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A9-0316/ 001-082

AMENDMENTS 001-082

by the Committee on the Internal Market and Consumer Protection

Report

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A9-0316/2023

Common rules promoting the repair of goods

Proposal for a directive (COM(2023)0155 – C9-0117/2023 – 2023/0083(COD))

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Directive (EU) 2019/771 of the European Parliament and of the Council¹² pursues the objective of improving the functioning of the internal market, while achieving a high level of consumer protection. In the context of the green transition, this Directive pursues the objective of improving the functioning of the internal market, while promoting more sustainable consumption, and thereby complements the objective pursued by Directive (EU) 2019/771.

¹² Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive

Amendment

(1) Directive (EU) 2019/771 of the European Parliament and of the Council¹² pursues the objective of improving the functioning of the internal market, while achieving a high level of consumer protection ***as well as increased circularity within the economy***. In the context of the green transition, this Directive pursues the objective of improving the functioning of the internal market, while promoting more sustainable consumption, and thereby complements the objective pursued by Directive (EU) 2019/771.

¹² Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) In order to reduce premature disposal of viable goods purchased by consumers and to encourage consumers to use their goods longer, it is necessary to ***set out rules on repair of such goods***. Repair should result in ***more*** sustainable consumption, since it is likely to generate less waste caused by discarded goods, less demand for resources, including energy, caused by the process of manufacturing and sale of new goods replacing defective goods, as well as less greenhouse gas emissions. This Directive promotes sustainable consumption in view of achieving benefits for the environment while also producing benefits for consumers by avoiding costs associated with new purchases in the short term.

Amendment

(3) In order to reduce premature disposal of viable goods purchased by consumers and to encourage consumers to use their goods longer, it is necessary to ***strengthen consumers' right to repair, whereby consumers can seek quality and affordable repair from the provider of their choice***. Repair should result in ***a*** sustainable consumption, ***respectful of planetary boundaries*** since it is likely to generate less waste caused by discarded goods, less demand for resources, including energy, caused by the process of manufacturing and sale of new goods replacing defective goods, as well as less greenhouse gas emissions. This Directive promotes sustainable consumption in view of achieving benefits for the environment, ***by promoting a life cycle of products which include re-use, repair and refurbishment***, while also producing benefits for consumers by avoiding costs associated with new purchases in the short term.

Amendment 3

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Consumer behaviour consists of a wide variety of aspects. When choosing between repair and purchase of a new product, decision criteria, such as economic convenience, durability, availability and proximity of a repair

service, and the time required for a repair play a key role. Various obstacles might also prevent consumers from option for repair, such as the unavailability of information on reparability of a product when purchasing a good, lack of access to spare parts, lack of information on repair services, and costs of repair. In addition to the provisions laid down in this Directive, awareness-raising measures to promote a culture of repair, the improvement of consumers' knowledge on proper maintenance and care of products and knowledge of their existing rights including in terms of legal guarantee, as well as financial incentives for consumers, producers and repairers should be equivalently promoted and fostered.

Amendment 4

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Reparability requirements should comprise all requirements under Union legal acts which ensure that goods can be repaired, including but not limited to requirements under the ecodesign framework referred to in Regulation [on the Ecodesign for Sustainable Products], to cover a broad range of products as well as future developments *in any other field of Union law*.

Amendment

(6) Reparability requirements should comprise all requirements under Union legal acts which ensure that goods can be repaired, including but not limited to requirements under the ecodesign framework referred to in Regulation [on the Ecodesign for Sustainable Products], to cover a broad range of products as well as future developments.

Amendment 5

Proposal for a directive Recital 7

Text proposed by the Commission

(7) In order to help consumers identify and choose suitable repair services,

Amendment

(7) In order to help consumers identify and choose suitable repair services,

consumers should receive key information on repair services. The European Repair Information Form should lay down key parameters that influence consumer decisions when considering whether to repair defective goods. This Directive should set out a model standardised format. A standardised format for presenting repair services should allow consumers to assess and easily compare repair services. Such standardised format should also facilitate the process of providing information on repair services, in particular for micro, small and medium sized businesses providing repair services. ***In order to avoid additional burdens due to overlapping pre-contractual information requirements, a repairer should be deemed to have fulfilled corresponding information requirements of relevant EU legal acts, where applicable, if the European Repair Information Form has been filled in correctly and provided to the consumer.*** Information in the European Repair Information Form should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882¹⁴.

¹⁴ Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

consumers should receive key information on repair services. The European Repair Information Form should lay down key parameters that influence consumer decisions when considering whether to repair defective goods. This Directive should set out a model standardised format. A standardised format for presenting repair services should allow consumers to assess and easily compare repair services. Such standardised format should also facilitate the process of providing information on repair services, in particular for micro, small and medium sized businesses providing repair services. Information in the European Repair Information Form should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882¹⁴.

¹⁴ Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Amendment 6

Proposal for a directive Recital 8

Text proposed by the Commission

(8) The consumer's free choice to decide by whom to have its goods repaired should be facilitated by ***requesting*** the European Repair Information Form not only ***from*** the

Amendment

(8) The consumer's free choice to decide by whom to have its goods repaired should be facilitated by ***a voluntary provision of*** the European Repair Information Form not

producer, but also from the seller of the goods concerned or from independent repairers, where applicable. Repairers should provide the European Repair Information Form only *where the consumer requests that form and the repairer intends to provide the repair service or it is obliged to repair*. A consumer may also *choose not to request the European Repair Information Form and to* conclude a contract for the provision of repair services with a repairer pursuant to pre-contractual information provided by other means in accordance with Directive 2011/83/EU of the European Parliament and the Council.¹⁵

¹⁵ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance) (OJ L 304, 22.11.2011, p. 64–88).

only *by* the producer, but also from the seller of the goods concerned or from independent repairers, where applicable. Repairers should provide the European Repair Information Form only *voluntarily*. A consumer may also conclude a contract for the provision of repair services with a repairer pursuant to pre-contractual information provided by other means in accordance with Directive 2011/83/EU of the European Parliament and the Council.¹⁵

¹⁵ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance) (OJ L 304, 22.11.2011, p. 64–88).

