European Parliament
2014-2019

Plenary sitting

A8-0214/2017

9.6.2017

REPORT

on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI))

Committee on the Internal Market and Consumer Protection

Rapporteur: Pascal Durand

CONTENTS

Page

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI))

The European Parliament,

– having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 114 thereof,

– having regard to Articles 191, 192 and 193 of the TFEU, and to the reference to the goal of ensuring the prudent and rational utilisation of natural resources,

– having regard to the Commission communication of 25 June 2008 on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan (COM(2008)0397),

– having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products[1],

– having regard to the Commission's Ecodesign Working Plan 2016-2019 (COM(2016)0773), particularly the objective of establishing more product-specific and horizontal requirements in areas such as durability, reparability, upgradeability, design for disassembly, and ease of reuse and recycling,

– having regard to Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products[2],

– having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' (Seventh Environment Action Programme)[3],

– having regard to the opinion of the European Economic and Social Committee of 17 October 2013 entitled 'Towards more sustainable consumption: industrial product lifetimes and restoring trust through consumer information'[4],

– having regard to the Commission communication of 26 January 2011 entitled 'A resource-efficient Europe – Flagship initiative under the Europe 2020 strategy' (COM(2011)0021),

– having regard to the Commission communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe' (COM(2011)0571),

[1] OJ L 285, 31.10.2009, p. 10.
[2] OJ L 153, 18.6.2010, p. 1.
[3] OJ L 354, 28.12.2013, p. 171.
[4] OJ C 67, 6.3.2014, p. 23.

– having regard to the Commission communication of 9 April 2013 entitled ‘Building the Single Market for Green Products. Facilitating better information on the environmental performance of products and organisations’ (COM(2013)0196),

– having regard to the Commission communication of 25 September 2014 entitled ‘Towards a circular economy: A zero waste programme for Europe’ (COM(2014)0398),

– having regard to the Commission communication of 2 December 2015 entitled ‘Closing the loop - An EU action plan for the Circular Economy’ (COM(2015)0614) and the Circular Economy Package, which includes in particular the revision of directives on waste (Directive 2008/98/EC, ‘the Waste Framework Directive’), packaging and packaging waste (Directive 94/62/EC), landfill of waste (Directive 1999/31/EC), end-of-life vehicles (Directive 2000/53/EC), batteries and accumulators and their waste (Directive 2006/66/CE), and electrical and electronic waste (Directive 2012/19/EU),

– having regard to the Commission communication of 22 November 2016 entitled ‘Next steps for a sustainable European future. European action for sustainability’ (COM(2016)0739),

– having regard to the Commission proposal for a Directive of the European Parliament and of the Council of 9 December 2015 on certain aspects concerning contracts for the online and other distance sales of goods (COM(2015)0635),

– having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights[5],

– having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market[6],

– having regard to the BEUC report of 18 August 2015 entitled ‘Durable goods: More sustainable products, better consumer rights. Consumer expectations from the EU’s resource efficiency and circular economy agenda’,

– having regard to the European Economic and Social Committee study of 29 March 2016 entitled ‘The influence of lifespan labelling on consumers’,

– having regard to the study carried out in July 2016 at the request of its Committee on the Internal Market and Consumer Protection, entitled ‘A longer lifetime for products: benefits for consumers and companies’,

– having regard to the European Consumer Centre’s summary of 18 April 2016 entitled ‘Planned obsolescence or by-products of consumer society’,

– having regard to Austrian standard ONR 192102 entitled ‘Label of excellence for durable, repair-friendly designed electrical and electronic appliances’,

[5] OJ L 304, 22.11.2011, p. 64.
[6] OJ L 149, 11.6.2005, p. 22.

– having regard to Rule 52 of its Rules of Procedure,

– having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0214/2017),

A. whereas the Commission's Ecodesign Working Plan 2016-2019 includes a reference to the circular economy and to the need to tackle the issues of durability and recyclability;

B. whereas the adoption of an opinion on product lifetimes by the European Economic and Social Committee (EESC) demonstrates the interest economic players and civil society are taking in this area;

C. whereas a balance must be struck between extending the lifetime of products and innovation, research and development;

D. whereas the study commissioned by the Committee on the Internal Market and Consumer Protection shows that broad-based policy measures are needed to promote a longer lifetime for products;

E. whereas diverse economic and business models coexist, including the usage-based economic model which can help to reduce the adverse consequences for the environment;

F. whereas there is a need to promote longer product lifespans, in particular by tackling programmed obsolescence;

G. whereas the European repair sector, which mainly comprises micro, small and medium-sized enterprises, needs to be supported;

H. whereas greater harmonisation of the arrangements for the re-use of products will boost the local economy and the internal market by creating new jobs and stimulating demand for used goods;

I. whereas it is both economically and environmentally necessary to preserve raw materials and limit the production of waste, something which the concept of extended producer responsibility has sought to take into account;

J. whereas, in a Eurobarometer survey conducted in June 2014, 77 % of EU consumers said that they would prefer to try to repair broken goods than to buy new ones; whereas the information provided to consumers on the durability and reparability of products still needs to be improved;

K. whereas reliable and durable products provide value for money to consumers and prevent the overuse of resources and waste; whereas it is therefore important that the useful lifetime of consumer products is prolonged through design, by ensuring durability and the possibility to repair, upgrade, disassemble and recycle the product;

L. whereas the decline in consumer confidence in product quality is detrimental to European companies; whereas the 24-month legal guarantee is the current EU-wide minimum threshold and some Members States have laid down more protective

provisions for consumers in accordance with Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees;

