



2023/0083(COD)

26.6.2023

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on common rules promoting the repair of goods and amending Regulation
(EU) 2017/2394, Directives (EU) 2019/771 and (EU) 2020/1828
(COM(2023)0155 – C9-0117/2023 – 2023/0083(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: René Repasi

Rapporteurs for the opinion (*):
Sunčana Glavak, Committee on the Environment, Public Health and Food
Safety

(*) Associated committees – Rule 57 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394, Directives (EU) 2019/771 and (EU) 2020/1828 (COM(2023)0155 – C9-0117/2023 – 2023/0083(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0155),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0117/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on the Environment, Public Health and Food Safety and of the Committee on Legal Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) *Reparability requirements should comprise all requirements under Union legal acts which ensure that goods can be* *deleted*

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.

Or. en

Amendment 2

Proposal for a directive Recital 10

Text proposed by the Commission

(10) Repairers should not alter the conditions of repair that they provide in the European Repair Information Form, including on the price for repair, for *a certain period of time*. This ensures that consumers are given sufficient time to compare different repair offers. In order to safeguard as much as possible the contractual freedom for repairers other than producers of goods for whom an obligation to repair applies, to be able to decide whether to conclude a contract for the provision of repair services at all, repairers should remain free to decide not to conclude such a contract, *including in situations where they have provided the European Repair Information Form*. If a contract for the provision of repair services is concluded based on the European Repair Information Form, the information on conditions of repair and price contained in that form should constitute an integral part of the contract for the provision of repair services, thereby defining the repairer's obligations under that contract. Non-compliance with those contractual obligations is governed by the applicable national law.

Amendment

(10) Repairers should not alter the conditions of repair that they provide in the European Repair Information Form, including on the price for repair, for **30 calendar days**. This ensures that consumers are given sufficient time to compare different repair offers. In order to safeguard as much as possible the contractual freedom for repairers other than producers of goods for whom an obligation to repair applies, to be able to decide whether to conclude a contract for the provision of repair services at all, repairers should remain free to decide not to conclude such a contract. If a contract for the provision of repair services is concluded based on the European Repair Information Form, the information on conditions of repair and price contained in that form should constitute an integral part of the contract for the provision of repair services, thereby defining the repairer's obligations under that contract. Non-compliance with those contractual obligations is governed by the applicable national law.

Or. en

Amendment 3

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 Union market.

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 *listed in Annex II*. 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.

Or. en

Amendment 4

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

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*. 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.

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, *costs such as costs for spare parts, labour costs, costs for the freight, delivery or postal charges or, if either the total price or any of the elements of the price cannot reasonably be calculated in advance, information on the manner in which the price is to be calculated and the maximum price for the repair*. . 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.

Or. en

Amendment 5

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.

Or. en

Amendment 6

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 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.*

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

(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. *To complement those measures, access for independent repairers and consumers to spare parts, the related information, any tool and auxiliary means 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.*

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).

Or. en

Amendment 7

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 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.

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. ***Because of their role in the supply chain of goods to consumers, fulfilment service providers and online platforms 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.

Or. en

Amendment 8

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***

Amendment

(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 ***listed in Annex II.*** The obligation to repair under this Directive, which allows the consumer to claim repair directly against the producer in the after-sales phase, ***should encourage*** consumer demand for repair.

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 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).*

Or. en

Amendment 9

Proposal for a directive Recital 17

(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.

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).

(17) To ensure legal certainty, this Directive lists in Annex II relevant product groups ***for the repair obligation*** under ***this Directive***. 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. 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).

Or. en

Amendment 10

Proposal for a directive Recital 22

(22) Member States should ensure that all economic operators that may provide repair services in the Union have easy access to the online platform. Member States should be free to decide which repairers can register on the online platform as long as access to that platform is reasonable and non-discriminatory for all repairers in accordance with Union law.

Enabling repairers from one Member State to register on the online platform in another Member State in order to provide repair services in areas that the consumer searched for should support the cross-border provision of repair services. It should be left to Member States' discretion how to populate the online platform, for instance by self-registration or extraction from existing databases with the consent of the repairers, ***or if registrants should pay a registration fee covering the costs for operating the platform.*** To guarantee a wide choice of repair services on the online platform, Member States should ensure that access to the online platform is not limited to a specific category of repairers. While national requirements, for instance, on the necessary professional qualifications, continue to apply, Member States should ensure that the online platform is open to all repairers that fulfil those requirements. Member States should also be free to decide whether and to what extent community-led repair initiatives, such as repair cafés, may register on the online platform, taking account of safety considerations where relevant. Registration on the online platform should always be possible upon repairers' request, provided they fulfil the applicable requirements to access the online platform.

