



**2022/2515(RSP)**

7.3.2022

## **Final Compromise version**

# **DRAFT MOTION FOR A RESOLUTION**

further to Question for Oral Answer B9-0000/2022

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

on Right to repair  
(2022/2515(RSP))

**Anna Cavazzini**

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

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

*The European Parliament,*

- 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,
  - having regard to its Resolution on Towards a more sustainable single market for business and consumers (2020/2021(INI)),
  - having regard to its Resolution on the New Circular Economy Action Plan (2020/2077(INI)),
  - having regard to its Resolution on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI)),
- A. whereas the Parliament has stressed in several instances<sup>1</sup> the importance of the right to repair for consumers as a key pillar of the Circular Economy agenda in the framework of the EU Green Deal, by fostering a more efficient and sustainable use of resources, preventing and reducing waste and encouraging extended use and reuse of products and the sharing economy, while strengthening consumer rights and welfare;
- B. whereas the Commission’s State of the Union letter of intent 2021<sup>2</sup> announces a legislative proposal on 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 “Empowering consumers in the green transition”, which all share the objective of achieving more sustainable products and consumption patterns;
- C. whereas the Commission has launched a public consultation on sustainable consumption of goods - promoting and reuse until 5 April 2022<sup>3</sup>; whereas the Commission aims to propose a directive amending Directive (EU) 2019/771 on certain aspects concerning contracts for the sale of goods (Sale of Goods Directive) and is considering to propose a separate legislative act on the right to repair;
- D. whereas Directive (EU) 2019/770 on contracts for the supply of digital content and digital services (Digital Content Directive) and the Sale of Goods Directive contain comprehensive frameworks on essential elements of consumer contract law such as on requirements for conformity with the contract, remedies available to consumers for a

---

<sup>1</sup> 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.

<sup>2</sup> [https://ec.europa.eu/info/sites/default/files/state\\_of\\_the\\_union\\_2021\\_letter\\_of\\_intent\\_en.pdf](https://ec.europa.eu/info/sites/default/files/state_of_the_union_2021_letter_of_intent_en.pdf).

<sup>3</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13150-Sustainable-consumption-of-goods-promoting-repair-and-reuse\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13150-Sustainable-consumption-of-goods-promoting-repair-and-reuse_en).

lack of conformity, including provisions on repair, replacement, bringing digital content or service in 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, especially small and medium-sized enterprises (SMEs), micro-enterprises and the self-employed;
  - G. whereas consumers' right to repair represents a crucial tool 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 regarding 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 among which unavailability of information, lack of access to spare parts, lack of standardisation and interoperability or other technical barriers, as well as the costs of repair;
  - I. whereas the annual growth of e-waste, at a faster rate than any other waste stream across the world, has led to the discarding of 53 million tonnes of discarded items;
- 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 where possible and appropriate, on lifetime, consumer rights and guarantees, and public procurement;
  - 2. Emphasises that the initiative on a right to repair must be proportionate, evidence-based, 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 in the green transition;
  - 3. Emphasises that an effective right to repair should create significant competitive advantages for European businesses whilst refraining from placing any form of disproportionate financial burden on them, and should inspire innovation, encourage investments in sustainable technologies, always 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 beneficial to both consumers and business; calls on the Commission to require manufacturers to design their products in such a manner that they can be longer-lasting and safely repaired and their parts 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 reasonable time and at 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 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 certain number of implementing measures under the Ecodesign Directive have been adopted in 2019 introducing a mandatory period for providing spare parts and maximum delivery time-limits, design requirements on dis/assembly of components; therefore calls on the Commission 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 ensure greater access of consumers to repair services; insists therefore that a proper “right to repair” should give actors of the repair industry, including independent repairers, and consumers 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 specific attention; stresses in particular that software updates have to be made available for a minimum period of time in line with the Digital Content Directive; demands that consumers should be fully informed on update availability at the time of purchase; adds that functionality updates should be reversible and not lead to diminished performance of the device; notes that practices, which unduly constrain the right to repair or lead to obsolescence could be considered as unfair commercial practices and therefore be added to the Annex I of 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 a key element to enable consumers to play a more active role in the circular economy; considers that consumer information will 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 durability and reparability of a product, to help them identify and compare the most sustainable products available on the market; calls on the Commission to propose harmonised rules for such consumer information, including among others repair scores, information on estimated lifespan, information on spare parts, repair services, as well as on the period of time during which software updates are available for 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 furthermore the Commission to make sure that product information is based on standardised measurements, for example for durability, and initiates development of standards where these do not exist;
14. Emphasises the key role of the EU ecolabel in encouraging industry uptake of labelling policies relaying key information to consumers on the lifespan of goods, balancing obligations on companies with strong positive commercial incentives to build trust with consumers; notes however that such labelling scheme is voluntary only;
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 the similar level of information as 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 come forward with a legislative proposal to encourage uptake of green public procurement; considers that reused, repaired, remanufactured, refurbished products and other energy and resource efficient products and solutions that minimise the life-cycle environmental impacts 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 support financially 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 of maintenance, repair and re-use;
19. Calls on the Commission and Member States to develop financial incentives for repair services to make repair convenient and attractive to consumers;

### **Strengthening consumer rights and guarantees for a longer use of goods**

20. Emphasises that European consumers may profit from repairing goods or bringing

digital content and services into conformity under the Sale of Goods and Digital Content Directives; stresses that while consumers have a right to choose between repair and replacement for defective goods under the Sale of Goods Directive, repair could be in many instances 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; reminds that replacement of products should remain an alternative if a consumer and a seller agree so, as repair might be too time-consuming;

21. Asks therefore the Commission to propose in its initiative on a right to repair a range of measures with the aim to promote and motivate consumers, producers and traders towards repair; 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 among others target measures, which motivate consumers to choose repair over replacement, such as the obligation to provide for a replacement good for the duration of repair for certain products; considers that in order to encourage the repair of products, certain bonuses should be offered to consumers who choose to repair rather than replace; considers that extending guarantees 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 joint manufacturer-seller liability mechanism in the event of non-conformity of a product;
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 Members States to extend it; recalls 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 an extension of the legal guarantee beyond two years for some product categories; notes furthermore the importance of a full harmonisation of legal guarantee period;
25. Calls on the Commission to assess to which extent the right to repair could be proposed so that market operators may offer easy and affordable access to repair even beyond the guarantee period;
26. Stresses that any proposal should be accompanied by a proper impact assessment including the appropriate cost-benefit analyses for both consumer and business, best practices comparison on national level and with third countries and among other quantified impact on the overall consumer welfare, environment and on businesses, including SMEs; asks the Commission to provide information on costs of repairs for the EU companies in the single market; stresses the need to provide all information and propose also 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 rewarding traders to provide repair possibilities for such products to increase consumer trust; calls on the

Commission to consider equipment such as usage meters and banning the destruction of unsold goods to facilitate reuse and repair of products;

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