



Plenary sitting

B9-0175/2022

30.3.2022

MOTION FOR A RESOLUTION

further to Question for Oral Answer B9-0000/2022

pursuant to Rule 136(5) of the Rules of Procedure

on the right to repair
(2022/2515(RSP))

**Anna Cavazzini, Andreas Schwab, Christel Schaldemose, Biljana Borzan,
Anne-Sophie Pelletier**

on behalf of the Committee on the Internal Market and Consumer Protection

**European Parliament resolution on the right to repair
(2022/2515(RSP))**

The European Parliament,

- having regard to 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 ('Sale of Goods Directive')¹,
- having regard to Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services ('Digital Content Directive')²,
- 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 ('Ecodesign Directive')³,
- 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 ('Unfair Commercial Practices Directive')⁴, and in particular Annex I thereto,
- having regard to its resolution of 25 November 2020 on 'Towards a more sustainable single market for business and consumers'⁵,
- having regard to its resolution of 10 February 2021 on the New Circular Economy Action Plan⁶,
- having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies⁷,
- having regard to the question to the Commission on the right to repair (O-000010/2022 – B9-0000/2022),
- having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on the Internal Market and Consumer Protection,

¹ OJ L 136, 22.5.2019, p. 28.

² OJ L 136, 22.5.2019, p. 1.

³ OJ L 285, 31.10.2009, p. 10.

⁴ OJ L 149, 11.6.2005, p. 22.

⁵ OJ C 425, 20.10.2021, p. 10.

⁶ Texts adopted, P9_TA(2021)0040.

⁷ OJ C 334, 19.9.2018, p. 60.

- A. whereas Parliament has stressed on several occasions⁸ the importance of granting consumers a right to repair as a key pillar of the Circular Economy agenda in the framework of the European Green Deal, in that it would foster a more efficient and sustainable use of resources, prevent and reduce waste and encourage extended use and reuse of products and the sharing economy, while also strengthening consumer rights and welfare;
- B. whereas the Commission's State of the Union 2021 letter of intent⁹ announces a legislative proposal for a right to repair as one of the key initiatives for 2022 and whereas this proposal should be adopted in close coordination with related legislative initiatives, such as the Sustainable Products Initiative and the 'Empowering consumers in the green transition' initiative, which all share the objective of achieving more sustainable products and consumption patterns;
- C. whereas the Commission has launched a public consultation until 5 April 2022 on the sustainable consumption of goods - promoting repair and reuse; whereas the Commission aims to propose a directive amending the Sale of Goods Directive and is considering proposing a separate legislative act on the right to repair;
- D. whereas the Digital Content Directive and the Sale of Goods Directive contain comprehensive frameworks covering essential elements of consumer contract law such as on requirements for conformity with the contract and remedies available to consumers for a lack of conformity, including provisions on repair, replacement, bringing digital content or services into conformity, price reduction and termination of the contract, as well as rules on the main modalities for the exercise of such remedies and on commercial guarantees;
- E. whereas 79 % of EU citizens think that manufacturers should be required to make it easier to repair digital devices or replace their individual parts; whereas 77 % of EU citizens would rather repair their devices than replace them; whereas repair businesses could be a source of local jobs and specific know-how in Europe;
- F. whereas the COVID-19 crisis has demonstrated the need to establish new and more resilient business models and to support European businesses, and in particular small and medium-sized enterprises (SMEs), micro-enterprises and the self-employed;
- G. whereas granting consumers the right to repair would be instrumental in advancing Europe's industrial transition and strengthening its resilience and open strategic autonomy; whereas encouraging a culture of repair offers sources of economic and social opportunities in terms of entrepreneurship and job creation; whereas sustainable products benefit both businesses and consumers by boosting demand in and the supply of sustainable goods;
- H. whereas a number of obstacles prevent consumers from opting for repair, including unavailability of information, lack of access to spare parts, lack of standardisation and

⁸ Resolution of 25 November 2020 on 'Towards a more sustainable single market for business and consumers'; resolution of 10 February 2021 on the New Circular Economy Action Plan.