Amendment 7

Proposal for a directive Recital 9

Text proposed by the Commission

(9) There are situations in which a repairer incurs costs necessary for providing the information on repair and price included in the European Repair Information Form. *For instance*, the repairer may need to inspect the goods to be able to determine the defect or type of repair that is necessary, including the need for spare parts, and to estimate the repair price. In these cases, a repairer may only request a consumer to pay the costs that are

Amendment

(9) There are situations in which a repairer incurs costs necessary for providing the information on repair and price included in the European Repair Information Form. *Charging those costs should be limited to cases where* the repairer may need to inspect the goods to be able to determine the defect or type of repair that is necessary, including the need for spare parts, and to estimate the repair price. In these cases, a repairer may only

necessary for providing **the** information included in the European Repair Information Form. In line with the pre-contractual information and other requirements set out in Directive 2011/83/EU, the repairer should inform the consumer about such costs before the consumer requests the provision of the European Repair Information Form. Consumers may refrain from **requesting** the European Repair Information Form where they consider that the costs for obtaining that form are too high.

request a consumer to pay the costs that are necessary for providing **this** information included in the European Repair Information Form. ***These costs must in no way constitute an obstacle to the rest of the repair process nor have a dissuasive effect on the repair in general.*** In line with the pre-contractual information and other requirements set out in Directive 2011/83/EU, the repairer should inform the consumer about such costs before the consumer requests the provision of the European Repair Information Form. Consumers may refrain from **receiving** the European Repair Information Form where they consider that the costs for obtaining that form are too high.

Amendment 8

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Directive (EU) 2019/771 imposes an obligation on sellers to repair goods in the event of a lack of conformity which existed at the time that the goods were delivered and which becomes apparent within the liability period. Under that Directive, consumers are not entitled to have defects repaired which fall outside that obligation. As a consequence, a large number of defective, but otherwise viable, goods are prematurely discarded. In order to encourage consumers to repair their good in such situations, this Directive should impose an obligation on producers to repair goods ***to which reparability requirements imposed by Union legal acts apply***. That repair obligation should be imposed, upon the consumer's request, on the producers of such goods, since they are the addressees of those reparability requirements. That obligation should apply to producers established both inside and outside the Union in relation to goods placed on the

Amendment

(11) Directive (EU) 2019/771 imposes an obligation on sellers to repair goods in the event of a lack of conformity which existed at the time that the goods were delivered and which becomes apparent within the liability period. Under that Directive, consumers are not entitled to have defects repaired which fall outside that obligation. As a consequence, a large number of defective, but otherwise viable, goods are prematurely discarded. In order to encourage consumers to repair their good in such situations, this Directive should impose an obligation on producers to repair goods ***that are listed in Annex II to this Directive***. That repair obligation should be imposed, upon the consumer's request, on the producers of such goods, since they are the addressees of those reparability requirements. That obligation should apply to producers established both inside and outside the Union in relation to goods placed on the Union market. ***However, the***

Union market.

obligation for repair should be proportionate and take into account the availability of spare parts for the lifetime of the product. Spare parts should at least be made available for the time period set out in Union acts. Furthermore, this Directive should not put into question the economic freedom of choice for producers to stop manufacturing a product.

Amendment 9

Proposal for a directive Recital 12

Text proposed by the Commission

(12) Since the obligation to repair imposed on producers under this Directive covers defects that are not due to the non-conformity of the goods with a sales contract, producers may provide repair against a price paid by the consumer, against another kind of consideration, or for free. The charging of a price should encourage producers to develop sustainable business models, including the provision of repair services. Such a price may take into account, for instance, labour costs, costs for spare parts, costs for operating the repair facility and a customary margin. The price for and the conditions of repair should be agreed in a contract between the consumer and the producer and the consumer should remain free to decide whether that price and those conditions are acceptable. The need for such a contract and the competitive pressure from other repairers should encourage producers who are obliged to repair to keep the price acceptable for the consumer. The repair obligation may also be performed for free when the defect is covered by a commercial guarantee, for instance, in relation to guaranteed durability of goods.

Amendment

(12) Since the obligation to repair imposed on producers under this Directive covers defects that are not due to the non-conformity of the goods with a sales contract, producers may provide repair against a price paid by the consumer, against another kind of consideration, or for free. The charging of a price should encourage producers to develop sustainable business models, including the provision of repair services. Such a price may take into account, for instance, labour costs, costs for spare parts, costs for operating the repair facility and a customary margin. ***For cases where those costs cannot be estimated prior to the repair, information on maximum expected price should be delivered to consumers.*** The price for and the conditions of repair should be agreed in a contract between the consumer and the producer and the consumer should remain free to decide whether that price and those conditions are acceptable. The need for such a contract and the competitive pressure from other repairers should encourage producers who are obliged to repair to keep the price acceptable for the consumer. The repair obligation may also be performed for free when the defect is covered by a commercial guarantee, for instance, in relation to guaranteed

durability of goods. *To incentivise consumers to have their product repaired outside of the legal guarantee, a producer may offer a loan of a replacement or refurbished good for the duration of the repair, which is expected to be returned once the consumer receives the repaired good.*

Amendment 10

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Producers may fulfil their obligation to repair by sub-contracting repair, for instance, if the producer does not have the repair infrastructure *or if* repair can be carried out by a repairer located closer to the consumer, *among others* where the producer is established outside the Union.

Amendment

(13) Producers may fulfil their obligation to repair by sub-contracting repair, for instance, if the producer does not have the repair infrastructure. *To prevent unnecessary shipping costs and emissions, the repair should be carried out as close as possible to the consumer. Thus, the* repair can be carried out by a repairer located closer to the consumer, *in particular in those instances* where the producer is established outside the Union.

Amendment 11

Proposal for a directive Recital 14

Text proposed by the Commission

(14) The requirements laid down in delegated acts adopted pursuant to Regulation [on the Ecodesign for Sustainable Products] or implementing measures adopted pursuant to Directive 2009/125/EC of the European Parliament and of the Council¹⁶, according to which producers should provide access to spare parts, repair and maintenance information or any repair related software tools, firmware or similar auxiliary means, apply. Those requirements ensure the technical

Amendment

(14) The requirements laid down in delegated acts adopted pursuant to Regulation [on the Ecodesign for Sustainable Products] or implementing measures adopted pursuant to Directive 2009/125/EC of the European Parliament and of the Council¹⁶, according to which producers should provide access to spare parts, repair and maintenance information or any repair related software tools, firmware or similar auxiliary means, apply. Those requirements ensure the technical

feasibility of repair, not only by the producer, but also by other repairers. *As a consequence, the consumer can select a repairer of its choice.*

feasibility of repair, not only by the producer, but also by other repairers. *To complement those measures, access for independent repairers, remanufacturers, refurbishers and end-users to all spare parts, all related information and tools, including diagnostic tools, should be provided at a reasonable cost and in a non-discriminatory manner, for a period corresponding to at least the expected lifespan of the product. Consequently, this should ensure competition and benefit consumers with better services and lower prices when selecting a repairer of its choice or where capable, carry out the repair on its own. Complexity and safety of the repair is linked with the type of device. Where it could be reasonably foreseen that the performance of repair by the average consumer could lead to safety hazard or requires advanced tools, the producers should explicitly warn the consumer.*

¹⁶ 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 (recast) (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10–35).

