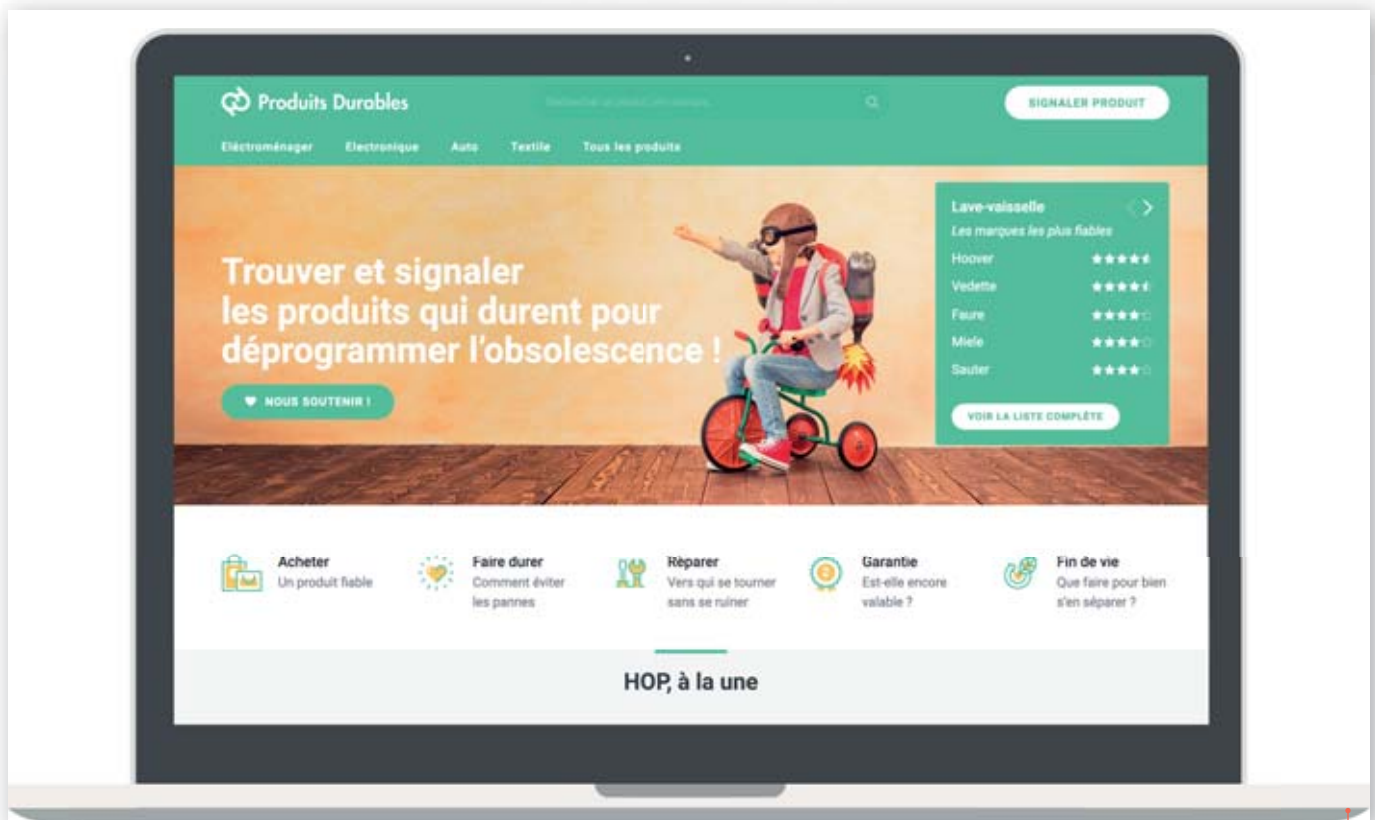
## How have manufacturers received this new law? What are the risks and/or opportunities for them?

LV and AC: Some of them consider the new law to be a risk, because they worry that they will face greater restrictions in France than elsewhere. There is certainly a need to harmonize national regulations in this regard. But more and more businesses see this law as an opportunity.

In fact, the members of the Business Durability Club recently published an opinion piece in *Le Monde* newspaper in defense of the law at a time when it was under attack from various manufacturers' lobbies.<sup>1</sup>

These businesses are doing their best to advise their customers about how best to use their products,

<sup>1</sup> Column published on June 2, 2020, *La crise que nous traversons nous oblige à repenser notre modèle économique et sociétal à l'aune de la durabilité* [The crisis we are living through obliges us to rethink our social and economic model in the light of durability]: [https://www.lemonde.fr/idees/article/2020/06/02/covid-19-la-crise-que-nous-traversons-nous-oblige-a-repenser-notre-modele-economique-et-societal-a-l-aune-de-la-durabilite\\_6041448\\_3232.html](https://www.lemonde.fr/idees/article/2020/06/02/covid-19-la-crise-que-nous-traversons-nous-oblige-a-repenser-notre-modele-economique-et-societal-a-l-aune-de-la-durabilite_6041448_3232.html)



Internet platform launched by HOP on sustainable products

facilitate access to repairers and draw attention to their environmentally responsible practices. One example is Kippit, which has launched a durable and repairable kettle.

### In your view, what are the main advances with the new AGEC law?

LV and AC: The two biggest advances are the establishment of a repairability/durability index to inform consumers about the repairability of certain product families (washing machine, TV, laptop computer, smartphone, electric lawnmower, etc.), as well as the requirement to provide spare parts for laptop computers and smartphones for at least five years.