⁹ European Commission, State of the Union 2021 Letter of Intent, 15 September 2021.

interoperability, or other technical barriers, and the costs of repair;

- I. whereas e-waste is the fastest growing waste stream in the world, with more than 53 million tonnes of electronic waste discarded in 2019;
1. Emphasises that an effective right to repair should address aspects of the product lifecycle and be approached from different interlinked policy areas, including product design, key ethical principles of production, standardisation, consumer information, including labelling on reparability, and on lifetime where possible and appropriate, consumer rights and guarantees, and public procurement;
2. Emphasises that the initiative on a right to repair must be proportionate, evidence-based and cost-efficient, and balance the principles of sustainability, consumer protection and a highly competitive social market economy in order for all relevant stakeholders to embrace the opportunities inherent to the green transition;
3. Emphasises that an effective right to repair should create significant competitive advantages for European businesses while refraining from placing any form of disproportionate financial burden on them, and should inspire innovation and encourage investment in sustainable technologies, while taking into account market developments and consumers' evolving needs;

Designing products that last longer and can be repaired

4. Welcomes the Commission's intention to adopt a Sustainable Products Initiative revising the Ecodesign Directive and widening its scope beyond energy-related products;
5. Recalls that the manufacturing of compliant, sustainable and safe products is a core strength of the EU single market that is beneficial to both consumers and business; calls on the Commission to require manufacturers to design their products in such a manner that they last longer, can be safely repaired and their parts can be easily accessed and removed;
6. Stresses the need to ensure better access by end-users and independent repair service providers to spare parts and instruction manuals within a reasonable time and at a reasonable cost, for a period corresponding to the expected lifespan of the product;
7. Calls on the Commission to consider durability and repair requirements in a future Ecodesign Directive with a broader scope; underlines the need to thoroughly analyse requirements product by product to make sure that the requirement best fit for purpose is chosen, noting for example that for some products modular design will make repairs easier and prolong product life, while for other products modular design or an obligation to ensure reparability may compromise durability;
8. Highlights that a number of implementing measures under the Ecodesign Directive were adopted in 2019 introducing a mandatory period for providing spare parts and maximum delivery times, as well as design requirements on dis/assembly of components; calls on the Commission, therefore, to extend the scope of such measures to other product categories, including non-energy related products, taking into account

their specificities;

9. Recalls that access to repair and maintenance information for all actors in the repair sector is key to giving consumers greater access to repair services; insists therefore that a proper 'right to repair' should provide actors in the repair industry, including independent repairers, and consumers with access to the necessary repair and maintenance information free of charge, including information on diagnostic tools, spare parts, software and updates, needed to perform repairs and maintenance; recalls the importance of an innovative business environment and respect for trade secrets;
10. Highlights that goods with digital elements require special attention; stresses in particular that software updates have to be made available for a minimum period in line with the Digital Content Directive; insists that consumers should be fully informed about the availability of updates at the time of purchase; adds that functionality updates should be reversible and not lead to diminished performance; notes that practices that unduly restrict the right to repair or lead to obsolescence could be considered unfair commercial practices and therefore be added to Annex I to the Unfair Commercial Practices Directive;

Empowering consumers to choose repairable products

11. Takes the view that improving consumer information on the reparability of products is key to enabling consumers to play a more active role in the circular economy; considers that improved consumer information would enable consumers to make better informed purchasing decisions, which could drive the market towards more repairable products; welcomes therefore the announced Commission initiative on empowering consumers in the green transition;
12. Underlines that consumers should receive reliable, clear and easily understandable information at the point of sale on the durability and repairability of a product, to help them compare and identify the most sustainable products available on the market; calls on the Commission to propose harmonised rules for such consumer information, including, among other information, repair scores, information on estimated lifespan, information on spare parts, information on repair services and the period during which software updates would be available in the case of goods with digital elements, while keeping in mind the imperatives of consumer safety; notes that, for it to be useful, such information should be made available at the time of purchase;
13. Asks the Commission, furthermore, to make sure that product information is based on standardised measurements, for example for durability, and to initiate the development of standards where these do not exist;
14. Emphasises the key role of the EU ecolabel in encouraging industry uptake of labelling policies that relay key information to consumers on the lifespan of goods, while balancing obligations on companies with strong positive commercial incentives to build consumer trust; notes, however, that this labelling scheme is only voluntary;
15. Calls on the Commission to assess proposing requirements for manufacturers to set up smart labelling means such as QR codes and digital product passports in all new product legislation and in the revision of the Ecodesign Directive; calls for balance to be

ensured in the development of initiatives such as the European digital ‘product passport’ through close cooperation with the industry and relevant stakeholders, taking into particular account the proportionality principle and taking special care to consider the needs of SMEs;