¹⁶ 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 (recast) (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10–35).

Amendment 12

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The obligation to repair should also be effective in cases where the producer is established outside the Union. In order to enable consumers to turn to an economic operator established within the Union to perform this obligation, this Directive foresees a sequence of alternative economic operators required to perform the

Amendment

(15) The obligation to repair should also be effective in cases where the producer is established outside the Union. In order to enable consumers to turn to an economic operator established within the Union to perform this obligation, this Directive foresees a sequence of alternative economic operators required to perform the

obligation to repair of the producer in such cases. This should *enable* producers *located* outside the Union to organise and perform their obligation to repair within the Union.

obligation to repair of the producer in such cases. *Because of their role in the supply chain of goods to consumers, fulfilment service providers should also be covered by this Directive.* This should *prevent situations where no economic operator is established in the Union to fulfil the repair obligation.* Producers *established* outside the Union *should* organise and perform their obligation to repair within the Union.

Amendment 13

Proposal for a directive Recital 16

Text proposed by the Commission

(16) To avoid overburdening producers and to ensure they are able to perform their obligation to repair, that obligation should be *limited to* those products for which and to the extent any reparability requirements are provided for in Union legal acts. Reparability requirements do not oblige producers to repair defective goods, but ensure that goods are repairable. Such reparability requirements can be laid down in relevant Union legal acts. Examples are delegated acts adopted pursuant to Regulation [on the Ecodesign for Sustainable Products] or implementing measures adopted pursuant to Directive 2009/125/EC of the European Parliament and of the Council¹⁷, which create a framework to improve the environmental sustainability of products. This limitation of the obligation to repair ensures that only those goods which are repairable by design are subject to such obligation. Relevant reparability requirements include design requirements enhancing the ability to disassemble the goods and a range of spare parts to be made available for a minimum period. The obligation to repair corresponds to the scope of the reparability requirements, for instance, ecodesign

Amendment

(16) To avoid overburdening producers and to ensure they are able to perform their obligation to repair, that obligation should be *established for* those products for which and to the extent any reparability requirements are provided for in Union legal acts *and for other repairable products, including bicycles.* Reparability requirements do not oblige producers to repair defective goods, but ensure that goods are repairable. Such reparability requirements can be laid down in relevant Union legal acts. Examples are delegated acts adopted pursuant to Regulation [on the Ecodesign for Sustainable Products] or implementing measures adopted pursuant to Directive 2009/125/EC of the European Parliament and of the Council¹⁷, which create a framework to improve the environmental sustainability of products. This limitation of the obligation to repair ensures that only those goods which are repairable by design are subject to such obligation. Relevant reparability requirements include design requirements enhancing the ability to disassemble the goods and a range of spare parts to be made available for a minimum period. The obligation to repair corresponds to the

requirements may apply only to certain components of the goods or a specific period of time may be set to make spare parts available. The obligation to repair under this Directive, which allows the consumer to claim repair directly against the producer in the after-sales phase, complements the supply-side related reparability requirements laid down in Regulation [on the Ecodesign Sustainable Products], encouraging consumer demand for repair.

¹⁷ 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 (recast).

scope of the reparability requirements, for instance, ecodesign requirements may apply only to certain components of the goods or a specific period of time may be set to make spare parts available. The obligation to repair under this Directive, which allows the consumer to claim repair directly against the producer in the after-sales phase, complements the supply-side related reparability requirements laid down in Regulation [on the Ecodesign Sustainable Products], encouraging consumer demand for repair.

¹⁷ 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 (recast).

Amendment 14

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) By 5 years after the entry into force of this Directive, the Commission should carry out an evaluation of this Directive and assess its contribution, and in particular Articles 5, 9a and 12, to the proper functioning of the internal market, the high level of consumer protection and the improvement of the environmental sustainability of products, as well as their impact on businesses, in particular micro, small and medium enterprises. With regards to Article 7 it should evaluate and assess the effectiveness of online platforms for repair based on data from individual Member States, containing information on the number of active repair service providers, consumers and the number of transactions performed. The Commission should draw up a report on the main findings and submit it to the

European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States should provide the Commission with the information necessary for the preparation of that report. The report should be accompanied, where appropriate, by a legislative proposal.

Amendment 15

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) To ensure legal certainty, this Directive lists in Annex II relevant product groups covered by ***such reparability requirements under Union legal acts. In order to ensure coherence with future reparability requirements under Union legal acts***, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of in particular adding new product groups to Annex II when new reparability requirements are adopted. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁸. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(17) To ensure legal certainty, this Directive lists in Annex II relevant product groups ***for the repair obligation under this Directive or that are*** covered by reparability requirements under Union legal acts ***as well as other repairable goods, including bicycles. In order to ensure coherence with future market and legislative developments***, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of in particular adding new product groups to Annex II, ***for instance*** when new reparability requirements are adopted. ***When adding new product groups to the Annex II the Commission should conduct an impact assessment, in particular when the addition is undertaken independent of other acts under Union law.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁸. In particular, to ensure equal participation in the preparation of delegated acts, the

European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹⁸ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 213, 12.5.2016, p. 1).

¹⁸ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 213, 12.5.2016, p. 1).

Amendment 16

Proposal for a directive Recital 20

Text proposed by the Commission

(20) In order to increase the consumer awareness on the availability of repair and thus its likelihood, producers should inform consumers of the existence of that obligation. The information should mention the relevant goods covered by that obligation, together with an explanation that and to what extent repair is provided for those goods, for instance through sub-contractors. That information should be easily accessible to the consumer and provided in a clear and comprehensible manner, without the need for the consumer to request it, and in line with the accessibility requirements of Directive 2019/882. The producer *is* free to determine the means through which it informs the consumer.

Amendment

(20) In order to increase the consumer awareness on the availability of repair and thus its likelihood, producers ***or sellers*** should inform consumers of the existence of that obligation. The information should mention the relevant goods covered by that obligation, together with an explanation that and to what extent repair is provided for those goods, for instance through sub-contractors. That information should be easily accessible to the consumer and provided in a clear and comprehensible manner, without the need for the consumer to request it, and in line with the accessibility requirements of Directive 2019/882. The producer ***or where relevant the seller are*** free to determine the means through which it informs the consumer, ***for example through means at the point of sale in a visible and prominent way.***

Amendment 17

Proposal for a directive Recital 21

Text proposed by the Commission

(21) In order to encourage repair, Member States should ensure that for their territory at least one online platform exists which enables consumers to search for suitable repairers. That platform may be an existing or privately operated platform, if it meets the conditions laid down in this Directive. That platform should include user-friendly and independent comparison tools which assist consumers in assessing and comparing the merits of different repair service providers, thereby incentivising consumers to choose repair instead of buying new goods. While that platform aims at facilitating the search for repair services in business-to-consumer relationships, Member States are free to extend its scope also to include business-to-business relationships as well as community-led repair initiatives.

