

# EUROPEAN RIGHT TO REPAIR

**Proposal COM(2023) 155** of 22 March 2023 for a **Directive** on common rules **promoting the repair of goods** and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828

## cepPolicyBrief No. 10/2023

### SHORT VERSION [\[Go to Long Version\]](#)

## Context | Objective | Interested Parties

**Context:** The European “right to repair” is directly linked to the requirements of the current Ecodesign Directive [2009/125/EC] and the planned Ecodesign Regulation [COM(2022) 142]. According to the ecodesign requirements, products must be designed to be easy to repair and more durable, as well as to be reusable and recyclable. Overall, this will reduce the consumption of energy and resources.

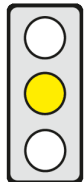
**Aim:** The European “right to repair” aims to reduce waste, greenhouse gas emissions and the demand for primary raw materials derived directly from nature. Therefore, it should be made easier for consumers to have products repaired outside the warranty period.

**Affected parties:** Producers and sellers of products such as washing machines, refrigerators, televisions and smartphones; independent repair companies; consumers.

## Brief Assessment

### Pro

- ▶ The producer’s obligation to repair at the consumer’s request and expense could make it easier for consumers to have their products repaired, as they would have a direct point of contact.
- ▶ The national matchmaking platforms will make it easier for consumers to find a suitable repairer. As this reduces search and transaction costs and saves time, repairs become more likely.

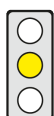


### Contra

- ▶ Reparability will be ensured by the ecodesign requirements, which, however, include a multitude of additional aspects – e.g. on energy efficiency. Meeting the various requirements all at the same time can be difficult or impossible, so there are trade-offs.
- ▶ During the warranty period, the proposed “right to repair” will amount to an “obligation to repair” – provided that repairing a defective product is cheaper than replacement – which restricts consumer choice.
- ▶ Delegating power to the Commission to include even new products in the scope of the Repair Directive breaches the “concept of essential elements”.

## Producers’ Obligation to Repair [Long Version A.4 and C.1.2]

**Commission proposal:** Under the Repair Directive, an obligation to repair applies to producers of products that are already subject to repair requirements under the ecodesign requirements. In the event of a defect outside the warranty period, producers must repair products at the request and expense of consumers. Independent repairers must be given access to spare parts, repair-related information and tools for these products to the extent specified by the repair requirements.



**cep-Assessment:** The producers’ obligation to repair may facilitate a repair as consumers will have a direct point of contact. However, developing a repair infrastructure is costly. It may therefore be appropriate for producers not to have to carry out the repairs themselves, but to be able to subcontract them. At the same time, it should be noted that a repair may not always be better for the environment and replacing an old product with a new, energy-efficient one can be appropriate.

## Impact of the Ecodesign Requirements [Long Version A.4 and C.1.2]

**Commission proposal:** The Commission intends to link the Repair Directive to the repair requirements of the ecodesign requirements, as well as to repair requirements in other legislative acts.



**cep-Assessment:** In addition to better reparability, the ecodesign requirements include many other requirements, e.g. on resource consumption. This can lead to trade-offs: products that are designed to be particularly durable may be difficult to disassemble and therefore hard for non-professionals to repair. An alternative is the pricing of primary raw materials. This would have the advantage that producers themselves, i.e. decentrally and on a case-by-case basis, could decide how to design products to be more suitable for the circular economy.

## Scope [Long Version A.4 and C.1.2]

**Commission proposal:** The Commission can, by way of delegated acts, include within the scope of the Repair Directive products for which repair requirements have been laid down in other EU acts. Alternatively, the IMCO Committee proposes that the Commission be able to include new products in the scope, by means of delegated acts, irrespective of any other repair requirements.



**cep-Assessment:** The far-reaching delegation of power to the Commission proposed by the IMCO Committee, allowing it to include new products in the scope of the Repair Directive by means of delegated acts, would violate the concept of reserving “essential elements” for the EU legislator [Art. 290 TFEU], because this essential decision has to be taken by the EU legislator itself.

## Matchmaking Platform [Long Version A.6 and C.1.4]

**Commission proposal:** Member States must ensure that there is at least one national matchmaking platform that allows consumers to find a suitable repairer online. This may be achieved, e.g., by means of a search function that filters according to product, location of repair provider, repair conditions such as duration and place of handover of the defective product.



**cep-Assessment:** Having national matchmaking platforms will make it easier for consumers to find a suitable repairer. As this reduces opportunity costs and saves time, repairs become more likely.

## Repairs during the Warranty Period [Long Version A.9 and C.1.6]

**Commission proposal:** The Sale of Goods Directive [(EU) 2019/771] is to be amended so that consumers will only be entitled to the repair of a defective product within the warranty period, rather than its replacement, if the repair is cheaper.



**cep-Assessment:** If the repair is cheaper than the replacement of a defective product, the proposed “right to repair” within the warranty period will amount to an “obligation to repair”. This restricts consumer choice.

## Cost of Repair [Long Version A.4 and C.1.2]

**Commission proposal:** The Repair Directive and the existing repair requirements under the Ecodesign Directive did not specify any measures to reduce the cost of a repair. The IMCO Committee proposes that producers must make available on their websites the indicative prices for spare parts and tools in relation to all products covered by the Repair Directive.



**cep-Assessment:** The proposal of the IMCO committee could reduce information asymmetries by providing consumers with information about the likely cost of repair of a product before they buy. This enables especially those consumers for whom it is important to know what the likely costs of repair are going to be to take them into account in their purchasing decision.