









Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2023/0083(COD) Awaiting Parliament's position in 1st reading
Common rules promoting the repair of goods Amending Directive 2019/771 2015/0288(COD) Amending Regulation 2017/2394 2016/0148(COD) Amending Directive 2020/1828 2018/0089(COD)	
Subject 4.60.06 Consumers' economic and legal interests 4.60.08 Safety of products and services, product liability	
Legislative priorities Joint Declaration 2023-24	

Key players			
European Parliament	Committee responsible IMCO Internal Market and Consumer Protection	Rapporteur  REPASI René	Appointed 18/04/2023
		Shadow rapporteur  KOKALARI Arba  RINZEMA Catharina  CAVAZZINI Anna  JORON Virginie  MAZUREK Beata  PELLETIER Anne-Sophie	
	Committee for opinion ENVI Environment, Public Health and Food Safety (Associated committee)	Rapporteur for opinion  GLAVAK Sunčana	Appointed 21/06/2023
	JURI Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union			

Key events

22/03/2023	Legislative proposal published	COM(2023)0155	Summary
17/04/2023	Committee referral announced in Parliament, 1st reading		
12/07/2023	Referral to associated committees announced in Parliament		
25/10/2023	Vote in committee, 1st reading		
30/10/2023	Committee report tabled for plenary, 1st reading	A9-0316/2023	Summary
20/11/2023	Debate in Parliament		
21/11/2023	Decision by Parliament, 1st reading	T9-0400/2023	Summary
21/11/2023	Matter referred back to the committee responsible		

Technical information

Procedure reference	2023/0083(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2019/771 2015/0288(COD) Amending Regulation 2017/2394 2016/0148(COD) Amending Directive 2020/1828 2018/0089(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114; Rules of Procedure EP 57
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	IMCO/9/11633

Documentation gateway

Legislative proposal	COM(2023)0155	22/03/2023	EC	Summary
Document attached to the procedure	SEC(2023)0137	23/03/2023	EC	
Document attached to the procedure	SWD(2023)0059	23/03/2023	EC	
Document attached to the procedure	SWD(2023)0060	23/03/2023	EC	
Economic and Social Committee: opinion, report	CES1158/2023	14/06/2023	ESC	
Committee draft report	PE749.950	26/06/2023	EP	

Amendments tabled in committee		PE752.886	08/09/2023	EP	
Amendments tabled in committee		PE750.250	08/09/2023	EP	
Committee of the Regions: opinion		CDR2019/2023	10/10/2023	CofR	
Committee opinion	ENVI	PE751.885	12/10/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0316/2023	30/10/2023	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0400/2023	21/11/2023	EP	Summary

Common rules promoting the repair of goods

PURPOSE: to lay down uniform rules promoting the repair of goods, with a view to contributing to the proper functioning of the internal market, while providing for a high level of consumer and environmental protection.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: when consumer products become defective, consumers often do not seek to repair them, but discard them prematurely, even though they could be repaired and used for longer. This happens under the legal guarantee of the Sale of Goods Directive (SGD) ([Directive \(EU\) 2019/771](#)) when consumers choose replacement instead of repair, and outside the legal guarantee, when consumers are dissuaded from repair because of sub-optimal repair choices and conditions. In this context, the use of refurbished goods is also limited, leaving the potential for goods to be reused by different users untapped.

The premature disposal of repairable goods purchased by consumers leads to an increase in waste and generate greenhouse gas emissions and more demand for valuable resources in the production of new goods. The problem of premature disposal of repairable goods purchased by consumers exists across the EU for a wide range of these goods. More than two-thirds of respondents to the public consultation (6574%) supported EU-level solutions.

The European Commission's European Green Deal focuses on the green transition, which comprises sustainable consumption. The outcome of the Conference on the Future of Europe (CoFoE) also included a call for a right to repair. This proposal seeks to deliver on both by increasing the repair and reuse of viable defective goods purchased by consumers within and beyond the legal guarantee.

The right to repair' initiative will promote sustainable consumption throughout a product's lifecycle, making it easier and cheaper for consumers to repair defective goods, reducing waste and boosting the repair sector.

CONTENT: the proposal aims to increase the repair and reuse of viable defective goods purchased by consumers within and beyond the legal guarantee, to promote sustainable consumption. The proposal will promote repair both within and beyond the legal guarantee:

Within the guarantee: the Sale of Goods Directive provides that for a period of two years, a consumer can request the seller to repair or replace a good free of charge in case of defects that are due to non-conformity of the goods with a sales contract. Under the new rules, when repair is cheaper or equal in cost, sellers will have to provide free repair as a remedy instead, within a reasonable time and without any inconvenience for the consumer.

