

Circular economy Act

The circular economy Act, entitled the “LOI n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire”, was validated by parliamentarians in a joint commission on January the 8th and adopted on February the 10th.

A zero disposable plastic goal

In order to reach the goal of zero disposable plastic by 2040, several actions are or will be implemented over the next few years:

- Since the beginning of the year 2020, plastic cups, plates and cotton swabs are prohibited.
- In 2021 straws, cutlery, stirrers, expanded polystyrene boxes, rods for balloons and all oxodegradable plastic objects will be forbidden.
- In 2022, plastic tea bags, free plastic toys in fast-food restaurants and free plastic bottles in companies will no longer be allowed.
- In 2023, disposal tableware will be banned for meals served on the spot, including in fast-food restaurants.
- By 2040, all single-use plastics will be banned, including all food packaging, bottles, for domestic and industrial use.

No more printed receipts

From January 2023, invoices will no longer be systematically printed and customers will have to request for receipts, credit card receipts, ATM receipts and vouchers. The receipt, which is also a proof of purchase for a possible refund, will have to be replaced by another means, probably dematerialized.

An unit sales of the medicines

In January 2022, pharmacists will be allowed to give the exact number of medicines prescribed by doctors, depending on the nature of the medication. A decree will give details on the methods of packaging, labelling, and information for the insured and traceability.

A new life for unsold products

By 31 December 2021, unsold non-food products can no longer be landfilled and incinerated. Companies will have to donate or recycle their unsold products. In France, 630 million euros of unsold functional product are destroyed each year. France is the first country in the world to put an end to this waste.

A new deposit for plastic bottle to encourage reuse and recycling

The Circular Economy Act considers the reintroduction of a deposit for plastic bottles. By 2023, this deposit will be introduced if local authorities do not meet the targets for the collection and recycling of plastic bottles (77% by 2025 and 90% by 2029).

A reparability index

In 2021, a reparability index (score out of 10) will be created to indicate whether the product is repairable, difficult to repair or non-repairable. The customer will have information on the availability or unavailability of components and the repairer will be able to obtain from the manufacturer what

he needs within 15 days. The repairer will also be obliged to offer the customer spare parts from the circular economy.

A bonus-malus system to promote eco-friendly products

In 2021, a bonus-malus system will be created for products depending on quantity of material used, the incorporation of recycled material, the use of renewable resources, durability, reparability, the possibilities of reuse, recyclability, the advertising or promotional purpose of the product, the absence of ecotoxicity or the presence of hazardous substances, especially if they disrupt recycling. A progressive malus will be applied, by 2022, to non-recyclable packaging.

This bonus-malus system should help customers to buy products designed in an eco-friendly way.

A fund to finance reuse

Two other measures will be included in the new law:

- Two funds creation (potentially pooled between different eco-organisations and different channels) dedicated to repair and reuse.
- The French Environment and Energy Management Agency (Ademe) will be officially responsible for monitoring all the EPR sectors and will have dedicated staff.

An extending responsibility for industrialists in the management of their wastes

In France, the manufacturer of a product that generates waste may be required to finance its end of life: this is called Extended Producer Responsibility (EPR). Several major product families are concerned by this regulation: packaging, batteries, medicines, tires, paper and newspapers, textiles and shoes, furniture, household appliances, etc.

The new text extends EPR to new family of products or extends the scope of existing sectors:

- The creation of full EPR for end-of-life vehicles (ELVs), with an extension to two and three-wheelers, mineral and synthetic oils, and tires. The first two EPRs will be effective in 2022, the last one in 2023.
- The addition of nine new sectors:
 - o Catering packaging from 2021, then all professional packaging in 2025.
 - o tobacco products fitted with plastic filters in 2021
 - o In 2022, four new product families will be covered: construction products and materials for the building sector, toys, sports and leisure articles, and DIY articles.
 - o Chewing gum and sanitary textiles (wipes, paper towels, cottons, diapers) in 2024
 - o Fishing gear containing plastic in 2025.
- The scope extension of four existing sectors:
 - o EPR for clothing textiles will also cover home textiles from 2020.
 - o In 2021, EPR for household chemicals will include chemicals for professionals (when collected by the public service)
 - o EPR for medical perforating devices will cover certain associated electrical equipment.
 - o The furniture sector will also cover decorative textiles from 2022.

In addition, eco-organizations that fail to meet the waste prevention and management targets set out in the Directive will have penalties. They will have to make commitments to compensate the gap between targets and reality. The failure to meet waste management targets will be sanctioned by an

increase in the funding allocated by the eco-organization equal to its average waste management cost plus an additional 50%, rather than an estimate of what it would have cost to meet the targets.

Until now, producers only had to contribute to the management of the waste from their product, now the text adds waste prevention, eco-design, extending the life of products, or reuse and repair. It also provides for the setting of minimum incorporation rates of recycled material for certain products.

New measures for the construction sector

To reduce construction waste (42 million tons per year) and fight against unauthorized landfills, several project measures will be implemented:

- Creation of an EPR in 2022
- Installation of new professional landfills
- Free collection of sorted construction waste¹²³

A plastic microfiber filter in every new washing machine

To reduce the amount of micro-plastics from clothes washing, a plastic microfiber filter will be installed in every new washing machine by 2025. A single cleaning can release up to 1,900 fibers into wastewater and then into the oceans.

An awareness of digital technologies impact

In 2022, Internet and mobile phone suppliers will be required to report the amount of data used and the equivalent in greenhouse gas emissions to raise consumer awareness of their digital impact. The suppliers will also be required to reduce the emissions.

¹ <https://www.actu-environnement.com/ae/news/loi-economie-circulaire-rep-etendue-34828.php4>

² <https://www.notre-planete.info/actualites/4260-loi-anti-gaspillage-economie-circulaire>

³ <https://www.ecologique-solidaire.gouv.fr/projet-loi-anti-gaspillage-en-commission-mixte-paritaire>