Amendment

(21) In order to encourage repair, Member States should ensure that for their territory at least one online platform exists which enables consumers to search for suitable repairers. That platform may be an existing or privately operated platform, if it meets the conditions laid down in this Directive. ***If such an online platform does not exist, Member States should seek to create one in collaboration with the involved economic operators.*** That platform should include user-friendly and independent comparison tools which assist consumers in assessing and comparing the merits of different repair service providers, thereby incentivising consumers to choose repair instead of buying new goods. While that platform aims at facilitating the search for repair services in business-to-consumer relationships, Member States are free to extend its scope also to include business-to-business relationships as well as community-led repair initiatives.

Amendment 18

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to facilitate obtaining the European Repair Information Form, the online platform should include the possibility for consumers to directly request that form from the repairer through the online platform. This possibility should be displayed in a prominent manner on the online platform. To create awareness of national online repair platforms and to facilitate access to such platforms across the Union, Member States should ensure that their online platforms are accessible through relevant national webpages connected to the Single Digital Gateway

Amendment

(25) In order to facilitate obtaining the European Repair Information Form, the online platform should include the possibility for consumers to directly request that form from the repairer through the online platform. This possibility should be displayed in a prominent manner on the online platform. To create awareness of national online repair platforms and to facilitate access to such platforms across the Union, Member States should ensure that their online platforms are accessible through relevant national webpages connected to the Single Digital Gateway

established by Regulation (EU) 2018/1724 of the European Parliament and of the Council²⁰. ***To raise consumer awareness of the online platform***, Member States should ***undertake appropriate steps, for instance sign-post the online platform on related national websites or carry out communication campaigns***.

²⁰ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

established by Regulation (EU) 2018/1724 of the European Parliament and of the Council²⁰. Member States should ***communicate to the Commission the link of existing online platforms for repair in their territory within 12 months after entry into force of this Directive and the link of every new online platform for repair within 14 working days of their launch. The Commission should keep a publicly available and easily accessible and machine-readable database of online platforms for repair registered within the Member States***.

²⁰ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

Amendment 19

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) To raise consumer awareness of the online platform for repair, Member States should take appropriate steps, for instance signposting the online platform on related national websites or carrying out communication campaigns. Economic operators or online platforms allowing long-distance contracts should also take appropriate steps to inform consumers about the online platform for repair, for instance, by sending the consumer the link or advertising it in store. Methods to raise awareness shall take into account and be accessible for consumers with low literacy and digital skills.

Amendment 20

Proposal for a directive Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) As a clear majority of Union citizens prefer having a good repaired rather than buying a new one^{1a}, all consumers should have the means to have their goods repaired outside of the legal guarantee period. This would not only serve the Green Transition but support European businesses as well. In this regard, Member States should develop financial incentives to promote repair. In many Member States such measures already exist in the form of national repair funds or repair vouchers. In order to support the Member States further in promoting repair the Commission should consider proposing an amendment to the Council to extend the scope of point (19) of Annex III to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax to other product categories, at least to those mentioned in Annex II to this Directive. This could create more coherence between the product categories foreseen in Annex II to this Directive and the Annex III of the Council Directive 2006/112/EC. This could enable all consumers to have their goods repaired rather than buying a replacement. In addition, Member States should pay particular attention to micro, small and medium sized enterprises as their businesses are a vital part of the repair chain. Member States should report to the Commission the measures taken, and the Commission should make the measures publicly available.

^{1a} See Flash Eurobarometer 388 report of June 2014 entitled ‘Attitudes of Europeans towards waste management and resource efficiency’

Amendment 21

Proposal for a directive Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) 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.

Amendment 22

Proposal for a directive Recital 27

Text proposed by the Commission

Amendment

(27) The Commission should enable the development of a voluntary European quality standard for repair services, for instance by encouraging and facilitating voluntary cooperation on a standard between businesses, public authorities and other stakeholders or by issuing a standardisation request to the European standardisation organisations. A European standard for repair services could boost consumer trust in repair services across the Union. Such standard could include aspects influencing consumer decisions on repair, such as the time to complete repair, the availability of temporary replacement goods, quality assurances such as a commercial guarantee on repair, and the availability of ancillary services such as removal, installation and transportation offered by repairers.

(27) The Commission should enable the development of a voluntary European quality standard for repair services, for instance by encouraging and facilitating voluntary cooperation on a standard between businesses, public authorities and other stakeholders, ***such as independent and community repair providers***, or by issuing a standardisation request to the European standardisation organisations. A European standard for repair services could boost consumer trust in repair services across the Union. Such standard could include aspects influencing consumer decisions on repair, such as the time to complete repair, the availability of temporary replacement goods, quality assurances such as a commercial guarantee on repair, and the availability of ancillary services such as removal, installation and transportation offered by repairers.

Amendment 23

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) In order to promote repair within the liability of the seller as established in Directive (EU) 2019/771, the harmonised conditions under which the choice between the remedies of repair and replacement can be exercised should be adapted. The principle established in Directive (EU) 2019/771 to use the consideration whether the remedy chosen would impose costs on the seller that are disproportionate as compared to the other remedy, as one of the criteria to determine the applicable remedy, should be maintained. The consumer remains entitled to choose repair over replacement, unless repair would be impossible *or it would impose disproportionate costs on the seller as compared to replacement*. However, where the costs for replacement are higher than or equal to the costs of repair, the seller should always repair the goods. *Hence*, the consumer *is entitled to choose* replacement *as a remedy only* where *it is cheaper than* repair. Directive (EU) 2019/771 should therefore be amended accordingly.

