

## HOW TO FIGHT AGAINST PROGRAMMED OBSOLESCENCE

### Authors and date

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### INTRODUCTION

Programmed obsolescence is **not a new phenomenon**. One of its first documented manifestations dates back to 1924 with the establishment of the Phoebus cartel in order to voluntarily shorten the life of light bulbs. It was even theorized by some in the 1930s as a "solution" to the economic crisis of the time. Nevertheless, with the growing awareness of the devastating environmental impacts of our modes of production and consumption, it is **more and more questioned and fought**.

### A NEW OFFENCE INTRODUCED IN THE LAW IN 2015

**Since August 2015, France has introduced a legal definition of programmed obsolescence**, as « *the set of techniques by which a producer aims to deliberately reduce the lifespan of a product in order to increase its replacement rate* »<sup>1</sup>. In other words, a manufacturer or seller deliberately reduces the lifespan of a product so that consumers will buy a new one more frequently.

Programmed obsolescence is now a **criminal offence**, and can lead to convictions<sup>2</sup>.

### A crime difficult to prove

This recognition by the law is a significant step forward, but the offense is difficult to prove in court. Firstly, the definition requires the plaintiff to demonstrate double intentionality: that is, that the acts reproached were deliberately put in place to reduce the lifespan of an object, AND that this reduction is consciously aimed at getting people to buy the product more often (increasing the replacement rate). The burden of proof also doesn't help, by resting on the consumer. In order to address the first point, an article in the bill to reduce the environmental footprint of digital technology, which has passed its first reading in the National Assembly at the time of writing, aims to simplify the current legal definition to make it more applicable.

### WHAT DOES IT ACTUALLY MEAN?

Three main types of programmed obsolescence can be differentiated: technical, aesthetic and software.

It is also frequently referred to as **premature obsolescence**. This term underlines the often too short lifespan, the lack of quality and the high renewal rate of most consumer products, but without emphasizing the deliberate character of the manufacturers.

**Technical obsolescence** occurs when the good no longer functions because of the **limited life span of one of its essential** and irremovable components or parts. It can also represent the fact of **introducing a device to voluntarily limit the life of the product** after a certain number of uses or cycles.

**It can be indirect when the manufacturer designs its product to limit repair**, or when spare parts essential to the good's proper functioning are made unavailable on the market. The problem here is not only a reduced duration of use in time, but also to prevent recourse to repair in case of failure, **in order to leave no other choice than to renew the product**. Moreover, the increasing complexity of devices makes them less and less repairable.

**Aesthetic** or cultural obsolescence aims at making goods unfashionable and unattractive from a psychological point of view in order to induce their renewal. Consumption processes are then accelerated by marketing, communication or design strategies. The product is still in perfect working order but the user is strongly incited to renew it.

Finally, **obsolescence can be software**. In this case, it is based on the renewal of software, in the terminals, and contributes to **making devices that are still functional** incompatible. It covers several techniques: the limitation of the duration of the technical software support in relation to the actual duration of use of the equipment (in particular concerning the operating system), the incompatibility of format between the old and new versions of the software, or the updating of software, which makes it heavier and thus leads to the slowing down of the devices (obesity phenomenon).

**Due to the rise of connected objects, these breakdowns are becoming more and more frequent** on objects that previously only had mechanical or electronic problems (washing machines, cars, TVs...). The appearance of "software locks" on certain products, where a manufacturer blocks the repair of a product outside its authorised network through the use of a computer program, is also a growing and worrying issue.

## WHY IS IT IMPORTANT TO PRODUCE MORE DURABLE OBJECTS?

Programmed obsolescence has **multiple environmental impacts**. It implies a mass production-consumption model, which:

- is very greedy and **depletes natural resources** upstream,
- **generates a mass of waste** that is often polluting and not recycled downstream,
- is **at the origin of significant greenhouse gas emissions** for the production and transport of the goods concerned.

