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# France's Anti-waste and Circular Economy Law: eliminating waste and promoting social inclusion

Part of a series of case studies that exemplify elements of the Universal circular economy policy goals (2021) in practice.

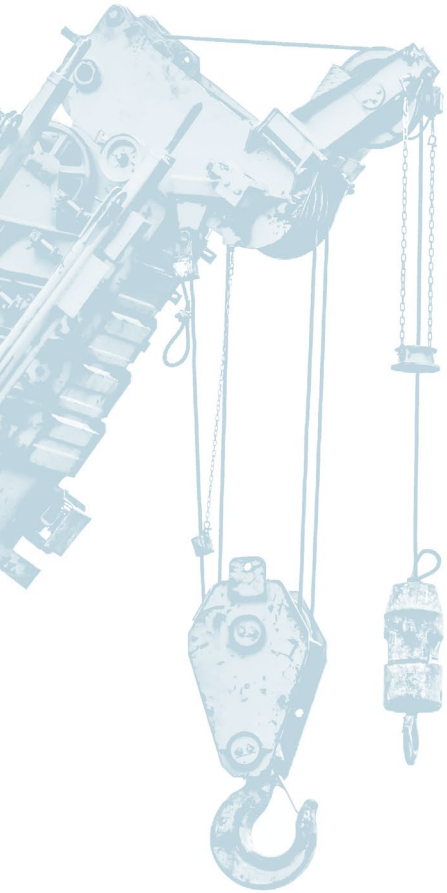
**France adopted in 2020 an ambitious law to shape a system-wide transition towards a circular economy. The French law on the fight against waste and for the circular economy (Loi relative à la lutte contre le gaspillage et à l'économie circulaire[1], referred to in short as the *Anti-waste Law*) encourages businesses across various sectors, municipalities, and citizens to eliminate waste and adopt more circular practices. The law also aims to promote a societal transformation and support the solidarity economy.[2] It introduced several measures that are a world first, such as the ban on the destruction of unsold goods and the repairability index. The law originates from France's climate change reduction commitments and successive national policies, such as the 2015 *Energy Transition Law for Green Growth*[3] and the 2017 *French Climate Plan*, which have helped to build the momentum towards its adoption.**

While the French government has set a direction of travel towards a circular economy, there is still a lot of progress to be made. In 2016, the year before the development of the law began, France generated 4.6 tonnes of waste per inhabitant[4], which is almost twice as much waste as was generated in neighbouring countries, Italy and Spain.[5] At the same time, materials and resources were barely looped back into the system. For instance, in 2014 France's household waste recovery rate (39%) was lower than that of Germany (65%) and Belgium (50%) and plastic packaging recycling rate (20%) was lower than the EU average (30%).[6]

## An ambitious law for system change

With its 130 articles, the *Anti-waste Law* is a comprehensive piece of legislation that aims to eliminate waste and pollution from the design stage and transform the system of production, distribution, and consumption from a linear to a circular economic model.

The law aims to phase out single-use plastic packaging by 2040, eliminate waste by encouraging reuse and supporting charitable organisations, tackle planned obsolescence, and promote a better resource management system from the design stage to the recovery of materials. It also aims to provide better and more transparent information to consumers. By covering a wide range of sectors - from food to packaging, and from consumer goods to buildings - it encourages all actors across entire value chains to move in the same direction by adopting practices that eliminate waste. The law applies to all goods sold in French territory. By virtue of the law, it sets ambitious targets and imposes sanctions when measures are not respected.



## Significant measures for system change

The law has introduced a large number of measures, some of which are a world first, to shape the transition to a circular economy. The five measures described below are some of the law's more novel measures:

### Eliminating plastic pollution through a range of policy measures:

Single-use plastics are found everywhere and are part of our everyday products, but large quantities of plastics fall through the cracks of the collection system and end up causing environmental damage and threatening biodiversity. Furthermore, France is the biggest plastic polluter in the Mediterranean region. Of the estimated 4.5 million tonnes of plastic waste generated in 2016 in France, 80,000 tonnes ended up polluting the natural environment, and 10,000 tonnes entered the Mediterranean sea.[7] This is detrimental for the environment and economic activities linked to tourism and fishing.