Amendment

(28) In order to promote repair within the liability of the seller as established in Directive (EU) 2019/771, the harmonised conditions under which the choice between the remedies of repair and replacement can be exercised should be adapted. The principle established in Directive (EU) 2019/771 to use the consideration whether the remedy chosen would impose costs on the seller that are disproportionate as compared to the other remedy, as one of the criteria to determine the applicable remedy, should be maintained. The consumer remains entitled to choose repair over replacement, unless repair would be *factually or legally* impossible. However, where the costs for replacement are higher than or equal to the costs of repair, the seller should always repair the goods, *unless the repair would create significant inconvenience to the consumer. Situations where the repair would create significant inconvenience to the consumer should be considered on a case-by-case basis while taking into account the nature of the goods and the purpose for which the consumer required the goods. In that respect, the Court of Justice of the European Union has established that a significant inconvenience to the consumer could be understood as a burden that is likely to deter the average consumer from asserting his rights. In this context, this is especially the case where the consumer has a valid interest for non-interrupted use of the goods, and a temporary replacement cannot be provided or cannot be provided in good time or would not be adequate to the consumer's needs, thereby dissuading the consumer from repairing the goods. Significant inconvenience can also be assumed where the goods have already undergone repair measures to meet the conformity standards and the*

goods subsequently require repair after a short period of time due to a lack of conformity, thereby damaging confidence in the reparability of the goods and dissuading the consumer from exercising his right to repair. Furthermore, in situations where a repair does not lead to bringing the good in conformity, the principles established by Directive 2019/771 should apply. This should prevent situations where a consumer faces consecutive repairs for the same defect of the same good. Directive (EU) 2019/771 should therefore be amended accordingly.

Amendment 24

Proposal for a directive Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) To support consumers and incentivise repair, the seller should, depending on the specificities of the relevant product-category, loan the consumer a replacement product, if the repair was not completed within a reasonable period of time. This replacement product can also be a refurbished good but should be temporarily loaned to the consumer without cost. Furthermore, the seller should undertake the repair within a reasonable period of time.

Amendment 25

Proposal for a directive Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) Directive (EU) 2019/771 imposes an obligation on sellers to repair goods in the event of a lack of conformity existing at the time when the goods were delivered

and which becomes apparent within the liability period. In order to promote repair within the liability period, once they choose repair as a remedy to bring a good into conformity, consumers should be able to benefit from an extended liability period of an additional one year starting from the moment their good is returned to them, repaired, provided that Member States have maintained or introduced time limits for the conformity of the original good in accordance with Article 10, paragraphs 1, 2 or 3 of that Directive. This extension of the legal guarantee period should only apply to the first repair under Directive (EU) 2019/771. Directive (EU) 2019/771 should therefore be amended accordingly.

Amendment 26

Proposal for a directive Recital 28 c (new)

Text proposed by the Commission

Amendment

(28c) Consumers choosing repair as the remedy to have the goods brought in conformity should be allowed to choose between the seller or the producer to have the goods being brought into conformity. When consumers choose that the product should be brought into conformity by the producer, a direct producer liability should be established for the repair of products. In such a case, the producer should repair the product to remedy the non-conformity. Producers should try to react swiftly with their assessment if the product can be repaired. If repair is impossible the producer should assess the situation and solve it in a convenient way for the consumer, for instance by getting in touch with the initial seller and the consumer. To avoid the same repair for the same defect by the seller in such a case, the seller should be discharged from his liability for that defect and once

successfully repaired by the producer, the good should be regarded as being in conformity. No other rights of the consumer under Directive (EU) 2019/771 should be affected by this producer liability in case of repair as remedy to a non-conformity.

Amendment 27

Proposal for a directive Recital 28 d (new)

Text proposed by the Commission

Amendment

(28d) In order to incentivise consumers to opt for repair, the commercial guarantee should not contain any terms that would discourage consumers from making use of its right to repair a good that is not in conformity.

Amendment 28

Proposal for a directive Recital 30

Text proposed by the Commission

Amendment

(30) In order to allow economic operators to adapt, transitional provisions concerning the application of some Articles of this Directive should be introduced. Thus, the obligations to repair and to provide related information on this obligation should apply to contracts for the provision of repair services after [24 months after the entry into force]. The amendment to Directive (EU) 2019/771 should apply only to sales contracts concluded after [24 months after the entry into force] to ensure legal certainty and to provide sellers with sufficient time to adapt to the amended remedies of repair and replacement.

(30) In order to allow economic operators to adapt, transitional provisions concerning the application of some Articles of this Directive should be introduced. Thus, the obligations to repair and to provide related information on this obligation should apply to contracts for the provision of repair services after [18 months after the entry into force]. The amendment to Directive (EU) 2019/771 should apply only to sales contracts concluded after [18 months after the entry into force] to ensure legal certainty and to provide sellers with sufficient time to adapt to the amended remedies of repair and replacement.

Amendment 29

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive lays down common 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.

Amendment

1. This Directive lays down common rules ***strengthening the right to*** repair of goods ***for consumers***, with a view to contributing to the proper functioning of the internal market, while providing for a high level of consumer and environmental protection.

Amendment 30

Proposal for a directive
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. ‘repair’ means returning a defective product or waste to a condition where it fulfils its intended use;

Amendment 31

Proposal for a directive
Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

2. ‘repairer’ means any natural or legal person who, related to that person’s trade, business, craft or profession, provides a repair service, including producers and sellers that provide repair services and repair service providers whether independent or affiliated with such producers or sellers;

2. ‘repairer’ means any natural or legal person who, related to that person’s trade, business, craft or profession, provides a repair service, including producers and sellers that provide repair services and repair service providers whether independent ***repairers, professional repairers*** or affiliated with such producers or sellers;

Amendment 32

Proposal for a directive
Article 2 – paragraph 1 – point 2 a (new)

2a. ‘independent operator’ means a natural or legal person, other than an authorised representative, seller or repairer, who is directly or indirectly involved in the repair and maintenance of the good, and include repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, assistance operators, operators offering inspection and testing services, operators offering training for installers and remote service suppliers;

Amendment 33

Proposal for a directive

Article 2 – paragraph 1 – point 6 a (new)

6a. ‘fulfilment service provider’ means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching of a product, without having ownership of the product, with the exception of ‘postal services’ as defined in Article 2, point (1), of Directive 97/67/EC of the European Parliament and of the Council^{1a}, of ‘parcel delivery services’ as defined in Article 2, point (2), of Regulation (EU) 2018/644 of the European Parliament and of the Council^{1b}, and of any other postal services or freight transport services;

^{1a} Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L

15, 21.1.1998, p. 14).