M. whereas consumers' right to choose in accordance with their various needs, expectations and preferences should be respected;

N. whereas, despite the EESC study of March 2016 establishing a positive link between product lifetime labelling and consumer behaviour, consumers are not being properly informed about the lifetimes of products;

O. whereas the lifetime of a product and how it ages are determined by various natural or artificial factors, such as composition, functionality, cost of repair and consumption patterns;

P. whereas repairs and spare parts should be made more readily accessible;

Q. whereas, in addition to a long lifetime, the level of quality of a product throughout its life cycle is fundamental to the contribution it makes to resource protection;

R. whereas there has been an increase in the number of national initiatives to remedy the problem of premature obsolescence of goods and software; whereas there is a need to develop a common strategy for the single market in this regard;

S. whereas the lifetime of digital media is crucial to the lifetime of electronic appliances; whereas, given that software is becoming more and more rapidly obsolete, electronic appliances need to be adaptable in order to stay competitive on the market;

T. whereas products with built-in defects designed to cause them to break down and ultimately cease to function after being used a certain number of times serve only to create consumer distrust and should not be allowed on the market;

U. whereas, according to Eurobarometer data, 90 % of European citizens believe that products should be clearly labelled to indicate their useful lifespan;

V. whereas all economic actors can benefit from products with a longer lifetime, including SMEs;

W. whereas the Seventh Environmental Action Programme calls for specific measures to improve durability, repairability and reusability and to extend the lifetime of products;

X. whereas extended producer responsibility has an important role to play in this regard;

Y. whereas the achievement of a circular economy model requires the involvement of political decision-makers, citizens and businesses, and implies changes not only to the design and sale of products and services, but also to the mentality and expectations of consumers and in business activity, through the creation of new markets that respond to changes in consumption patterns, evolving towards the use, reuse and sharing of products, thereby helping to extend their useful life and to create competitive, lasting and sustainable products;

Z. whereas in many lamps bulbs cannot be replaced, which can lead to problems if a bulb stops working, if newer, more efficient bulbs appear on the market or if the customer's preference, for example as regards the colour of the light emitted, changes, because the whole lamp has to be replaced;

AA. whereas LED bulbs should ideally be replaceable, not irremovable, elements;

AB. whereas, as the circular economy develops, further steps must be taken to encourage the repairability, adaptability, upgradeability, durability and recyclability of products, in order to extend the lifetimes and the useful life of products and/or product components;

AC. whereas ever greater product diversity, ever shorter innovation cycles and constantly changing fashions are increasing the frequency with which new products are purchased, thus shortening the useful life of products;

AD. whereas great potential is offered by the repair, second-hand and exchange sector, i.e. the sector working with the aim of extending product lifetimes;

AE. whereas a balance should be struck between the aim of extending product lifetimes and safeguarding an environment which still offers incentives for innovation and further development;

Designing robust, durable and high-quality products

1. Calls on the Commission to encourage, where practicable, the establishment of minimum resistance criteria covering, *inter alia*, robustness, repairability and upgradeability for each product category from the design stage onwards, facilitated by standards developed by all three European Standardisation Organisations (ESOs) (CEN, CENELEC and ETSI);

2. Stresses that a balance must be struck between the extension of product lifetimes, the conversion of waste into resources (secondary raw materials), industrial symbiosis, innovation, consumer demand, environmental protection and growth policy in all the phases of the product cycle, and considers that the development of increasingly resource-efficient products must not encourage short lifetimes or the premature disposal of products;

3. Points out that issues such as product durability, extended warranties, the availability of spare parts, ease of repair and the interchangeability of components should be part of a manufacturer's commercial offer in meeting the various needs, expectations and preferences of consumers, and are an important aspect of free market competition;

4. Notes the role of commercial strategies, such as product leasing, in the design of durable products, whereby leasing firms retain ownership of the leased units and have an incentive to remarket products and to invest in designing more durable products, resulting in a lower volume of new production and disposal products;

5. Recalls Parliament's position on the revision of the Circular Economy Package amending the Waste Directive, which strengthened the principle of extended producer responsibility and thus created incentives for more sustainable product design;

6. Calls on the Commission and the Member States to support producers of modular designs which are easy to dismantle and interchange;

7. States that the pursuit of product durability and repairability should go alongside the objective of sustainability by means of, for instance, the use of environmentally friendly materials;

8. Notes with concern the amount of electronic waste generated by modems, routers, and TV decoders/set-top boxes when consumers switch to a new telecom provider; reminds consumers and telecom providers that, according to Regulation EU/2015/2120, consumers already have the right to use the terminal equipment of their choice when switching to a new telecom provider;

Promoting repairability and longevity

9. Calls on the Commission to promote product repairability:

- by encouraging and facilitating measures that make the option to repair goods attractive to the consumer,

- by using construction techniques and materials that render repair of the item or the replacement of its components easier and less expensive; consumers should not find themselves in an endless cycle of repairing and maintaining faulty products,

- by encouraging, in the event of a recurrent lack of conformity or a repair period in excess of one month, extension of the guarantee by a period equivalent to the time required to carry out the repair,- by urging that parts which are crucial to the functioning of the product should be replaceable and repairable, by including the product's repairability among its essential features when beneficial, and by discouraging, unless justified for safety reasons, the fixing-in of essential components such as batteries and LEDs into products,

- by urging manufacturers to provide maintenance guides and repair indications at the time of purchase, in particular for products for which maintenance and repair are important, in order to improve the chance of extending product lifespan,

- by ensuring the possibility of using substitutes of equal quality and performance for original parts, for the purposes of repairing all products in accordance with applicable law,