From a social point of view, it is a phenomenon that **generates frustration for the majority of consumers**, who would like their objects to have a longer life span<sup>3</sup>, and that has an

economic impact on the household budget. Environmental and social impacts are often linked, since the extraction of natural resources or the sending of waste to certain countries with low standards can have serious consequences on the environment and **the health of local populations**<sup>4</sup>, not to mention the often deplorable working conditions<sup>5</sup>.

Some figures:

- On average, **70 kg of material are needed to manufacture a smartphone**, including 60 different metals<sup>6</sup>
- For electrical devices with a high electronic component, **80% of the carbon impact of products is during the production phase of raw materials**<sup>7</sup>
- For smartphones, **85 to 95% of CO2 emissions come from its manufacturing**<sup>8</sup>
- A French person generates on average **21 kg of electrical and electronic waste per year**<sup>9</sup>
- Worldwide, only **20% of electrical and electronic equipment waste is recycled**<sup>10</sup>

The manufacturing and raw material extraction phase concentrates for most products the majority of impacts and pollution.

**Extending the lifespan of products is therefore one of the essential levers for reducing the environmental impact of our consumption.**

## WHAT ARE THE SOLUTIONS FOR EXTENDING THE LIFE OF OBJECTS?

On the manufacturers' side, it is essential to:

- **Better design the products:** by choosing the best materials with the least possible impact on the environment, by making them more robust, more easily repairable, more adaptable to technological developments and easier to maintain (we talk about eco-design);
- **Facilitating product repair:** from the design stage, but also by making available the necessary spare parts and documentation, for as long as possible and at a reasonable price;
- **Better informing consumers:** this is the objective of the reparability index, and the future durability index, both developed in conjunction with public authorities, manufacturers, vendors and associations, with the aim of guiding consumers' choices when purchasing.

Consumers also have their role to play and can:

- **Maintain their products**, and ensure their normal conditions of use;
- **Repair them or have them repaired if they break down**, whenever possible;
- **Use second-hand or reconditioned products** when they absolutely must renew an equipment or get a new one;

- **Give a second life to their old products**, by giving them away, reselling them or depositing them in dedicated collection points;
- **Do not renew their equipment too often** and only when necessary.

**Public authorities** (European and national) **also have an important role to play in these aspects**, for example by setting targets and minimum design requirements, by prohibiting or regulating certain practices, by establishing strict consumer information criteria, or by encouraging repair and reuse.

### TO GO FURTHER:

Site "Stop planned obsolescence" -- HOP : [www.stopobsolescence.org](http://www.stopobsolescence.org)

Le site du Club de la durabilité : [www.clubdeladurabilite.fr](http://www.clubdeladurabilite.fr)

### SOURCES

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1. Article L. 213-4-1 du code de la consommation [←](#)
2. L'article L. 213-4-1 du code de la consommation prévoit des sanctions allant jusqu'à « *une peine de deux ans de prison et de 300 000 euros d'amende. Le montant de l'amende peut être porté, de manière proportionnée, aux avantages tirés du manquement, à 5% du chiffre d'affaires moyen annuel* ». [←](#)
3. Parlement européen. Rapport sur une durée de vie plus longue des produits : avantages pour les consommateurs et les entreprises, 2017. [←](#)
4. Cécile Bontron. En Chine, les terres rares tuent des villages [en ligne]. Le Monde, 19/07/2012. Available at [le site du Monde](#) [09/07/2021] juillet 2012. [←](#)
5. Les enfants qui travaillent pour nos smartphones. Amnesty International, 19/01/2016. Available at [le site d'Amnesty](#) [09/07/2021] [←](#)
6. Sénat. Rapport de la mission d'information sur l'inventaire et le devenir des matériaux et composants des téléphones mobiles, sept 2016. [←](#)
7. Ademe, « Modélisation et évaluation du poids carbone de produits de consommation et biens d'équipement », sept 2018. [←](#)
8. Lotfi Belkhir, Ahmed Elmeligi, [Assessing ICT global emissions footprint: Trends to 2040 & recommendations](#), 2017. [←](#)
9. [The Global E-waste Monitor 2020: Quantities, flows and the circular economy potential](#) [←](#)
10. United Nations E-waste coalition, [A new circular vision for electronics, Time for a global reboot](#), January 2019 [←](#)