(22) Member States should ensure that all economic operators that may provide repair services in the Union have easy access to the online platform. Member States should be free to decide which repairers can register on the online platform as long as access to that platform is reasonable and non-discriminatory for all repairers in accordance with Union law. It should be left to Member States' discretion how to populate the online platform, for instance by self-registration or extraction from existing databases with the consent of the repairers. To guarantee a wide choice of repair services on the online platform, Member States should ensure that access to the online platform is not limited to a specific category of repairers. While national requirements, for instance, on the necessary professional qualifications, continue to apply, Member States should ensure that the online platform is open to all repairers that fulfil those requirements. Member States should also be free to decide whether and to what extent community-led repair initiatives, such as repair cafés, may register on the online platform, taking account of safety considerations where relevant. Registration on the online platform should always be possible upon repairers' request, provided they fulfil the applicable requirements to access the online platform.

Or. en

Amendment 11

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 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).

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. 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.***

Or. en

Amendment 12

Proposal for a directive Recital 25 a (new)

(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.

Or. en

Amendment 13

Proposal for a directive Recital 26

(26) In order to promote sustainable consumption of goods in situations outside the liability of the seller, the online platform should also promote goods subject to refurbishment as an alternative to repair or to buying new goods. To that end, the online platform should include a functionality allowing consumers to find sellers of goods subject to refurbishment or businesses buying defective goods for refurbishment purposes, in particular by enabling a search function per product category. Such sellers of goods subject to refurbishment or purchasers of defective goods for refurbishment should have access to the platform based on the same principles and technical specifications applicable to the repair functionality.

(26) In order to promote sustainable consumption of goods in situations outside the liability of the seller, the online platform ***for repair*** should also promote goods subject to refurbishment as an alternative to repair or to buying new goods. To that end, the online platform should include a functionality allowing consumers to find sellers of goods subject to refurbishment or businesses buying defective goods for refurbishment purposes, in particular by enabling a search function per product category. Such sellers of goods subject to refurbishment or purchasers of defective goods for refurbishment should have access to the platform based on the same principles and technical specifications applicable to the repair functionality.

Or. en

Amendment 14

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 propose 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 of this Directive. This could create more coherence between the product categories foreseen in Annex II of 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.

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

Or. en

Amendment 15

Proposal for a directive

Recital 27

Text proposed by the Commission

(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.

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, ***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.

Or. en

Amendment 16

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

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 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.

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 creates an inconvenience for the consumer*. *In situations where a repair does not lead to the good being 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.

Or. en

Amendment 17

Proposal for a directive Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) To support consumers and to reduce the inconvenience for them of not having the goods while they are being repaired, the seller should loan the consumer a replacement product. 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 as quickly as possible. The repair should not take longer than 15 calendar days, once the seller has been informed about the non-conformity of the good.

Or. en

Amendment 18

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 two years starting from the moment their good is returned to them, repaired. 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.

Or. en

Amendment 19

Proposal for a directive Recital 28 c (new)

Text proposed by the Commission

Amendment

(28c) 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. 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.

Or. en

Amendment 20

Proposal for a directive

Recital 30

Text proposed by the Commission

(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.

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 [12 months after the entry into force]. The amendment to Directive (EU) 2019/771 should apply only to sales contracts concluded after [12 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.

Or. en

Amendment 21

Proposal for a directive

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

Text proposed by the Commission

Amendment

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).

Or. en

Amendment 22

Proposal for a directive Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

7a. ‘online platform’ means ‘online platform’ as defined in Article 2, point (h), of Regulation (EU) 2022/2065 of the European Parliament and of the Council^{1a};

^{1a} Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1)

Or. en

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

10. ‘reparability requirements’ mean requirements under the Union legal acts listed in Annex II which enable a product to be repaired including requirements to improve its ease of disassembly, access to spare parts, and repair-related information and tools applicable to products or specific components of products;

Amendment

deleted

Or. en

Amendment 24

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

Member States shall not maintain or introduce in their national law provisions diverging from those laid down in this Directive.

Amendment

Member States shall not maintain or introduce in their national law provisions diverging from those laid down in this Directive, ***unless otherwise provided for in this Directive***

Or. en

Amendment 25

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 ***total*** price, ***including but not limited to costs for spare parts, labour costs, costs for operating the repair facility, costs for the freight, delivery or postal charges*** if ***either the total price or***

any of its subparts price cannot reasonably be calculated in advance, the manner in which the price is to be calculated and the maximum price *expected* for the repair;

Or. en

Amendment 26

Proposal for a directive Article 4 – paragraph 5

Text proposed by the Commission

5. The repairer shall not alter the conditions of repair specified in the European Repair Information Form for a period of 30 calendar days as from the date on which that form was provided to the consumer, ***unless the repairer and the consumer have agreed otherwise***. If a contract for the provision of repair services is concluded within the 30 day period, the conditions of repair specified in the European Repair Information Form shall constitute an integral part of that contract.