- by developing the standardisation, where practicable, of spare parts and tools necessary for repair, in order to improve the performance of repair services,

- by encouraging manufacturers to provide maintenance guides and repair instructions in different languages to repair shops when requested,- by encouraging manufacturers to develop battery technology to ensure that the lifespan of the batteries and accumulators better matches the expected lifespan of the product or, alternatively, to make battery replacement more accessible at a price that is proportionate to the price of the product;

10. Considers it beneficial to ensure the availability of spare parts essential to the proper

and safe functioning of goods:

- by encouraging the accessibility of spare parts in addition to product assemblies,

- by encouraging economic operators to provide an appropriate technical service for the consumer goods they manufacture or import, and to supply spare parts essential to the proper and safe functioning of goods at a price commensurate with the nature and life-time of the product,

- by clearly indicating whether spare parts for goods are available or not, on what terms and for how long and, where appropriate, through the establishment of a digital platform;

11. Encourages the Member States to explore appropriate incentives promoting durable, high-quality and repairable products, to stimulate repairs and second-hand sales, and to develop repairs training;

12. Underlines the importance of safeguarding the option of going to an independent repairer, for example by discouraging technical, safety or software solutions which prevent repairs from being performed other than by approved firms or bodies;

13. Calls for efforts to encourage the re-use of spare parts for the second-hand market;

14. Acknowledges the possibility of using 3D printing to provide parts for professionals and consumers; urges that product safety, counterfeiting and copyright protection must be safeguarded in this regard;

15. Recalls that the availability of standardised and modular components, disassembly planning, long-duration product design and efficient production processes have an important role to play in implementing the circular economy successfully;

Operating a usage-oriented economic model and supporting SMEs and employment in the EU

16. Highlights that the shift towards business models such as ‘products as services’ has the potential to improve the sustainability of production and consumption patterns, provided that product-service systems do not result in shortened product lifetimes, and stresses that such business models should not provide opportunities for tax avoidance;

17. Emphasises that the development of new business models, such as internet-based services, new forms of marketing, department stores selling only used goods and the more widespread availability of informal repair facilities (repair cafes, workshops in which people can do their own repairs) can help to extend product lifetimes and, at the same time, increase consumers’ awareness of and trust in products with a long lifetime;

18. Calls on the Member States:

- to consult with all stakeholders concerned in order to encourage the development of a usage-based sales model which benefits everyone,

- to step up their efforts with measures to promote the development of the functional

economy, and to encourage the rental, exchange and borrowing of goods,

- to encourage local and regional authorities actively promoting the development of economic models, such as the collaborative economy and the circular economy, which encourage a more efficient use of resources, the durability of goods and strengthen repair, re-use and recycling;

19. Encourages the Member States to ensure that the life-cycle costing provision of Directive 2014/24/EU is taken into account in public procurement and to increase the re-use rate of equipment purchased by public authorities,

20. Encourages the Member States and the Commission to support the collaborative economy in their public policies, given the benefits it provides in utilising spare resources and capacity, for example in the transport and accommodation sectors;

21. Calls on the Commission, when promoting the circular economy, to stress the importance of product durability;

22. Calls on the Commission and the Member States to fully apply the waste hierarchy established in EU legislation (Waste Framework Directive (2008/98/EC)), and in particular to keep electrical and electronic devices at their highest utility and value and not consider them as waste, for instance by granting access to waste electrical and electronic equipment (WEEE) collection points for personnel from re-use centres that can make use of such goods and their components;

23. Considers that measures included in this report should be applied to SMEs and microenterprises in particular, as defined in Commission Recommendation 2003/361/EC, in a manner that is appropriate and proportionate to the size and capabilities of SME or microenterprises, in order to preserve their development, and encourage employment and training for new professions in the EU;

24. Calls on the Commission to consider how the replaceability of LED bulbs can be encouraged and facilitated and to consider, in addition to ecodesign measures, a less stringent approach involving, for example, labelling, incentive schemes, public procurement or an extended warranty if the bulbs cannot be removed;

25. Urges the Member States to carry out effective market surveillance to ensure that both European and imported products comply with the requirements as regards product policy and ecodesign;

26. Calls on the Commission and the Member States to involve local and regional authorities and to respect their competences;

Ensuring better information for consumers

27. Calls on the Commission to improve product durability information via:

- the consideration of a voluntary European label, covering, in particular: the product's durability, ecodesign features, upgradeability in line with technical progress and repairability,

- voluntary experiments with companies and other stakeholders at EU-level with a view to developing a designation of a product's expected useful life on the basis of standardised criteria, that could be used by all Member States,

- the creation of a usage meter for the most relevant consumer products, in particular large electrical appliances,

- an assessment of the impact of aligning lifespan labelling with the duration of the legal guarantee,

- the use of digital applications or social media,

- standardising information in manuals on a product's durability, upgradeability, and repairability to ensure that it is clear, accessible and easy to understand,

- information based on standard criteria, where the anticipated lifetime of a product is stated;

28. Urges the Member States and the Commission to:

- assist local and regional authorities, companies and associations in conducting consumer awareness campaigns on extending the lifespans of products, in particular by providing information on advice on maintenance, repair, re-use, etc.,

- promote consumer awareness about early failing and non-repairable products, where appropriate through the development of notification platforms for consumers;

29. Calls on the Commission to encourage regular and structured exchanges of information and sharing of best practices throughout the Union, between the Commission and the Member States, and including regional and municipal authorities;