Beyond the legal guarantee: producers of goods subject to reparability requirements under Union legal acts, such as TVs or dishwashers, will be obliged to repair a product for 5-10 years after purchase (depending on the type of product), unless this is impossible (for example, if products are damaged in a manner in which repair is technically impossible).

The proposal lays down several measures to facilitate and encourage repair and reuse of goods:

- obligation to repair goods to which reparability requirements under Union legal acts apply: the producers will be obliged to repair outside the legal guarantee. They can repair for a price or for free as part of a commercial guarantee. The proposal sets out examples of product groups currently covered: (i) household washing machines; (ii) household dishwashers; (iii) refrigerating appliances and vacuum cleaners. More products will be added in the coming years, starting with smartphones and tablets;

- informing consumers about producers repair obligation: producers who are obliged to repair need to inform consumers of the obligation and provide information on the repair services;

- online national repair platform, matchmaking consumers with repairers and sellers of refurbished goods: the platform is intended to help consumers to find and compare different repair services, based on various repair conditions, including indicative prices. Consumers can also find sellers or refurbished goods and purchasers of used goods for refurbishment. The platform will also help consumers find attractive repair or reuse options as an alternative to buying new goods;

- a European Repair Information Form: the form provides standardised key information on the conditions and price of the repair service. Consumers will be able to request the form from any repairer, who may not alter the conditions for 30 days. Consumers will also have the possibility to compare repair services and find the one that suits them best;

- a voluntary European quality standard for repair services will help consumers identify repairers who commit to certain quality standards: the standard will boost consumer trust in repair services across the Union. The Commission will facilitate the development of this standard.

These measures will lead to an increase in the repair of goods in the Union. Consumers will benefit from significant saving by using their

products longer. The EU economy will benefit overall: the repair sector will grow as a result of increased demand, while sellers and manufacturers will be encouraged to develop sustainable business models. The environment will benefit from less waste, demand for new resources and greenhouse gas production.

Amendment to the SGD

The proposal also adapts in a targeted manner the harmonised conditions under which the choice between the remedies of repair and replacement can be exercised according to the Sale of Goods Directive. The consumer may choose between repair and replacement, unless the remedy chosen would be impossible or, compared to the other remedy, would impose costs on the seller that would be disproportionate. While maintaining this principle, the proposal adds an additional sentence to promote repair over replacement, stating that the seller should always repair the goods where the costs for replacement are equal to or greater than the costs for repair. As a result, the consumer may only choose replacement as a remedy when it is cheaper than repair.

Common rules promoting the repair of goods

The Committee on the Internal Market and Consumer Protection adopted the report by René REPASI (S&D, DE) on the proposal for a directive of the European Parliament and of the Council on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394, Directives (EU) 2019/771 and (EU) 2020/1828.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Obligation to repair

The report stated that the producer may offer the consumer a replacement good, including refurbished goods, for the duration of the repair. Producers should not, however:

- refuse the repair of a device solely on the grounds that it has previously been repaired by an independent or professional repairer or where a previous repair has been made using non-original but compatible spare parts and shall not implement any contractual, hardware or software limits to repairs of their goods by independent or professional repairers,
- be obliged to repair such goods where repair is factually or legally impossible.

Producers should make available on their websites information related to repair, such as estimates of repair prices and prices of spare parts.

Producers should for at least the expected lifetime of the product ensure that independent and professional repairers, refurbishers, and when appropriate end-users, have access to spare parts, including original parts or parts derived from the dismantling of non-repairable products.

Where spare parts are no longer made available, the producer, with the exception of SMEs, shall, where relevant, provide in an electronic format, following a justified request outlining the specific use of the information and taking into account the need to safeguard product safety, the necessary information and instructions for 3D printing of spare parts.

Repair or replacement of the goods

Replacements should be carried out free of charge and within a reasonable period of time.

Online platform for repair and goods subject to refurbishment

Member States should ensure that at least one online platform exists for their territory that allows consumers to find repairers and repair community initiatives such as repair cafés.

Member States measures promoting repair

To make repair affordable for all citizens, the report noted that Member States should take appropriate measures promoting repair. These measures may take the form of repair vouchers, national repair funds or other actions and incentives. Moreover, Member States should ensure that the provider of a repair should be liable for any lack of conformity for the repaired part or parts, aspects or feature of the good, which exists at the time when the consumer received the repaired good and which becomes apparent within a minimum period of at least twelve months of that time.

Legal guarantees

Member States should ensure that commercial guarantees of durability sold in addition to the legal guarantee of conformity under Directive (EU) 2019/771, shall always include a right to repair for the product covered during its duration. When promoting the commercial guarantee, producers should ensure that a summary of the conditions of the commercial guarantee is provided in a clear and precise manner, so that consumers are fully aware of their rights and are not misled.