Amendment

5. The repairer shall not alter the conditions of repair specified in the European Repair Information Form for a period of 30 calendar days as from the date on which that form was provided to the consumer. If a contract for the provision of repair services is concluded within the 30 day period, the conditions of repair specified in the European Repair Information Form shall constitute an integral part of that contract.

Or. en

Amendment 27

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 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

Amendment

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

to fulfil its obligation to repair.

Or. en

Amendment 28

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 15 calendar days 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; and

c) the producer shall provide the consumer with the loan of a replacement good for the duration of the repair.

Or. en

Amendment 29

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

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

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 ***fulfilment service***

concerned shall perform the obligation of the producer.

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.

Where there is no producer established in the Union, authorised representative, importer, fulfilment services provider or distributor, the obligation of the producer shall be performed by a provider of an online platform that allows consumers to conclude distance contracts with traders, provided that the conditions of Article 6(3) set out in Regulation (EU) 2022/2065 are fulfilled.

Or. en

Amendment 30

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,*** producers shall ***allow*** independent repairers ***and consumers*** access to ***all*** spare parts and ***all*** repair-related information and tools ***at a reasonable and non-discriminatory cost for a period corresponding to at least the expected lifespan of the product .***

Or. en

Amendment 31

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.

Or. en

Amendment 32

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.

Or. en

Amendment 33

Proposal for a directive Article 7 – title

Text proposed by the Commission

Online platform for repair **and goods subject to refurbishment**

Amendment

Online platform for repair

Or. en

Amendment 34

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

Text proposed by the Commission

Amendment

3a. Member States shall ensure that the information on the online platform for repair is easily accessible and up-to-date.

Amendment 35

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 and easily accessible and machine-readable database of online platforms for repair registered within the Member States.

Or. en

Amendment 36

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 the online platform established pursuant to Article 7(1) and that consumers have easy access to it.

Or. en

Amendment 37

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 the online platform, established pursuant to Article 7(1), in their territory.

Or. en

Amendment 38

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 measures and incentives.**
- 3. Member States shall report to the Commission the measures taken under paragraph 1. By ... [24 months after the date of transposition of this Directive], the Commission shall make the measures introduced by Member States publicly available. Member States shall report to the Commission on the applicable measures by...[12 months year after the date of transposition of this Directive].**

Or. en

Amendment 39

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) any action taken by the seller or producer to mitigate or remedy the damage suffered by consumers;

(c) any previous infringements by the seller or producer;

(d) the financial benefits gained or losses avoided by the seller or producer due to the infringement, if the relevant data are available;

(e) 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 ;

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

Or. en

Amendment 40

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.

Or. en

Amendment 41

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.

Or. en

Amendment 42

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. Member States shall, by **12** 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.

Or. en

Amendment 43

Proposal for a directive

Article 12 – paragraph -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

-1. 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.

Or. en

Amendment 44

Proposal for a directive

Article 12 – paragraph -1 a (new)

Directive (EU) 2019/771

Article 10 – paragraph 6

Present text

Member States **may provide** that, in the case of second-hand goods, the seller and the consumer can agree to contractual terms or agreements with a shorter liability or limitation period than those referred to in paragraphs 1, 2 and 5, **provided that such shorter periods shall not be less than**

Amendment

-1a. In Article 10, paragraph 6 is replaced by the following:

"Member States **shall ensure** that, in the case of second-hand goods **and especially refurbished goods**, the seller and the consumer can **not** agree to contractual terms or agreements with a shorter liability or limitation period than those referred to in paragraphs 1, 2, and 5. **Member States**

one year.

may maintain or introduce longer time limits."

Or. en

Amendment 45

Proposal for a directive

Article 12 – paragraph 1

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. In Article **13(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.*

Or. en

Amendment 46

Proposal for a directive

Article 12 – paragraph 1 a (new)

Directive (EU) 2019/771

Article 13 – paragraph 3 a (new)

Present text

Amendment

1a. *In Article 13 the following paragraph is inserted:*

"3a. *In the event that the consumer chooses the repair option as the remedy to bring the goods into conformity, the consumer may also directly request the producer to bring the goods into*

conformity. A fulfilment of this request by the producer shall discharge the seller from its liability pursuant to Article 10."