Measures on planned obsolescence

30. Calls on the Commission to propose, in consultation with consumer organisations, producers and other stakeholders, an EU-level definition of planned obsolescence for tangible goods and software; calls on the Commission, furthermore, in cooperation with market surveillance authorities, to examine the possibility of establishing an independent system that could test and detect the built-in obsolescence in products; calls, in this connection, for better legal protection for 'whistle-blowers' and appropriate dissuasive measures for producers;

31. Refers to the pioneering role of some Member States in this regard, such as the initiative of the Benelux countries to combat planned obsolescence and to extend the lifespan of (electrical) household appliances; stresses the importance of sharing best practices in this regard;

32. Notes that upgradeability of products can slow product obsolescence and reduce the environmental impacts and costs for users;

Strengthening the right to the legal guarantee of conformity

33. Regards it as essential that consumers be better informed about the way the statutory guarantee of conformity works; calls for a reference to the guarantee to appear written out in full on the invoice for the purchase of the product;

34. Calls on the Commission to take initiatives and measures to improve consumer confidence:

- by strengthening consumer protection, especially for those products for which the reasonably expected period of use is longer, and by taking into account the strong consumer protection measures already taken in some Member States,

- by taking into account the effects of both eco-design legislation and contract law on energy-related products in order to develop a holistic approach to product regulation,

- by ensuring that consumers are specifically informed, in the sales contract, of their right to a legal guarantee, and by promoting programmes to raise awareness of this right,

- by simplifying proof of purchase for the consumer by linking the guarantee to the goods rather than the purchaser, and by further encouraging the introduction of e-receipts and digital guarantee schemes across the board;

35. Calls for the implementation of a complaints mechanism at EU level for cases in which the right to a guarantee is not implemented, in order to facilitate the monitoring of the application of European standards by the relevant authorities;

36. Points out that an incentive for more sustainable product design can be provided by strengthening the principle of extended producer responsibility and laying down minimum requirements to be met;

Protecting consumers against software obsolescence

37. Calls for greater transparency on upgradeability, security updates and durability, all of which are necessary aspects to the proper functioning of both software and hardware; calls on the Commission to explore the need to facilitate greater business-to-business cooperation;

38. Encourages transparency from suppliers and manufacturers by stipulations in product contracts of the minimum period for which security updates on operating systems are available; proposes that a definition of a reasonable period of use be established; stresses, in addition, the need for the product supplier, in the case of embedded operating systems, to ensure the delivery of those security updates; calls on producers to provide clear information about the compatibility of software updates and upgrades with embedded operating systems provided to consumers;

39. Calls for essential software updates to be reversible and accompanied by information on the consequences for the operation of the device and for new essential software to be compatible with the previous-generation software;

40. Calls for the replaceability of parts, including the processor, to be encouraged by means of standardisation, so that products can be kept up to date;

o

o o

41. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

Durability of goods, an issue for consumers

The problem of the durability of goods relates to a number of factors:

- the lack of robust and repairable products,
- the longevity of software in computer products,
- the information available to the purchaser.

Consumer confidence in the robustness of products is low. The declining quality of low-cost products and media coverage of particularly scandalous, albeit apparently marginal, incidents, have played a part in reducing this confidence. A recent study by a French consumer association found that 92 % of respondents believe that electrical or high-tech products are deliberately designed not to last.

European consumers have almost no information on product reliability. Having lost the price signal linking cost to quality, they increasingly opt for low-end products from emerging countries, accelerating the race to the bottom in economic terms. This situation also harms European companies, which often offer higher quality, more durable products.

Furthermore, the widespread use of connected objects and the dependence of users on new technologies raises the delicate social issue of the accelerated obsolescence of software and media. The least affluent citizens are the first to fall victim to accelerated product obsolescence: due to a lack of cash, they opt primarily for low-cost products, which break down quickly, meaning they must pay out again.

Reparability, an economic issue

Consumers are not just dissatisfied with the durability of goods, but also with the fact that they are impossible to repair. This is also weakening the repair sector, which each year sees more job losses in Europe.

The reparability of products is undermined by a series of problematic factors:

- the lack of access to spare parts, and their excessive cost,
- the cost of labour with respect to low-cost, imported products,
- the lack of appropriate information on how to carry out repairs and maintenance,
- the increasing complexity of software and electronics,
- barriers to entry for independent repairers and self-repairers,
- the low reparability of products and their components,
- the insufficiency of replacement services for goods while they are being repaired.

Thus, according to a 2014 Eurobarometer survey, 77 % of European citizens would prefer to repair their goods rather than buy new ones, but ultimately have to replace or discard them because they are discouraged by the cost of repairs and the level of service provided.

In terms of employment, the obstacles preventing repair have resulted in a decline in the number of repairers in active employment:

- in the Netherlands, 2 000 jobs have disappeared in this sector in 7 years;

- in Germany, 13 % of radio and television repair shops have closed down in one year;

- in Poland, the number of repairers has decreased by 16 % in two years...

Alongside this decline, free repair shops and self-repair websites are gaining in popularity. There therefore appears to be a clear demand for repairs.

The repair sector represents a pool of non-relocatable jobs, the value of which could be harnessed if products were designed to last and be repaired, and if the service were adapted to better meet the needs of consumers. Promoting repair over replacement, particularly in the context of the legal guarantee, is also an environmental issue because systematic replacement involves the disposal of equipment that is still new and does not encourage manufacturers to design products that are more robust.

In fact, many broken devices are not repaired (up to 44 % in the case of electrical and electronic devices). Supporting the repair sector could therefore create jobs and considerably reduce waste and pollution, in addition to significantly improving consumer purchasing power and being a commercial asset for European companies.