To curb its plastic pollution, France has joined others in setting an ambitious plastics agenda. France aims to phase out single-use plastic packaging by 2040 and to recycle 100% of plastics by 2025. To achieve this objective, plastic reduction targets are set by decree. These targets will be reviewed every five years to gradually raise the level of ambition. The targets aim to give industry enough time to comply with the new measures while getting the momentum going.

The law has introduced bans on a variety of everyday plastic items such as tea bags, disposable tableware, and fruit and vegetable packaging. To avoid plastic waste from being generated in the first place, it also encourages the adoption of zero-waste practices such as the obligation for public institutions to be equipped with water fountains, fast-food restaurants to provide reusable tableware, and the use of reusable containers and bulk sales in retail stores.

### Tackling construction waste with an Extended Producer Responsibility (EPR) scheme:

France's construction sector generates 42 million tonnes of waste annually and accounted for 26% of the country's $CO_2$ emissions (or 115 $MtCO_2e$) in 2016.[8] These construction materials are sometimes thrown into illegal dump sites and pollute the environment. The removal of materials and clean-up of these dumpsites cost municipalities and taxpayers an estimated EUR 340 to 420 million.[9]

To better manage resources and promote construction material reuse, an EPR scheme on building materials will be operational from 2022, making manufacturers of construction products responsible for the waste generated. By improving the resource management system, EPR schemes can help support multiple circular economy loops.

France already had 14 compulsory EPR schemes in 2018.[10] An additional 12 EPR schemes, including on toys, cigarette butts, and sporting and leisure equipements, have been introduced through the law. With more than 25 schemes, France is now one of the countries in the world where EPR is the most broadly applied.[11]

### Promoting reuse and employment through EPR funding:

EPR schemes currently help to finance the collection, sorting, and recycling of products and materials. Under the *Anti-waste Law*, the schemes will go one step further and create a solidarity reuse fund to financially support organisations and structures (such as waste sorting, recovery, and recycling centers) that support reuse models. The initiative aims to give a second life to tens of thousands of products and provide people living in precarious conditions with access to consumer goods at affordable prices. Several EPR schemes will financially contribute up to 5% towards the fund, which will be worth EUR 50 million. The funds will support reuse strategies, develop reuse networks, and foster the creation of 70,000 jobs for people living in precarious conditions.[12]

**Find out more about the other measures introduced by the law in the document "The *Anti-waste Law* in the daily lives of the French people: what does that mean in practice?"**

### Banning the destruction of unsold goods:

France is the first country in the world to undertake such a measure. To further tackle the challenge of wastefulness, the country is not only addressing the large quantities of post-consumer waste that end up in landfills, but also products and materials that are wasted before being used even once. Every year, EUR 630 million worth of unsold products are destroyed in France.[13] Media organisations have revealed that large retailers and online commercial platforms are systematically destroying at scale everyday products such as clothes, books, and household appliances that are not being sold.[14] When perfectly good products are unnecessarily destroyed, it is also the energy and resources used to produce these goods that are wasted. The destruction of unsold goods generates 5 to 20 times more GHG emissions than reuse.[15]

With rising costs of living and 9.3 million people living in poverty in France[16], unnecessary waste is increasingly seen as both an economic and social issue. For instance, nearly EUR 180 million worth of hygiene and beauty products are destroyed annually in France. Yet, 3 million French people are regularly deprived of basic hygiene products[17], and charities that support vulnerable people regularly face chronic shortages of these goods of first necessity.

Banning the destruction of all unsold non-food products in France, means tackling these environmental and social issues. For all products covered by an EPR scheme, the ban will enter into force by the end of 2021 and for all other products by the end of 2023. The measure aims to encourage companies to rethink their stock management and production. Rather than landfill or incinerate unsold goods, companies will have to reuse, donate, or recycle their unsold products. Under the law, all goods of first necessity, such as hygiene products, will have to be donated to charitable organisations. By promoting reuse, the measure provides social benefits and supports the solidarity economy.