Or. en

Amendment 47

Proposal for a directive

Article 12 – paragraph 1 b (new)

Directive (EU) 2019/771

Article 13 – paragraph 4 a (new)

Present text

Amendment

1b. In Article 13 the following paragraph is inserted:

"4a. Where, in accordance with paragraph 2 of this Article, the consumer chooses the repair option as the remedy to bring the goods into conformity , the seller shall be liable for any lack of conformity which exists at the time the consumer received the repaired goods and which becomes apparent within two years after that time. 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."

Or. en

Amendment 48

Proposal for a directive

Article 12 – paragraph 1 c (new)

Directive (EU) 2019/771

Article 14 – paragraph 1

Present text

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 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.

Amendment

1c. In Article 14 paragraph 1 is replaced by the following:

- "1. Repairs shall be carried out:
- (a) free of charge;
 - (b) within ***15 calendar days*** from the moment the seller has been informed by the consumer about the *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.

The seller shall provide the consumer with a replacement good on loan for the duration of the repair."

Or. en

Amendment 49

Proposal for a directive
Article 12 – paragraph 1 d (new)
Directive (EU) 2019/771
Article 14 – paragraph 1 a (new)

Present text

Amendment

1d. In Article 14 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; and***
 - 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."

Or. en

Amendment 50

Proposal for a directive

Article 12 – paragraph 1 e (new)

Directive (EU) 2019/771

Article 14 – paragraph 4a (new)

Present text

Amendment

1e. In Article 14 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 into conformity by means of repair, the producer shall be understood as being the seller for the purposes of this Article."

Or. en

Amendment 51

Proposal for a directive

Article 12 – paragraph 1 f (new)

Directive (EU) 2019/771

Article 17 – paragraph 1 a (new)

Present text

Amendment

1f. 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 exercising rights pursuant to Article

13(3a) shall be void.”

Or. en

Amendment 52

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.**
- 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.**

Or. en

Amendment 53

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 [12 months after the entry into force].

Or. en

Amendment 54

**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 [12 months after the entry into force]

Or. en

Amendment 55

**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 [12 months from the entry into force] at the latest. They shall immediately inform the Commission thereof.

Or. en

Amendment 56

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 [12 months from the entry into force].

Or. en

Amendment 57

Proposal for a directive

Annex II – subheading 1

Text proposed by the Commission

LIST OF *UNION LEGAL ACTS*

Amendment

LIST OF *REPARABLE GOODS*

Or. en

Amendment 58

Proposal for a directive

Annex II – subheading 2

Text proposed by the Commission

LAYING DOWN REPARABILITY REQUIREMENTS

Amendment

deleted

Or. en

Amendment 59

Proposal for a directive

Annex II – point 1

Text proposed by the Commission

1. Household washing machines and household washer-dryers ***according to***

Amendment

1. Household washing machines and household washer-dryers

²¹ *Commission Regulation (EU) 2019/2023 of 1 October 2019 laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1015/2010 (OJ 315, 5.12.2019, p. 285).*

Or. en

Amendment 60

Proposal for a directive Annex II – point 2

Text proposed by the Commission

2. Household dishwashers ***according to Commission Regulation (EU) 2019/2022²²***

Amendment

2. Household dishwashers

²² *Commission Regulation (EU) 2019/2022 of 1 October 2019 laying down ecodesign requirements for household dishwashers pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1016/2010 (OJ 315, 5.12.2019, p. 267).*

Or. en

Amendment 61

Proposal for a directive Annex II – point 3

Text proposed by the Commission

Amendment

3. Refrigerating appliances with a direct sales function ***according to Commission Regulation (EU) 2019/2024***²³

3. Refrigerating appliances with a direct sales function

²³ ***Commission Regulation (EU) 2019/2024 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances with a direct sales function pursuant to Directive 2009/125/EC of the European Parliament and of the Council (OJ 315, 5.12.2019, p. 313).***

Or. en

Amendment 62

**Proposal for a directive
Annex II – point 4**

Text proposed by the Commission

Amendment

4. Refrigerating appliances ***according to Commission Regulation (EU) 2019/2019***²⁴

4. Refrigerating appliances

²⁴ ***Commission Regulation (EU) 2019/2019 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 643/2009 (OJ 315, 5.12.2019, p. 187).***

Or. en

Amendment 63

**Proposal for a directive
Annex II – point 5**

Text proposed by the Commission

Amendment

5. Electronic displays ***according to Commission Regulation (EU) 2019/2021***²⁵

5. Electronic displays

²⁵ ***Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009 (OJ 315, 5.12.2019, p.241).***