A comprehensive approach: towards the usage economy

A product's lifespan depends on a network of interdependent stakeholders: the manufacturers, suppliers, distributors, consumers, and even the Member States. Lengthening the lifespan of products should contribute to the development of an economic model based on a balance between consumer and industry needs, as well as environmental imperatives.

While product design is a key element of a product's lifespan, the sales model also plays a substantial role. The rapidly-emerging functional and collaborative economies provide new opportunities to improve the quality and durability of products on the market. By focusing on usage rather than ownership, the emphasis is placed on the experience of the service, and not on the renewal rate of products. This usage economy is reinforced by digital tools which facilitate exchanges within communities of trust, and can be a driver for substantial economic and environmental gains.

This model fits within the wider context of the circular economy. The Commission thus sought, through the legislative package dedicated to this topic in 2015, to support the development of this positive model, which preserves resources, reduces waste and creates employment in a more competitive economy.

Such a model, if accompanied by an appropriate training policy, would generate new jobs at all skill levels.

In the re-use and repair sector, the potential for job creation is estimated at 296 jobs for the equivalent of 10 000 tonnes of used goods. Given that a third of goods collected in waste recycling centres could be re-used, this equates to over 200 000 local jobs which could be created if just 1 % of municipal waste in Europe was prepared for re-use.

Re-use is too often shunned in favour of recycling, yet it offers a means of lengthening the lifespan of products by returning them to the economy with minimal changes. Recent studies indicate that if European companies were to prioritise re-using their computers over recycling them, Europe would be able to create 10 500 non-relocatable jobs, at the same time as saving over 6 million tonnes of greenhouse gases and 44 million m3 of water each year, without taking account of raw materials.

By redesigning the methods of production, sale, and consumption with a view to increasing the lifespan of products, it is possible to create the conditions for a revival of activity within the European market. Given the predicted increase in the cost of resources, they must be managed sparingly, notably through the management of end-of-life products. An industrial strategy focused on product durability would recover the cost of raw materials and allow for returns on investment and profits, particularly as a result of increased customer loyalty.

Finally, the public authorities also have a role to play, not just through encouraging good industry practice but also by setting an example through their own procurement policies, and supporting consumer awareness, via associations, of responsible consumption and better product maintenance.

Product durability as a public and political issue

A series of European reports, as well as a great deal of legislative work within the Member States, have demonstrated how important it is to address the problematic increase in the rate at which products are being replaced.

The opinion of the European Economic and Social Committee's Consultative Commission on Industrial Change of 17 October 2013 laid the first building blocks for a shared understanding of the issue, and proposed a series of recommendations, on which consensus was reached. It establishes the differences between 'technical' planned obsolescence sensu stricto, indirect obsolescence, incompatibility obsolescence, and psychological obsolescence due to marketing campaigns.

This prompted an EESC study into the impact product lifespan labelling has on consumers. The study notably confirms that 92 % of Europeans would like products to be labelled with their lifespan (or useful life). It also demonstrates the extent to which the competitiveness of European businesses relies, in part, on improving consumer trust in businesses.

These European efforts are echoed in public policies developed in the Member States.

- Belgium has been pioneering in this regard, with the adoption of a resolution by the Senate in February 2012 to combat planned obsolescence in energy-related products. It recommends, among other things, the establishment of a labelling system for the lifespan and reparability of energy-related products (light bulbs, computers, mobile

phones, etc.) at European level.

- Alongside initiatives by national companies, France has changed its legislation, introducing a law on energy transition in August 2015 which defined planned obsolescence as a crime and, in a law of March 2014 relating to consumption, clarifying the rights of consumers regarding the legal guarantee of conformity and the availability of spare parts.

- In the Netherlands, the law states that the two years provided for by the legal guarantee of conformity are only the minimum requirement. Certain goods, and in particular cars, washing machines and other products considered to be durable may be eligible for an extended guarantee of conformity based on the average lifetime that the consumer is entitled to expect from the product.

- Finland also allows the duration of the guarantee to be extended under the 'Consumer Protection Act'. According to the preamble, the seller is responsible for non-conformity arising from the manufacture of a product - for example a vehicle, building materials, or an electrical appliance - even if the lack of conformity comes to light more than two years after delivery of the goods. This model is similar to the system in the Netherlands. An ombudsman is responsible for determining the lifetime of the product, based on criteria such as the price of the product, its parts, or usage, such as frequency of use. The legislator has not developed a list concerning the 'expected lifetime' of specific products. Nevertheless, individual cases can be studied in light of the recommendations of the 'Consumer Dispute Board'.

- In Spain, the 'Madrid Resolution' on best practices in the domain of planned obsolescence and collaborative consumption was adopted on 24 June 2014 during a conference on new models of consumption organised by the EESC.

- In Austria, a label of excellence has been developed for durable, repair-friendly electrical and electronic appliances.

- Finally, Sweden has taken a series of fiscal measures aimed at strengthening the sectors of repair, recycling, and the circular economy, which will come into force in January 2017. It intends to:

    - reduce the cost of repairs by reducing the VAT rate on certain goods (including bicycles, shoes and clothes) from 25 to 12 %,

    - allow consumers who choose to repair their domestic appliances to deduct 50 % of the labour cost from their taxes,

    - tax products which contain materials that are impossible or difficult to recycle and repair.

  These measures are designed as an investment to reduce costs linked to pollution, waste, waste management and unemployment.