Penalties

It is necessary that Member States lay down penalties for infringements of this Directive and ensure that they are enforced. The penalties should be effective, proportionate and dissuasive.

Common rules promoting the repair of goods

The European Parliament adopted by 590 votes to 15, with 15 abstentions, amendments to the proposal for a Directive of the European Parliament and of the Council on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394, Directives (EU) 2019/771 and (EU) 2020/1828.

The matter was referred back to the committee responsible for interinstitutional negotiations.

Obligation to repair

Given that a clear majority of EU citizens would rather have a good repaired than buy a new one, Members believe that all consumers should be able to have their goods repaired beyond the legal guarantee period.

Member States should ensure that, at the consumer's request, the producer repairs goods such as washing machines, hoovers, smartphones and bicycles, whether or not reparability requirements are laid down for these goods in EU legal acts. The producer would not be obliged to repair goods where repair is legally or factually impossible. The producers should not reject the consumer's request on purely economic grounds such as cost.

The repair pursuant should be carried out subject to the following conditions:

- it should be carried out either free of charge or in return for consideration;
- it should be carried out within a reasonable time from the moment the producer has physical possession of the good, has received the good or has been given access to the good by the consumer;
- the producer may provide the consumer with the loan of a replacement good free of charge or against a reasonable fee for the duration of the repair; and
- in cases where the repair is factually or legally impossible, the producer may provide the consumer with a refurbished product that should upon acceptance by the consumer discharge the producer from the repair obligation.

For all goods listed in Annex II to this Directive, producers should:

- ensure that independent repairers, remanufacturers, refurbishers and end-users have access to all spare parts and all repair-related information and tools, including diagnosis tools, at a reasonable and non-discriminatory cost for a period corresponding to at least the expected lifespan of the product;
- make available on their websites all information related to repair, such as repair prices and prices of spare parts for the goods listed in Annex II;
- not impede the repair by any contractual, hardware or software technique. Producers shall not impede the use of original or second-hand spare parts, compatible spare parts and spare parts issued from 3D-printing, by independent repairers when those spare parts are in conformity with requirements under national or Union law;
- not refuse to service or repair a device that was bought or previously repaired outside of their authorised service or distribution networks.

Online platform for repair and refurbishment goods

Member States should encourage private initiatives to create online platforms where consumers can easily find repairers, including participatory repair initiatives and repair cafés. These platforms should inform consumers of the financial and fiscal incentives applicable to lower costs of repair and allow for consumers to provide a review or rating, reflect the quality of repairers work.

Measures taken by Member States to promote repair

To make repair affordable for all citizens, the report noted that Member States should take appropriate measures promoting repair. These measures may take the form of repair vouchers, national repair funds or other actions and incentives. Moreover, Member States should ensure that the provider of a repair should be liable for any lack of conformity for the repaired part or parts, aspects or feature of the good, which exists at the time when the consumer received the repaired good and which becomes apparent within a minimum period of at least twelve months of that time.

Legal guarantees

Member States should ensure that commercial guarantees of durability sold in addition to the legal guarantee of conformity under Directive (EU) 2019/771, should always include a right to repair for the product covered during its duration. When promoting the commercial guarantee, producers should ensure that a summary of the conditions of the commercial guarantee is provided in a clear and precise manner, so that consumers are fully aware of their rights and are not misled.

Penalties

It is necessary that Member States lay down penalties for infringements of this Directive and ensure that they are enforced. The penalties should be effective, proportionate and dissuasive.

Transparency				
REPASI René	Rapporteur	IMCO	08/11/2023	KFZ Gewerbe
KOKALARI Arba	Shadow rapporteur	IMCO	07/11/2023	Apple
KOKALARI Arba	Shadow rapporteur	IMCO	03/11/2023	Miele Electrolux
RINZEMA Catharina	Shadow rapporteur	IMCO	12/10/2023	Amazon Europe Core SARL
REPASI René	Rapporteur	IMCO	10/10/2023	Conebi

REPASI René	Rapporteur	IMCO	06/10/2023	Fédération Internationale de l'Automobile
REPASI René	Rapporteur	IMCO	04/10/2023	EuroCommerce
GLAVAK Sun?ana	Rapporteur for opinion	ENVI	04/10/2023	Amazon Europe Core SARL
GALLÉE Malte	Rapporteur for opinion	ENVI	02/10/2023	Swappie 929545245594-24
REPASI René	Rapporteur	IMCO	27/09/2023	EFTA Committee on Consumer Protection
GALLÉE Malte	Member	18/10/2023	IHK für Oberfranken Bayreuth EU Transparency No. 22400601191-42	