

Bill 29: Québec adopts measures against planned obsolescence

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Only a few months after its introduction, Bill 29, *An Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods* (the Act), was officially passed on October 3, 2023. The Act received royal assent on October 5, after some amendments were made during the consultation process, which means that certain provisions are now in force in Québec or will come into force in the next few years.

This legislation introduces numerous amendments to the *Consumer Protection Act* (CPA) and makes Québec the first Canadian province to target techniques which reduce the normal operating life of a product, more commonly known as planned obsolescence.

What you need to know

Our [initial bulletin](#) summarizes the amendments to the CPA as well as the new obligations and penalties imposed on merchants and manufacturers. The Act, in its adopted version, amends the CPA by:

- prohibiting merchants (which include manufacturers) from trading in goods for which obsolescence is planned and the use of techniques that make it more difficult for consumers to maintain or repair goods;
- imposing a “good working order” warranty, the duration of which will be determined by regulation, covering the costs of repair (parts and labour) for certain commonly used new goods and used cars;
- requiring merchants to make available the parts needed to service and repair the goods covered by the new warranty “for a reasonable time after the contract has been entered into”, or failing that, to replace the goods with “new or reconditioned goods with equivalent functionalities” free of charge or to refund their purchase price;
- introducing a regime of monetary administrative penalties administered by the Office de la protection du consommateur (*Consumer Protection Bureau*), along with penal sanctions, for any breach of the CPA; and
- providing that any directors, officers, mandataries or representatives of an organization who commits an offence under the CPA or its regulations are presumed to have also committed the offence, unless it is established that they exercised due diligence.

The coming into force of the new provisions will be gradual and will extend over a period of up to three years in the following manner:

- The provisions prohibiting the trading in goods for which obsolescence is planned are in effect **now**, whereas the associated fines will only come into force in **15 months**.

- The provisions prohibiting the use of techniques designed to make it more difficult to maintain or repair goods and requiring to make available the parts needed to service and repair the goods covered by the good working order warranty will come into force in **two years**.
- The provisions establishing the good working order warranty will come into force in **three years**.

Amendments and passage of the Bill

Parliamentarians considered many amendments as part of the legislative process surrounding the passage of the Act.

Adopted amendments

- The Act now provides that information necessary to maintain or repair the goods (that a merchant or manufacturer is required to offer) must be **available in French** and must also be available **free of charge** when it is accessible on a digital platform.
- The duration of the good working order warranty must no longer be indicated “in a manner as equally prominent as the price”, but simply in a prominent manner.
- If the merchant or the manufacturer fails to respond within 10 days to a consumer’s request for repairs, they must replace the goods by “new or reconditioned goods with equivalent functionalities”. This provision was absent in the original version of the Act.
- While the Act initially provided that a maximum fine could be equal to “four times the pecuniary benefit derived from the commission of the offence”, an amendment was adopted to increase this maximum value to “5% of worldwide turnover for the preceding fiscal year”.

Rejected amendments

- One of the proposed amendments to the Act was to introduce a repairability and durability index for electrical and electronic equipment within five years of its adoption. The purpose of this index would have been to inform consumers, through a label, a display or other means, of the level of repairability and durability of the product they are about to purchase.
- Another of the proposed amendments was to introduce a minimum two-year “floor” period for the good working order warranty. As it is, the Act provides that the duration of the good working order warranty will be determined by regulation.
- Parliamentarians have also refused to remove the possibility for a merchant or a manufacturer to be released from the obligation to provide, for a reasonable time after a contract is entered into, replacement parts, repair services and information necessary to maintain or repair the goods, by warning the consumer in writing that they do not provide such parts, services or information.

To discuss these issues, please contact the author(s).

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