16. Insists that consumers buying products online should receive a similar level of information to those purchasing offline and that Member States should monitor and enforce that online sellers include the necessary information on their websites and when offering their products on online marketplaces;
17. Urges the Commission to put forward a legislative proposal to encourage the uptake of green public procurement; considers that reused, repaired, remanufactured and refurbished products and other energy- and resource-efficient products and solutions that minimise the environmental impacts of products and solutions throughout their lifecycle are the default choice in all public procurement, in line with the objectives of the European Green Deal, and if they are not preferred, the ‘comply or explain’ principle should apply;
18. Calls on the Commission and national authorities to assist and provide financial support to local and regional authorities, companies and associations in conducting consumer awareness campaigns on extending the lifespans of products, in particular by providing reliable and clear information, advice and services such as maintenance, repair and re-use;
19. Calls on the Commission and Member States to develop financial incentives for repair services to make repairs convenient and attractive to consumers;

Strengthening consumer rights and guarantees for a longer use of goods

20. Emphasises that European consumers may have their goods repaired or digital content and services brought into conformity under the Sale of Goods Directive and the Digital Content Directive; stresses that while consumers have a right to choose between repair and replacement for defective goods under the Sale of Goods Directive, repair could in many instances be a more resource-efficient and climate-neutral choice; notes that consumers in practice usually choose replacement over repair, which might be due to the high cost of repair; stresses that product replacement should remain an alternative if a consumer and a seller agree so, as repair might be too time-consuming;
21. Asks the Commission, therefore, to propose in its initiative on a right to repair a range of measures with the aim of promoting and encouraging consumers, producers and traders to opt for repair over replacement; underlines that when proposing such measures, the Commission should always take into account the highest possible level of consumer protection and consumer welfare;
22. Notes that the upcoming review of the Sale of Goods Directive could, inter alia, include measures aimed at encouraging consumers to choose repair over replacement, such as the obligation to provide for a replacement product while certain products are being repaired; considers that in order to encourage product repair, certain incentives should be offered to consumers who choose to repair rather than replace; considers that an extended guarantee might provide an incentive to choose repair over replacement; adds

that sellers should always inform consumers of all options available to them in an equal manner, including repair and related guarantee rights;

23. Calls on the Commission to study the feasibility of introducing a joint manufacturer-seller liability mechanism in the event of product non-conformity;
24. Notes that the current legal framework under the Sale of Goods Directive provides for a minimum liability period of only two years for defective goods and encourages Member States to extend it; underlines that this is a minimum harmonisation rule and that only a limited number of Member States go beyond that period; believes therefore that the review of the Sale of Goods Directive should also propose extending the legal guarantee beyond two years for some product categories; notes furthermore the importance of full harmonisation of the legal guarantee period;
25. Calls on the Commission to assess to what extent the right to repair could be proposed so that market operators may offer easy and affordable access to repairs even beyond the guarantee period;
26. Stresses that any proposal should be accompanied by a proper impact assessment that includes the appropriate cost-benefit analyses for both consumers and business, a comparison of best practices at national level and with non-EU countries and the quantified impact on overall consumer welfare, the environment and businesses, including SMEs, among other aspects; asks the Commission to provide information on the costs of repairs for EU companies in the single market; stresses the need to provide all relevant information and also propose quantifiable indicators in order to measure the impact of any future legislation;
27. Recalls that there are currently no specific rules for the repair of remanufactured or refurbished goods; calls on the Commission to propose measures that reward traders for providing repair possibilities for remanufactured or refurbished goods in order to increase consumer trust; calls on the Commission to consider equipment such as usage meters and banning the destruction of unsold goods to facilitate the reuse and repair of products;

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