### Encouraging repairs through a repairability index:

To keep products at their highest value for longer, France is introducing several measures to promote repairs. France aims to increase the proportion of repaired electronic and electric products from 40% to 60% within five years by 2026.[18] To support this target, the repairability index was introduced in January 2021. It sets a score out of ten that shows how repairable a product is. It is calculated based on the availability of spare parts and technical documents, and the ease with which a product can be disassembled. The display of the score is now mandatory on several product types such as smartphones, laptops, washing machines, and televisions, and aims to make consumers aware of repair options when purchasing a device. It also encourages manufacturers to consider the repairability of their products at the design stage and therefore, can help to prevent waste from being created in the first place and support a more circular system.

A WAREHOUSE.
*SOURCE: TWISTED SIFTER*

## Building on previous policy developments

The *Anti-waste Law* builds on earlier pieces of legislation and is the fruit of years of policymaking and campaigning. Successive national policies and laws in France have helped to build the momentum towards the adoption of this law to reduce waste and better manage resources. The 2015 *Energy Transition Law for Green Growth*[19] and the 2017 *French Climate Plan*[20] announced the development of the *National Circular Economy Roadmap*[21] which was presented in 2018. Meanwhile, the so-called 2016 "*Garot Law*" on the *fight against food waste*[22] introduced the ban on the destruction of edible unsold food products, which set the precedent for the wider ban on the destruction of unsold goods introduced in the *Anti-waste Law*. In addition, in his presidential programme, Emmanuel Macron set ambitious targets to recycle 100% of plastics and halve landfilling by 2025.[23]

BRUNE POIRSON.
*SOURCE: FLICKR/JACQUES PAQUIER*

**Timeline of previous policies:**

- **2015** — Adoption of the *Energy Transition Law for Green Growth*
- **2016** — Adoption of the *"Garot law"* on the fight against food waste
- **2017** — Emmanuelle Macron's presidential programme sets plastic recycling and landfilling reduction targets
- **July 2017** — France's *Climate Plan* is adopted and states the publication of a *Circular Economy Roadmap* in 2018
- **Sept 2017** — Brune Poirson announced the launch of the French *Roadmap For A Circular Economy* at the 2017 Assises des Déchets
- **Oct 2017** — Launch of the work on the *Circular Economy Roadmap* and public consultation

Development of the roadmap

- **April 2018** — Publication of France's *Roadmap for a Circular Economy*

Development of the draft law

- **July 2019** — Presentation of the draft law at the council of Ministers
- **Sept 2019** — Reading of the law in the Senate
- **Dec 2019** — Reading of the law at the National Assembly
- **Jan 2020** — Mixed Parity Committee

Development of decrees and implementation

- **Feb 2020** — Adoption of the French *Anti-waste Law*
- **Feb 2021** — Presentation of the draft *Climate and Resilience Law*
- **2040**

# A collaborative process that informed the legislation

The *Anti-waste Law* is also a result of a collaborative process. Throughout the legislative process - from the development of the roadmap to the implementation of the law - various stakeholders were engaged through public consultations, working groups, and an online platform. This dialogue with stakeholders across various sectors helped the public administration to identify a richer range of needs, solutions, and policy measures. For instance, civil society and the ADEME (the French Environment and Energy Management Agency) already had expertise on the circular economy and provided inputs throughout the process.

## From the development of the roadmap...

In October 2017, former Ministers Nicolas Hulot and Brune Poirson began work on the development of the *French Roadmap for a Circular Economy.* This was a crucial step in the elaboration of the *Anti-waste Law* because the roadmap set out the vision for a circular economy and the move away from a throw-away society in France. It set targets to reduce resource consumption in relation to GDP by 30% between 2010 and 2030, halve landfilling by 2025, recycle all plastics by 2025, reduce greenhouse gas emissions through plastic recycling, and create up to 300,000 additional jobs, including in new professions.[24]

It also identified 50 measures to support the transition. The implementation of half of the 50 measures outlined in the roadmap required a legislative procedure and were therefore introduced through the *Anti-waste Law* and the 2019 *Financial Law*.[25]