11.4.2017

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on the Internal Market and Consumer Protection

on a longer lifetime for products: benefits for consumers and companies
(2016/2272(INI))

Rapporteur: Christel Schaldemose

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

A. whereas, in view of the Union's dependence on imports of raw materials and the rapid depletion of a significant amount of natural resources over the short term, it is a key challenge to reclaim as many resources as possible within the Union and to enhance the transition to a circular economy;

B. whereas the extension of product lifetimes should be seen in the context of the need for a holistic change in how we produce and consume, and as part of the transition to a circular economy; whereas using resources more efficiently would also bring substantial net savings to businesses, public authorities and consumers in the Union, while reducing total annual greenhouse gas emissions and the environmental impacts of products;

C. whereas Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union and the respective implementing guidelines of the Office of the Body of European Regulators for Electronic Communications (BEREC) have to be taken in account;

D. whereas the Seventh Environmental Action Programme calls for specific measures to improve durability, repairability and reusability and to extend the lifetime of products;

E. whereas Extended Producer Responsibility has an important role to play in this regard;

F. whereas the report ‘Growth Within: a circular economy vision for a competitive Europe’ by the Ellen MacArthur Foundation clearly demonstrates the opportunities involved in shifting to new business models, such as selling services instead of products;

G. whereas the achievement of a circular economy model requires the involvement of political decision-makers, citizens and businesses, and implies changes not only to the design and sale of products and services, but also to the mentality and expectations of consumers and in business activity, through the creation of new markets that respond to changes in consumption patterns, evolving towards the use, reuse and sharing of products, thereby helping to extend their useful life and to create competitive, lasting and sustainable products;

H. whereas in many lamps the bulbs cannot be replaced, which can lead to problems if a bulb stops working, if newer, more efficient bulbs appear on the market or if the customer’s preference, for example as regards the colour of the light emitted, changes, because the whole lamp has to be replaced;

I. whereas, as the circular economy develops, further steps must be taken to encourage the repairability, adaptability, upgradeability, durability and recyclability of products, in order to extend the lifetimes and the useful life of products and/or product components;

J. whereas the first links in the waste management hierarchy, reduction and preparation for reuse, are the most important with a view to launching a zero waste strategy;

K. whereas Europe’s consumption of natural resources has increased by some 50 % over the last 30 years and we consume 43 kg of resources per person per day;

L. whereas it is both economically and environmentally necessary to preserve raw materials and limit the production of waste;

M. whereas ever greater product diversity, ever shorter innovation cycles and constantly changing fashions are increasing the frequency with which new products are purchased, thus shortening the useful life of products;

N. whereas great potential is offered by the repair, second-hand and exchange sector, i.e. the sector working with the aim of extending product lifetimes;

O. whereas LED bulbs should ideally be replaceable, not irremovable, elements;

P. whereas a balance should be struck between the aim of extending product lifetimes and safeguarding an environment which still offers incentives for innovation and further development;

Q. whereas reports are emerging that smartphones are deliberately being designed to stop working properly after one or two years;

1. Stresses that a balance must be struck between the extension of product lifetimes, the conversion of waste into resources (secondary raw materials), industrial symbiosis, innovation, consumer demand, environmental protection and growth policy in all the phases of the product cycle, and considers that the development of increasingly resource-

efficient products must not encourage short lifetimes or the premature disposal of products;

2. Underlines that a longer lifetime for products presupposes the adoption of measures against programmed obsolescence; calls on the Commission and the Member States to take appropriate measures to combat planned obsolescence and to increase consumer empowerment through improved product information; calls, moreover, on the Commission to look into reports that products such as smartphones are deliberately being designed to have a very short useful life and, if necessary, to propose measures to counter this phenomenon; calls, furthermore, on the Member States to discourage the placing on the market of products with planned obsolescence;

3. Stresses that a longer lifetime for products requires the availability of standardised and modular components which are easier to replace, together with functional design which, inter alia, takes disassembly into account;

4. Highlights that the shift towards business models such as ‘products as services’ has the potential to improve the sustainability of production and consumption patterns, provided that product-service systems do not result in shortened product lifetimes, and stresses that such business models should not provide opportunities for tax avoidance;

5. Calls on the Commission and the Member States to encourage the development, production and marketing of products that are suitable for multiple use, that are technically durable and easily repairable and that are, after having become waste and being prepared for reuse or recycled, suitable to be made available on the market or placed on the market in order to facilitate proper implementation of the waste hierarchy; insists that the measures take into account the impact of products throughout their life cycle as well as the waste hierarchy;

6. Emphasises that the development of new business models, such as internet-based services, new forms of marketing, department stores selling only used goods and the more widespread availability of informal repair facilities (repair cafes, workshops in which people can do their own repairs) can help to extend product lifetimes and, at the same time, increase consumers’ awareness of and trust in products with a long lifetime;

7. Highlights that the promotion and support of sustainable production and consumption models, the use of products that are resource-efficient, durable, easy to share, reusable, repairable and recyclable, as well as the discouragement of placing products with planned obsolescence on the market, are key aspects of waste prevention;

8. Notes the role of commercial strategies, such as product leasing, in the design of durable products, whereby leasing firms retain ownership of the leased units and have an incentive to remarket products and to invest in designing more durable products, resulting in a lower volume of new production and disposal products;

9. Emphasises that the qualities that make a product repairable, reusable and recyclable and durable should be incorporated into its design, since the amount of resources that a product uses is largely determined at the design phase; points out that product design is an important factor in the transition to a circular economy, because it has implications for the life cycle of the product in question;

10. Calls on the Commission and the Member States to step up their efforts to substitute substances of very high concern and to restrict substances that pose unacceptable risks to human health or the environment in order to ensure the development of non-toxic material cycles;