^{1b}*Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services (OJ L 112, 2.5.2018, p. 19).*

Amendment 34

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. *Member States shall ensure that, before a consumer is bound by a contract for the provision of repair services, the repairer shall provide the consumer, upon request, with the European Repair Information Form set out in Annex I on a durable medium within the meaning of Article 2 (11) of Directive 2019/771/EU.*

Amendment

1. *Repairers may provide the consumer, with the European Repair Information Form set out in Annex I to this Directive on a durable medium within the meaning of Article 2 (11) of Directive 2019/771/EU. In such cases, producers or the relevant economic operator under Article 5 of this Directive shall provide the repairer in a clear manner with information necessary for the repairer to complete the European Repair Information Form.*

Amendment 35

Proposal for a directive Article 4 – paragraph 2

Text proposed by the Commission

2. *Repairers other than those obliged to repair by virtue of Article 5 shall not be obliged to provide the European Repair Information Form where they do not intend to provide the repair service.*

Amendment

deleted

Amendment 36

Proposal for a directive Article 4 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The repairer may request the consumer to pay the necessary costs ***the repairer incurs for providing the information included in the European Repair Information Form.***

Amendment

Where a physical examination including an on-site assessment of the product is required for estimating the price of repair, the repairer may request the consumer to pay the necessary costs ***involved for such physical examination.***

Amendment 37

Proposal for a directive

Article 4 – paragraph 4 – point e

Text proposed by the Commission

(e) the price or, ***if the price*** cannot reasonably be calculated in advance, the manner in which the price is to be calculated ***and the maximum price for the repair;***

Amendment

(e) the ***maximum price expected for the repair including but not limited to costs for spare parts, labour costs, costs for the freight, delivery or postal charges or, if either the total price or any of its subparts*** cannot reasonably be calculated in advance, the manner in which the price is to be calculated;

Amendment 38

Proposal for a directive

Article 4 – paragraph 4 – point i a (new)

Text proposed by the Commission

Amendment

(i a) additional information provided voluntarily by the repairer.

Amendment 39

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that upon the consumer's request, the producer shall repair, ***for free or against a price or***

Amendment

1. Member States shall ensure that upon the consumer's request, the producer shall repair, goods which ***are listed in Annex II,***

another kind of consideration, goods *for which and to the extent that* reparability requirements are provided for by Union legal acts *as listed in Annex II*. The producer shall not be obliged to repair such goods where repair is impossible. The producer may sub-contract repair in order to fulfil its obligation to repair.

whether or not reparability requirements *for those goods* are provided for by Union legal acts. The producer shall not be obliged to repair such goods where repair is *factually or legally* impossible. *The producer shall not refuse the consumer's request purely due to economic considerations such as the costs*. The producer may sub-contract repair in order to fulfil its obligation to repair. *In such cases, the producer shall provide the repairer with all relevant information to allow the repairer to fulfil his obligations*.

Amendment 40

Proposal for a directive Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The repair pursuant to paragraph 1 shall be carried out subject to the following conditions:

- a) it shall be carried out either free of charge or in return for consideration;*
- b) it shall 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;*
- c) 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*
- d) in cases where the repair is factually or legally impossible, the producer may provide the consumer with a refurbished product that shall upon acceptance by the consumer discharge the producer from the repair obligation under this Article.*

Amendment 41

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Where the producer obliged to repair pursuant to paragraph 1 is established outside the Union, its authorised representative ***in the Union shall perform the obligation of the producer.*** Where the producer has no authorised representative in the Union, the importer of the good concerned shall perform the obligation of the producer. Where there is no importer, the distributor of the good concerned shall perform the obligation of the producer.

Amendment

2. Where the producer obliged to repair pursuant to paragraph 1 is established outside the Union, ***it shall appoint, by written mandate, an authorised representative to ensure compliance with this Directive. It shall ensure that its authorised representative has the resources and the mandate to fulfil the obligations set out in this Directive***

Where the producer has no authorised representative in the Union, the importer of the good concerned shall perform the obligation of the producer. Where there is no importer, the ***fulfilment service provider of the good concerned shall perform the obligation of the producer. Where there is no fulfilment service provider, the*** distributor of the good concerned shall perform the obligation of the producer.

Amendment 42

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Producers shall ensure that independent repairers have access to spare parts and repair-related information and tools ***in accordance with the Union legal acts listed in Annex II.***

Amendment

3. ***For all goods listed in Annex II to this Directive,*** producers shall 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. Access to diagnostic tools shall be provided subject to applicable rules on the protection of trade secrets as defined in Article 2 point***

Amendment 43

Proposal for a directive

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Producers shall 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.

Amendment 44

Proposal for a directive

Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Producers shall 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.

Amendment 45

Proposal for a directive

Article 5 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Producers shall not refuse to service or repair a device that was bought or previously repaired outside of their authorised service or distribution networks.

Amendment 46

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend Annex II by **updating** the list **of Union legal acts laying down reparability requirements** in the light of legislative developments.

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend Annex II by **adding new reparable goods to** the list in the light of legislative **or market** developments.

Amendment 47

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

Member States shall ensure that producers inform consumers of their obligation to repair pursuant to Article 5 and provide information on the repair services in an easily accessible, clear and comprehensible manner, for example through the online platform referred to in Article 7.

Amendment

Member States shall ensure that producers **or sellers** inform consumers of their obligation to repair pursuant to Article 5 and provide information on the repair services **free of charge**, in an easily accessible, clear and comprehensible manner, for example through the online platform referred to in Article 7, **their relevant websites or at the point of sale**.

Amendment 48

Proposal for a directive Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that at least one online platform exists for their territory **that allows** consumers to find repairers. **That platform** shall:

Amendment

1. Member States shall ensure that at least one online platform exists for their territory. **Member States shall particularly promote private initiatives aimed at establishing such online platforms. Such online platforms shall allow** consumers to **easily** find repairers, **including repair led-communities and repair cafés and** shall:

Amendment 49

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) include search functions regarding goods, location of repair services, repair conditions, including the time needed to complete the repair, the availability of temporary replacement goods and the place where the consumer hands over the goods for repair, availability and conditions of ancillary services, including removal, installation and transportation, offered by repairers, and applicable European or national quality standards;

Amendment

(a) include search functions regarding goods, location of repair **services, including a map based function, the possibility to provide cross border** services, repair conditions, including the time needed to complete the repair, the availability of temporary replacement goods and the place where the consumer hands over the goods for repair, availability and conditions of ancillary services, including removal, installation and transportation, offered by repairers, and applicable European or national quality standards;

Amendment 50

Proposal for a directive

Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) inform consumers about applicable financial and fiscal incentives to lower costs of repair;

Amendment 51

Proposal for a directive

Article 7 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) allow for consumers to provide a review or rating, reflect the quality of repairers' work;

Amendment 52

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Whenever there is at least one platform in the territory of a Member State in private ownership that meets the requirements listed in the first subparagraph, the obligation in that subparagraph is deemed to be fulfilled by the respective Member State.

Amendment 53

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Registration on the online platform for repairers, as well as for sellers of goods subject to refurbishment and for purchasers of defective goods for refurbishment, shall be voluntary. Member States shall determine the access to the platform in accordance with Union law. The use of the online platform shall be free of charge for consumers.

