

Zero Waste Live!

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THE RISE OF PACKAGING FREE SHOPS



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Packaging free sales regulatory developments in France

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Packaging free sales official definition

What issues ?

What developments ?

What future actions?

A secured regulatory framework for all players of the sector

Promote packaging free sales as a sustainable and responsible way of consumption

Clarify consumer information, hygiene and traceability rules

A secured regulatory framework for all players of the sector

New article L. 120-1 in the Consumer Code :

*« Packaging free sale is defined as the sale of products to the consumer **presented without packaging, in chosen quantities by the consumer, in reusable or re-employed containers.** Packaging free sale is available in **self-service** or with an assisted service for itinerant retail shops.*

*It can be concluded by **a distance selling contract** ».*

1) Promote packaging free sales as a sustainable and responsible way of consumption

New section in the Consumer Code « promoted commercial practice »

- **Free trade principle** for free packaging sales, except for public health motives
- **Consumer right** to be served in a reusable or re-employed **container** with a **chosen quantity**
- Obligation to provide **clean** reusable or re-employed containers to the consumer in supermarket with surface superior to 400 sqm
- Obligation for CITEO* to annually dedicate at least 2% of the contributions amount collected to the development of **reusable packaging alternatives**

**CITEO : management of the disposal of waste generated by its activities pursuant to an Extended Producer Responsibility sector (EPR).*

a) Free trade principle for free packaging sales, except for public health motives

New article L. 120-1 in the Consumer Code:

« Any consumer product can be sold in bulk, except for duly justified reasons of public health.

The list of exceptions is set by decree. »

a) Free trade principle of all packaging free products, except for public health motives

- **Lifted restrictions** : dry products under PDOs and PGIs (article L. 642-4-1 Rural Code) olive oil, chia seeds
- **Draft decree notified to the EU Commission** : the list of products for which packaging free sale is prohibited because of public health reasons
- **On going lobbying actions alongside European institutions** in order to lift the remaining restrictions : milk, food supplements, frozen food, infant food
- **Specific rules to adopt for the following CLP volatile products** : sodium percarbonate, soda crystals, citric acid (probably by way of a Ministerial Order)

b) Consumer right to be served in his reusable container

New article L. 120-1 in the Consumer Code :

« Any final consumer can ask to be served in the container he brought on his own, to the extent that the latter is visibly clean and adapted to the nature of the product purchased.

An in-store display informs the final consumer about the cleaning rules and the suitability of reusable or reemployed containers.

In that case, the consumer is responsible for the hygiene and the suitability of the container. »

b) Consumer right to be served in his reusable container at the chosen quantity

- Registration of a **right** which marks the willingness of the french legislator to balance « **consumer protection** » and « **environment protection** »
- **Consumer responsibility** regarding the cleanliness and suitability of the container : « responsible consumer »
- **In-store mandatory display** about cleaning protocols for reusable containers for sensitive products : cosmetics, perishables, etc...
- **Working Group on mandatory cleaning protocols** for reusable containers for cosmetics in partnership with **Cosmebio**

c) Consumer right to be served in his reusable container at the chosen quantity

- Chosen quantity = food waste reduction
- A true stake for :
 - Bulk e-commerce website : do not impose predefined quantities
 - Bulk sale of **liquid food** and non-food products : favouring sales by weight (metrological rules)

2) **Clarify** consumer information, hygiene and traceability rules for food products

- Distinguish traditional « sales by weight » from « packaging free sales » : **self service criteria**
- **Make mandatory the labelling of mentions** which are so far only voluntary (batch number, date, preservation conditions, nutritional information)
- **Inscribe our Best Practice in the law:**
 - Labelling **the risk of contamination due to the volatility of allergens**
 - Cleaning bulk sales equipment **at each batch change** to guarantee the perfect hygiene and traceability of products

2) **Clarify** consumer information, hygiene and traceability rules for non food products

- **Inscribe in the European law the following French administrative obligations:**
 - Integration of bulk sale protocols in the product information file of the cosmetic products
 - Pre-labelling of reusable containers
 - In-store mandatory information display to prevent the risk of product mix or consumer confusion

Any questions?

Thank you

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