11. Emphasises that Member States should incentivise the extension of the lifespan of products, where environmentally beneficial, and support the setting-up of systems promoting repair, reuse, remanufacturing and reconditioning activities in relation to products;

12. Notes that a better design for repairability is needed, given that it is crucial that spare parts be made available primarily for those products where a lifespan extension can be achieved in a cost-effective manner;

13. Supports the establishment at EU level of a definition of planned obsolescence and the introduction of measures to penalise the practices concerned;

14. Stresses that the list of new products based on eco-design should be more ambitious and include more products;

15. Refers to the pioneering role of some Member States in this regard, such as the initiative of the Benelux countries to combat planned obsolescence and to extend the lifespan of (electrical) household appliances; stresses the importance of sharing best practices in this regard;

16. Regards it as essential that consumers be better informed about the way the statutory guarantee of conformity works; calls for a reference to the guarantee to appear written out in full on the invoice for the purchase of the product;

17. Recalls that the availability of standardised and modular components, disassembly planning, long-duration product design and efficient production processes have an important role to play in implementing the circular economy successfully;

18. Calls on the Member States to foster institutional campaigns to promote activities involving repairing, second-hand buying and selling, renting and exchanging, thus avoiding the purchase of new products;

19. Calls on the Commission to assess the possibility of establishing rules on minimum recycled material content in new products;

20. Notes the Commission's Ecodesign Work Plan 2016-2019; welcomes especially the inclusion of product durability as a possible environmental standard in relation to material efficiency aspects, including extending the lifespan of products, the ability to reuse components or recycle materials from end-of-life products, and the use of reused components and/or recycled materials in products;

21. Reiterates its call on the Commission to propose a review of ecodesign legislation in order to extend its scope to all the main product groups, not only to those which use energy, and to include gradually all characteristics relating to the efficiency of resource use as part of product design requirements;

22. Calls on the Commission to propose appropriate measures that would oblige manufacturers to ensure the availability of spare parts, and, in relation to consumers' rights, to provide information on the period of time during which the spare parts would be available, and to ensure that this would apply to online sales sites as well as physical points of sale;

23. Repeats its call on the Commission to assess, on the basis of a cost-benefit analysis, the possibility of setting minimum values for recyclable materials in new products in ecodesign legislation;

24. Recognises the importance of collaborative economy and sharing economy platforms as new sustainable business models promoting more efficient use of products and their longer lifespan;

25. Calls on the Commission to ensure that the requirements for the removal of batteries and accumulators of the Batteries Directive (2006/66/EC)[7] are fully applied and enforced by Member States, and to encourage business models developing the reuse of batteries;

26. Notes with concern the amount of electronic waste generated by modems, routers, and TV decoders/set-top boxes when consumers switch to a new telecom provider; reminds consumers and telecom providers that, according to Regulation EU/2015/2120, consumers already have the right to use the terminal equipment of their choice when switching to a new telecom provider;

27. Calls on the Commission to consider how the replaceability of LED bulbs can be encouraged and facilitated and to consider, in addition to ecodesign measures, a less stringent approach involving, for example, labelling, incentive schemes, public procurement or an extended warranty if the bulbs cannot be removed;

28. Points out that responsible product use hinges on consumers being able to assess accurately the environmental impact of products on the basis of their life cycle, their environmental footprint and their quality;

29. Emphasises the difficulty of introducing compulsory labelling to provide information on the expected lifetimes of products; proposes that a labelling system of this kind should initially be the subject of a voluntary trial at EU level, on the basis of a common format and methodology;

30. Points out that a large amount of electronic waste is due to the fact that producers are no longer able to provide software updates compatible with hardware; believes that producers should be required to provide compatible software updates;

31. Points out that an incentive for more sustainable product design can be provided by strengthening the principle of extended manufacturer liability and laying down minimum requirements to be met;

32. Calls on the Commission to make better use of the EU Ecolabel to improve information

[7] Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and repealing Directive 91/157/EEC, OJ L 266, 29.9.2006, p. 1.

on product lifetimes and consumers' understanding of product durability; stresses that informed consumer choice when selecting a product/brand may indirectly provide economic incentives to manufacturers; stresses that ecolabelling should include information about the minimum product lifetime or use, so as to increase consumer awareness of a product's expected lifetime;

33. Calls on the Commission to draw up measures on the provision to consumers, if appropriate only on a voluntary basis, of information on the expected lifetime of a product, the number of use cycles it is designed to withstand and the scope for having it repaired, so that consumers can make better-informed purchasing decisions;

34. Calls on the Commission to ask manufacturers to make diagnostic and service manuals publicly available, as well as to make spare parts and accessories of products available on the market for a minimum number of years in line with the product's expected lifetime, which should be indicated in the EU Ecolabel;

35. Calls on the Commission and the Member States to devote resources to education and information campaigns, to promote sustainable consumption and production models, and highlights the benefits of moving to a resource-efficient circular economy;

36. Calls on the Commission to carry out an economic and environmental impact assessment to determine the scope for extending, in a harmonised manner, the duration of the statutory guarantee of conformity for products;

37. Calls on the Member States, where necessary, to coordinate with local and regional authorities, companies and associations conducting consumer awareness campaigns on extending the lifespans of products;

38. Points out that the Commission should not use the upcoming Regulatory Fitness Check to either withdraw or limit the scope of the EU Ecolabel;

39. Believes it is important to create incentives for manufacturers to produce longer-lasting products; calls on the Commission to propose that manufacturers should cover the cost of recycling if their goods have an expected lifetime of less than five years;

