

Common rules promoting the repair of goods

2023/0083(COD) - 21/11/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

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.