3. Registration on the online platform for repairers, as well as for ***community repair initiatives such as repair cafés***, sellers of goods subject to refurbishment and for purchasers of defective goods for refurbishment, shall be voluntary. Member States shall determine the access to the platform in accordance with Union law. The use of the online platform shall be free of charge for consumers.

Amendment 54

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that online platforms are accessible, and ensure that the information provided is up-to-date, and presented in a consumer-friendly manner.

Amendment 55

Proposal for a directive
Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall communicate to the Commission the link of existing online platforms for repair in their territory by ... [12 months after entry into force of this Directive] and the link of every new online platform for repair within 14 working days of their launch. The Commission shall keep a publicly available, easily accessible and machine-readable database of online platforms for repair registered within the Member States.

Amendment 56

Proposal for a directive
Article 7 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Member States and the Commission shall take appropriate measures to inform consumers, relevant economic operators and sellers about the availability of online platforms established pursuant to paragraph 1 of this Article and that consumers have easy access to it.

Amendment 57

Proposal for a directive
Article 7 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. The relevant economic operator or an online platform that allows consumers to conclude distance contracts should provide consumers with information on the availability of online platforms, established pursuant to paragraph 1 of this Article, in their territory.

Amendment 58

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Measures for Micro, Small and Medium-sized enterprises (SMEs)

1. Member States shall take appropriate measures to support micro, small and medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC in complying with the requirements and obligations set out in this Directive. Those measures shall at least include:

- a) guidelines or similar measures to raise awareness on how to comply with the requirements and obligations set out in this Directive;***
- b) tailored trainings for entrepreneurs and their employees.***

Amendment 59

Proposal for a directive Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Member States measures promoting repair

- 1. Member States shall take appropriate measures promoting repair.***
- 2. The measures referred to in paragraph 1 may, for example, take the form of repair vouchers, national repair funds or other actions and incentives.***
- 3. Member States shall report to the Commission the measures taken under***

paragraph 1. By ... [12 months after the date of transposition of this Directive], the Commission shall make those measures publicly available. Member States shall report to the Commission on the applicable measures by...[12 months after the date of transposition of this Directive].

4. Member States shall ensure that the fundamental freedoms to provide services and of establishment as enshrined in the Treaties apply to providers of repair services, including in line with Directive (EU) 2018/958, as applicable.

Furthermore, Member States shall not introduce in their national laws unjustified qualification requirements for professional repair services nor shall conduct checks, inspections or investigations which are unjustified in the light of those fundamental freedoms.

5. Member states shall ensure that the provider of a repair shall 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.

6. Member States shall ban practices that impede consumers to exert their right to repair, including but not limited to:

(a) banning practices that induce consumers to think that their good cannot be repaired due to previous repair or inspections by an independent repairer, non-professional repairer or end-users, or by inducing that it may generate risks related to safety;

(b) prohibiting any contractual, hardware or software technique that could prevent or limit repair and prohibit the refusal to repair a good that has been previously repaired by an independent repairer, non-professional repairer or end-user.

Amendment 60

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall 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 shall 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 mislead.

Amendment 61

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the following non-exhaustive and indicative criteria are taken into account for the imposition of penalties, where appropriate:

- (a) the nature, gravity, scale and duration of the infringement;***
- (b) the financial capabilities and the size of the concerned enterprise;***
- (c) any action taken by the seller or producer to mitigate or remedy the damage suffered by consumers;***
- (d) any previous infringements by the seller or producer;***
- (e) the financial benefits gained or losses avoided by the seller or producer due to the infringement, if the relevant data are available;***

(f) penalties imposed on the seller or producer for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394 of the European Parliament and of the Council;

(g) any other aggravating or mitigating factors applicable to the circumstances of the case.

Amendment 62

Proposal for a directive

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394, they include the possibility either to impose fines through administrative procedures or to initiate legal proceedings for the imposition of fines, or both, the maximum amount of such fines being at least 4 % of the seller's or producer's annual turnover in the Member State or Member States concerned.

Amendment 63

Proposal for a directive

Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. For cases where a fine is to be imposed in accordance with paragraph 1b, but information on the seller's or producer's annual turnover is not available, Member States shall introduce the possibility to impose fines, the maximum amount of which shall be at

least EUR 2 million.

Amendment 64

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

2. Member States shall, by **24** months from the entry into force notify the Commission of the rules and of the measures referred to in paragraph 1 and shall notify it without delay of any subsequent amendment affecting them.

Amendment

2. Member States shall, by **18** months from the entry into force notify the Commission of the rules and of the measures referred to in paragraph 1 and shall notify it without delay of any subsequent amendment affecting them.

Amendment 65

Proposal for a directive

Article 12 – paragraph 1 – point -1 (new)

Directive (EU) 2019/771

Article 7 – paragraph 1 – point d

Present text

(d) be of the quantity and possess the qualities and other features, including in relation to durability, functionality, compatibility and security normal for goods of the same type and which the consumer may reasonably expect given the nature of the goods and taking into account any public statement made by or on behalf of the seller, or other persons in previous links of the chain of transactions, including the producer, particularly in advertising or on labelling.

Amendment

Directive (EU) 2019/771 is amended as follows:

(-1) In Article 7(1), point (d) is replaced by the following:

‘(d) be of the quantity and possess the qualities and other features, including in relation to durability, **reparability**, functionality, compatibility and security normal for goods of the same type and which the consumer may reasonably expect given the nature of the goods and taking into account any public statement made by or on behalf of the seller, or other persons in previous links of the chain of transactions, including the producer, particularly in advertising or on labelling.’

The text of the introductory part of the sole paragraph of Article 12 is amended here to cover amendments 65 - 72.

Amendment 66

Proposal for a directive

Article 12 – paragraph 1 – point 1 – point a (new)

Directive (EU) 2019/771

Article 13 – paragraph 2 – subparagraph 2 (new)

Text proposed by the Commission

In **Article 13(2) of Directive (EU) 2019/771** the following **sentence** is added:

In derogation from the first **sentence of this paragraph**, where the costs for replacement are equal to or greater than the costs for repair, the seller shall repair the goods in order to bring those goods in conformity.

Amendment

(1) Article 13 is amended as follows:

(a) In **paragraph (2)** the following **subparagraph** is added:

‘By way of derogation from the first **subparagraph**, where the costs for replacement are equal to or greater than the costs for repair, the seller shall repair the goods in order to bring those goods in conformity, ***unless the repair is factually or legally impossible or would create significant inconvenience to the consumer.***’

Amendment 67

Proposal for a directive

Article 12 – paragraph 1 – point 1 – point b (new)

Directive (EU) 2019/771

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(b) the following paragraph is inserted:

‘3a. In the event that the consumer chooses for repair as the remedy to have the goods brought into conformity, the consumer may also directly request the producer to bring the goods into conformity. A fulfilment of this request by the producer is deemed to discharge the seller from its liability pursuant to Article 10.