40. Urges the Commission to promote the use of resource-efficiency indicators through international conventions in order to allow comparability between industries and economies and to ensure a level playing field;

41. Urges the Member States to carry out effective market surveillance to ensure that both European and imported products comply with the requirements as regards product policy and ecodesign;

42. Calls on the Member States to adopt economic incentives for product repair services to facilitate the extension of product lifetimes, bearing in mind that tax reductions on product repairs may provide an incentive to reuse products and stimulate the repair industry, with the potential environmental and social benefits that this may entail, including reduced VAT on repair activities;

43. Calls on the Commission to take measures to ensure that products which are still usable

can be fed back into the circular economy more easily and more effectively;

44. Encourages the Member States to implement green public procurement as a policy tool in order to accelerate the shift towards the circular economy;

45. Calls for a total ban on products with built-in defects designed to end the product's life;

46. Notes that upgradeability of products can slow product obsolescence and reduce the environmental impacts and costs for users;

47. Calls on the Commission and the Member States to involve local and regional authorities and to respect their competences;

48. Calls on the Commission to encourage regular and structured exchanges of information and sharing of best practices throughout the Union, between the Commission and the Member States, and including regional and municipal authorities;

49. Calls on the Commission to actively support local repair initiatives, as they also create local green jobs and provide a useful service to consumers.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	11.4.2017
Result of final vote	+: 62 –: 0 0: 0
Members present for the final vote	Marco Affronte, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Alberto Cirio, Birgit Collin-Langen, Mireille D'Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Stefan Eck, Bas Eickhout, José Inácio Faria, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, György Hölvényi, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Kateřina Konečná, Urszula Krupa, Peter Liese, Norbert Lins, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Annie Schreijer-Pierik, Davor Škrlec, Claudiu Ciprian Tănăsescu, Ivica Tolić, Estefanía Torres Martínez, Nils Torvalds, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Clara Eugenia Aguilera García, Nicola Caputo, Eleonora Evi, Martin Häusling, Elisabeth Köstinger, Merja Kyllönen, Stefano Maullu, Ulrike Müller, James Nicholson, Marijana Petir, Christel Schaldemose, Bart Staes, Tiemo Wölken

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

62	+
ALDE	Catherine Bearder, Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Ulrike Müller, Nils Torvalds
ECR	Mark Demesmaeker, Arne Gericke, Julie Girling, Urszula Krupa, James Nicholson, Jadwiga Wiśniewska
EFDD	Eleonora Evi, Piernicola Pedicini
ENF	Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh
GUE/NGL	Stefan Eck, Kateřina Konečná, Merja Kyllönen, Estefanía Torres Martínez
NI	Zoltán Balczó
PPE	Ivo Belet, Alberto Cirio, Birgit Collin-Langen, Angélique Delahaye, José Inácio Faria, Elisabetta Gardini, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, György Hölvényi, Elisabeth Köstinger, Peter Liese, Norbert Lins, Stefano Maullu, Miroslav Mikolášik, Marijana Petir, Annie Schreijer-Pierik, Ivica Tolić, Adina-Ioana Vălean
S&D	Clara Eugenia Aguilera García, Simona Bonafè, Biljana Borzan, Paul Brannen, Nicola Caputo, Nessa Childers, Miriam Dalli, Seb Dance, Susanne Melior, Massimo Paolucci, Gilles Pargneaux, Inmaculada Rodríguez-Piñero Fernández, Christel Schaldemose, Claudiu Ciprian Tănăsescu, Tiemo Wölken, Damiano Zoffoli
Verts/ALE	Marco Affronte, Bas Eickhout, Martin Häusling, Benedek Jávor, Davor Škrlec, Bart Staes

0	-

0	0

Key to symbols:
+ : in favour
- : against
0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	30.5.2017
Result of final vote	+: 34 –: 0 0: 1
Members present for the final vote	Dita Charanzová, Carlos Coelho, Anna Maria Corazza Bildt, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Antonio López-Istúriz White, Eva Maydell, Marlene Mizzi, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Jasenko Selimovic, Igor Šoltes, Ivan Štefanec, Catherine Stihler, Róża Gräfin von Thun und Hohenstein, Mylène Troszczynski, Mihai Ţurcanu, Anneleen Van Bossuyt, Marco Zullo
Substitutes present for the final vote	Biljana Borzan, Birgit Collin-Langen, Edward Czesak, Anna Hedh, Franz Obermayr, Adam Szejnfeld, Marc Tarabella, Sabine Verheyen

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
ALDE	Dita Charanzová, Jasenko Selimovic
ECR	Edward Czesak, Daniel Dalton, Anneleen Van Bossuyt
EFDD	Marco Zullo
ENF	Franz Obermayr, Mylène Troszczynski
GUE/NGL	Dennis de Jong
PPE	Carlos Coelho, Birgit Collin-Langen, Anna Maria Corazza Bildt, Ildikó Gáll-Pelcz, Antonio López-Istúriz White, Eva Maydell, Andreas Schwab, Ivan Štefanec, Adam Szejnfeld, Róża Gräfin von Thun und Hohenstein, Mihai Ţurcanu, Sabine Verheyen
S&D	Biljana Borzan, Nicola Danti, Evelyne Gebhardt, Sergio Gutiérrez Prieto, Anna Hedh, Liisa Jaakonsaari, Marlene Mizzi, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Marc Tarabella
Verts/ALE	Pascal Durand, Igor Šoltes

0	-
-	

1	0
EFDD	Robert Jarosław Iwaszkiewicz

Key to symbols:
+ : in favour
- : against
0 : abstention