### What effects might these advances have on the economic and civil society actors concerned?

LV and AC: We think that it will become standard practice for companies to keep stocks of spare parts and to facilitate repairs to their products. Manufacturers and retailers might also choose to make a stand, reacting to pressure from the authorities and citizens.

Overall, this law will make it simpler for people to choose products on the basis of durability and respect for the environment.

### In your opinion, what role should consumers play in the transition to a circular economy?

LV and AC: Consumers must make sure their demands for new types of offerings are heard, and they must also make full use of new tools such as the repairability/durability index so they can choose longer-lasting products. They also need to learn how to maintain their products so that they last longer.

People need to completely rethink their attitudes to consumption, avoid consuming things that have no purpose, and think about repairing before replacing.

### What are the main risks and points to watch out for once the AGEC law is applied?

LV and AC: It is important that the repairability index is operational as of 2021.

We must also be vigilant in terms of controls and transparency and ensure we have access to the methods manufacturers use for their classifications. And the exceptions permitted by the law must not lead to lower standards when the law is implemented, as is sometimes the case. It is important to respect the spirit behind the law.

## Building on the progress made with this law, what actions can policymakers take to promote the emergence of new circular practices such as eco-design, longer product lives, repairability and reuse?

LV and AC: Advertising is a question that emerged after the law, as reports have been published highlighting the links between advertising and the ecological transition. However, the advertising industry is not engaging with the issue. Advertising encourages excessive consumption which runs counter to laws like AGECE that are trying to give people the keys to change their behavior. The advertising sector also needs to transition to an ecologically led approach.

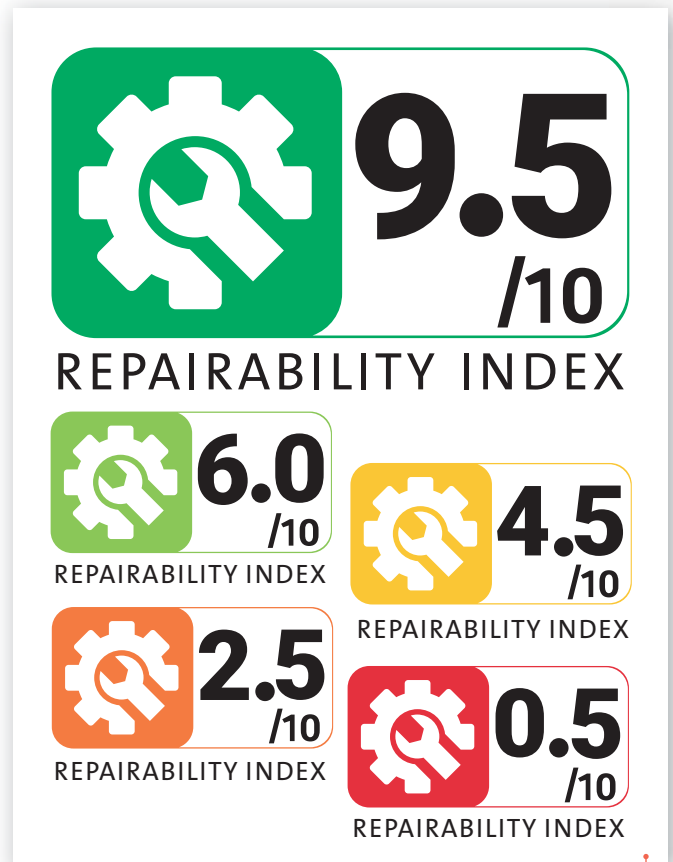
In France, the citizens' climate convention made several recommendations about advertising, but policymakers have not as yet shown any enthusiasm for the subject. Advertising agencies are, however, starting to make voluntary commitments.

There is also the issue of software obsolescence, defined in law as a "set of techniques that lead to degraded device performance caused by updates to content or digital services, or the absence thereof" (senate report number 242, 2020-2021). The law needs to require software publishers to provide long-term maintenance for their products in order to ensure their long-term compatibility with older computers, smartphones, or any other piece of electronic equipment that uses an application layer. The law does not have much to say about this aspect. We feel that a two-year software warranty is too short, and our organization is lobbying for an increase to eight years, which a number of software publishers confirm is feasible. We also want consumers to be able to accept or reject any software updates offered.

## Would you say that the new law makes France a pioneer for the circular economy in Europe?

LV and AC: In terms of the messaging, yes, it is setting the pace. But, in practice, we are very far from where we need to be. We will have to wait a few years to see what is actually put in place. And the measures passed on repairs and spare parts should provide more detailed information than anything available right now elsewhere in Europe or around the world.

At the national level we can take things further, with the aim of inspiring future European measures. And being inspired by them since some measures will be more effective when taken at the European level.



Repairability index of the AGECE French law

## Which countries in Europe and around the world do you think are particularly advanced in terms of implementing circular consumption models?

LV and AC: Some Scandinavian countries, such as Sweden, have taken concrete steps to encourage equipment repairs, with tax credits and extended warranties. The Netherlands and Belgium have also encouraged the development of repair cafes. There is a very active repair cafe association in Argentina. The RightToRepair movement is also developing in the USA. Canada is currently considering whether to introduce a law banning planned obsolescence. And while in places like Colombia the repairing culture is far less formalized, it is also second nature to its citizens. Each country has its own particular set of circumstances, and initiatives are emerging on every continent.