Amendment 68

Proposal for a directive

Article 12 – paragraph 1 – point 1 – point c (new)

Present text

Amendment

(c) the following paragraph is inserted:

"4a. Where, in accordance with paragraph 2 of this Article, the good has been brought into conformity by means of repair, the seller or producer shall be liable for any lack of conformity which exists at the time the consumer received the repaired goods and which becomes apparent within 1 year after that time provided that Member States have maintained or introduced time limits for the conformity of the original good in accordance with Article 10, paragraphs 1, 2 or 3. This shall not apply if the seller has already successfully repaired the goods in accordance with Article 10. Without prejudice to Article 7(3), this paragraph shall also apply to goods with digital elements. This paragraph shall be without prejudice to other time limits under Article 10 and further claims of the consumer."

Amendment 69

Proposal for a directive

Article 12 – paragraph 1– point 1 a (new) – point a (new)

Directive (EU) 2019/771

Article 14 – paragraph 1

Present text

Amendment

1. Repairs **or replacements** shall be carried out:
- (a) free of charge;
 - (b) within a reasonable period of time from the moment the seller has been informed by the consumer about the **lack**

(1a) Article 14 is amended as follows:

(a) paragraph 1 is replaced by the following:

- "1. Repairs shall be carried out:**
- (a) free of charge;**
 - (b) within a reasonable period of time from the moment the seller has been informed by the consumer about the**

of conformity; and

(c) without any significant inconvenience to the consumer, taking into account the nature of the goods and the purpose for which the consumer required the goods.

repair;

(c) without any significant inconvenience to the consumer, taking into account the nature of the goods and the purpose for which the consumer required the goods; *and*

(ca) depending on the specificities of the relevant product-category, in particular of its permanent availability for the consumer, the seller shall provide the consumer free of charge with a replacement good, including a refurbished good on loan if the repair cannot be completed during the period referred to in point b).

Amendment 70

Proposal for a directive

Article 12 – paragraph 1– point 1 a (new) – point b (new)

Directive (EU) 2019/771

Article 14 – paragraph 1 a (new)

Present text

Amendment

(b) the following paragraph is inserted:

“1a. Replacements shall be carried out:

a) free of charge;

b) within a reasonable period of time from the moment the seller has been informed by the consumer about the lack of conformity;

c) without any significant inconvenience to the consumer, taking into account the nature of the goods and the purpose for which the consumer has required the goods.

d) upon the explicit request by the consumer, by offering a refurbished good”

Amendment 71

Proposal for a directive

Article 12 – paragraph 1 – point 1 a (new) – point c (new)

Directive (EU) 2019/771

Article 14 – paragraph 4 a (new)

Present text

Amendment

(c) the following paragraph is inserted:

“4a. In the event that the consumer decides, pursuant to Article 13(3a), that the producer shall bring the goods in conformity by means of repair, the producer shall be considered to be the seller for the purpose of this Article.”

Amendment 72

Proposal for a directive

Article 12 – paragraph 1 – point 1 b (new)

Directive (EU) 2019/771

Article 17 – paragraph 1 a (new)

Present text

Amendment

(1b) In Article 17 the following paragraph is inserted:

“1a. The commercial guarantee is without prejudice to the consumer’s right pursuant to Article 13(3a) to choose for the producer to repair a good that is not in conformity. Any terms of the commercial guarantee that discourage the consumer from making use of its right pursuant to Article 13(3a) are deemed to be void.”

Amendment 73

Proposal for a directive

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Evaluation report

1. By [5 years after the entry into force

of this Directive], the Commission shall carry out an evaluation of this Directive and assess its contribution, and in particular Articles 5, 9a and 12, to the proper functioning of the internal market, the high level of consumer protection and the improvement of the environmental sustainability of products, as well as their impact on businesses, in particular micro, small and medium enterprises.

With regards to Article 7 it shall evaluate and assess the effectiveness of online platforms for repair based on data from individual Member States, containing information on the number of active repair service providers, consumers and the number of transactions performed.

2. The Commission shall draw up a report on the main findings and submit it to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

3. The report shall be accompanied, where appropriate, by a legislative proposal.

Amendment 74

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. Article 5(1) and (2) and Article 6 of this Directive shall not apply to contracts for the provision of repair services concluded before [24 months after the entry into force].

Amendment

1. Article 5(1) and (2) and Article 6 of this Directive shall not apply to contracts for the provision of repair services concluded before [18 months after the entry into force].

Amendment 75

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Article 12 of this Directive shall not apply to sales contracts concluded before [24 months after the entry into force]

Amendment

2. Article 12 of this Directive shall not apply to sales contracts concluded before [18 months after the entry into force]

Amendment 76

Proposal for a directive
Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [24 months from the entry into force] at the latest. They shall immediately inform the Commission thereof.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [18 months from the entry into force] at the latest. They shall immediately inform the Commission thereof.

Amendment 77

Proposal for a directive
Article 17 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall apply those measures from [24 months from the entry into force].

Amendment

Member States shall apply those measures from [18 months from the entry into force].

Amendment 78

Proposal for a directive
Annex I – part 2 – table – line 4

Text proposed by the Commission

Price for repair or, if it cannot be calculated, the applicable calculation method *and maximum price of repair*

Amendment

Maximum price *expected* for repair or, if it cannot be calculated, the applicable calculation method

Amendment 79

Proposal for a directive Annex I – part 2 – table – line 10 a (new)

Text proposed by the Commission

Amendment

***If applicable, additional information
provided voluntarily by the repairer***

Amendment 80

Proposal for a directive Annex II – heading

Text proposed by the Commission

Amendment

LIST OF UNION LEGAL ACTS
LAYING DOWN REPARABILITY
REQUIREMENTS

LIST OF UNION LEGAL ACTS
LAYING DOWN REPARABILITY
REQUIREMENTS ***AND LIST OF
REPARABLE GOODS***

Amendment 81

Proposal for a directive Annex II – point 9

Text proposed by the Commission

Amendment

9. /Mobile phones, cordless phones and
tablets according to Commission
Regulation (EU) .../...²⁹ /

9. Mobile phones, cordless phones and
tablets according to Commission
Regulation (EU) .../...²⁹

²⁹ ...

²⁹ ...

Amendment 82

Proposal for a directive Annex II – point 9 a (new)

Text proposed by the Commission

Amendment

9a. Bicycles