Or. en

Amendment 64

Proposal for a directive Annex II – point 6

Text proposed by the Commission

Amendment

6. Welding equipment ***according to Commission Regulation (EU) 2019/1784***²⁶

6. Welding equipment

²⁶ ***Commission Regulation (EU) 2019/1784 of 1 October 2019 laying down ecodesign requirements for welding equipment pursuant to Directive 2009/125/EC of the European Parliament and of the Council (OJ 272, 25.10.2019, p. 121).***

Or. en

Amendment 65

Proposal for a directive Annex II – point 7

Text proposed by the Commission

Amendment

7. Vacuum cleaners *according to Commission Regulation (EU) 666/2013*²⁷

7. Vacuum cleaners

²⁷ *Commission Regulation (EU) 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners (OJ 192, 13.07.2013, p. 24).*

Or. en

Amendment 66

Proposal for a directive Annex II – point 8

Text proposed by the Commission

Amendment

8. Servers and data storage products *according to Commission Regulation (EU) 2019/424*²⁸

8. Servers and data storage products

²⁸ *Commission Regulation (EU) 2019/424 of 15 March 2019 laying down ecodesign requirements for servers and data storage products pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 617/2013 (OJ 74, 18.03.2019, p. 46).*

Or. en

Amendment 67

Proposal for a directive Annex II – point 8 a (new)

Text proposed by the Commission

Amendment

**8a. Motor vehicles and their trailers,
and of systems, components and separate
technical units intended for such vehicles**

Or. en

Amendment 68

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

²⁹ ...

Or. en

Amendment 69

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

Text proposed by the Commission

Amendment

9a. Batteries and waste batteries

Or. en

Amendment 70

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

Text proposed by the Commission

Amendment

9b. Bicycles

EXPLANATORY STATEMENT

The right to repair proposal

The proposal by the European Commission for common rules promoting the repair of goods aims to make repair of defective products more attractive and thus increase the repair of consumer goods. Several studies and surveys have shown that consumers have a positive attitude towards repairing goods. Therefore, the Rapporteur wishes to support those trends in consumer as well as business behaviour and promote the so called right to repair. The draft report follows the lines of the Commission proposal to enable consumer participation in the Green Transition towards a sustainable and circular economy. In this regard, the Rapporteur believes the draft report to be complementary to the legislative proposals on Ecodesign Requirements for Sustainable Products and Empowering Consumers for the Green Transition.

Incentivising repair within the legal guarantee

The draft report aims to clarify central elements of the proposal and to increase the level of ambition. Consumer legislation should encourage the repair of defective products. Therefore, the Rapporteur suggests improving the attractiveness of repair within the legal guarantee under the Sales of Goods Directive by speeding up the requirements for the repair time, decreasing the level of inconvenience by a proposed requirement of a loan product for consumers and confirming the provisions that allows consumers to reject repair as a means of remedy. As consumers are very time sensitive when it comes to the repair of their goods, the Rapporteur proposes to hold producers directly liable for the repair in liability cases under the sales of goods regime. In doing so, the Rapporteur does not intend to change the general distribution of responsibilities established by the Sales of Goods Directive, which makes the seller the only legal counterparty for the consumer. Repairing a product upon the request of the consumer by the producer does therefore not create a new direct contractual relationship between the consumer and the producer but has only as an effect to discharge the seller from his liability towards the consumer under this Directive.

To increase the attractiveness of repair further the legal guarantee period of repaired goods should be extended. This is not only a matter of sustainability but also of legal clarity. Thus, the Rapporteur proposes to extend the legal guarantee period by an additional two years once the seller brought a product back to conformity via a repair.

Creating a repair market

Outside of the guarantee period, the draft report proposes to strengthen the right of repair for consumers. These ideas will ensure legal clarity for consumers about the obligations on producers and the conditions related to consumers' repair rights. After careful consideration, the rapporteur decided to enlarge the scope in his draft report as it became clear that there are more product categories on the common market that are repairable. For instance, batteries, motor vehicles or bicycles. Additionally, a demand for more transparency in after-sales situations is included. Not only should producers provide consumers with a detailed overview of the estimated costs of the designated repair, including also the costs of spare parts, the draft report introduces more access to spare parts and information on prices for spare parts for both, independent repairers and consumers. This strengthens the independent repair market and empowers consumers to choose repair independent of producers. With the foreseen complementing measures of the Commission's proposal, mainly the online platform and the repair information form, independent repairers will be put into a position where they can compete with traditional producers. The creation of a repair market would thus provide consumers with the ability to choose between repair offers, which in turn should drive down the prices for repair and improve the service. Over all, empowering consumers to have their goods repaired and truly supporting the ambition to create a circular and climate neutral economy.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report:

[illegible]