Stakeholder consultations occurred throughout the process. The Ministry of the Ecological and Inclusive Transition received nearly 1,800 contributions and more than 16,000 votes on the online public consultation. The results from these consultations showed that there was broad public support for the measures proposed in the roadmap. Furthermore, a piloting committee of around 100 people representing stakeholders from municipalities, consumer associations, industries, NGOs, and representatives was formed. This piloting committee formed four working groups which worked more in-depth on the topics of territories, sustainable production and consumption, plastics, and economic instruments. On 23rd April 2018, former Prime Minister Édouard Philippe and Brune Poirson unveiled the French *Roadmap for a Circular Economy* at a factory in Mayenne.[26]

## .... to the implementation of the *Anti-waste Law*

The insights gathered from the development of the roadmap informed the draft law. Introduced for reading in the two Houses of Parliament in July 2019, the *Anti-waste Law* was unanimously adopted by the Senate and the National Assembly in January 2020. The general consensus across political parties that the issues covered in the law were important contributed to its successful adoption.

The law is now implemented through decrees.[27] Where the law outlines the general principles, the decrees define how the law is to be enforced, what targets are to be met, and the possible exemptions. The development of the decrees is collaborative as stakeholders from NGOs, industries, municipalities, and consumer associations are also consulted when the decrees are drafted, to help to define objectives that are realistic and prepare the industry for the implementation of new measures.

A REPAIR CENTRE.
*SOURCE: MINISTRY OF THE ECOLOGICAL TRANSITION*

## Lessons learned so far

France's *Anti-waste Law* is ambitious and comprehensive and the next stage will be the one in which the impacts can be measured. There is evidence that companies, including multinationals, have already started to adapt and comply with the measures set out in the law.[28] Below are the insights and lessons that can be learnt so far:

**A collaborative legislative process:** The *Anti-waste Law* was the fruit of a collaboration across policymakers, municipalities, NGOs and businesses. Engaging stakeholders early in the process helped to develop novel policy measures and build consensus across political parties that a system-wide transformation is necessary.

**Setting mid-term targets:** The law sets a direction of travel towards a circular economy through its long-term objectives. However, setting mid-term targets through the decrees is what has helped to get the momentum rolling. As new innovations and technologies emerge and industry adapts in the years to come, France can raise its level of ambition and set new targets for the next five years.

**For more information:**

**La loi anti-gaspillage pour une économie circulaire**

**French Roadmap for a Circular Economy**

**The Anti waste Law in the daily lives of the french people: what does that mean in practice?**

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## Cross-sectoral measures for systems change: how this policy example illustrates elements of the Universal circular economy policy goals framework

By implementing a range of measures across different sectors of the economy, France's *Anti-waste Law* contributes to fostering a system-wide transition towards a circular economy, in line with the vision developed in France's Roadmap for a Circular Economy. The law illustrates several of the aspects considered within the Universal circular economy policy goals framework including:

**GOAL 1**
**Stimulate design for the circular economy**
How products are designed will determine how they are made and used. The *Anti-waste Law* has introduced several measures such as the repairability index and the ban on certain single-use products that encourage businesses to consider the design of their products. This can lead to upstream prevention of waste and products compatible with a circular economy system.

**GOAL 2**
**Manage resources to preserve value**
A circular economy aims to keep products and materials in use and at value. By facilitating access to repair and the use of spare parts, introducing new EPR schemes to finance and support the resource management system, and encouraging alternative solutions for unsold goods, the law seeks to support multiple circular economy loops.

**GOAL 5**
**Collaborate for system change**
In transforming the system of production and consumption from a linear into a circular economy model, all actors have a role to play. The engagement of multiple stakeholders, from across sectors and throughout the process, helped to unlock solutions whilst deepening engagement. In addition, setting mid-term targets and raising the level of ambition over time to reach a long-term objective, helps to build momentum towards a circular economy.

# Endnotes

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# About the Universal circular economy policy goals

**In January 2021 the Ellen MacArthur Foundation, published a paper Universal circular economy policy goals: enabling the transition to scale, aiming to create a common direction of travel in policy development for a faster transition to a circular economy. The five circular economy policy goals detailed in the paper can offer solutions to key global challenges such as climate change, biodiversity loss, and pollution, whilst delivering economic development.**

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