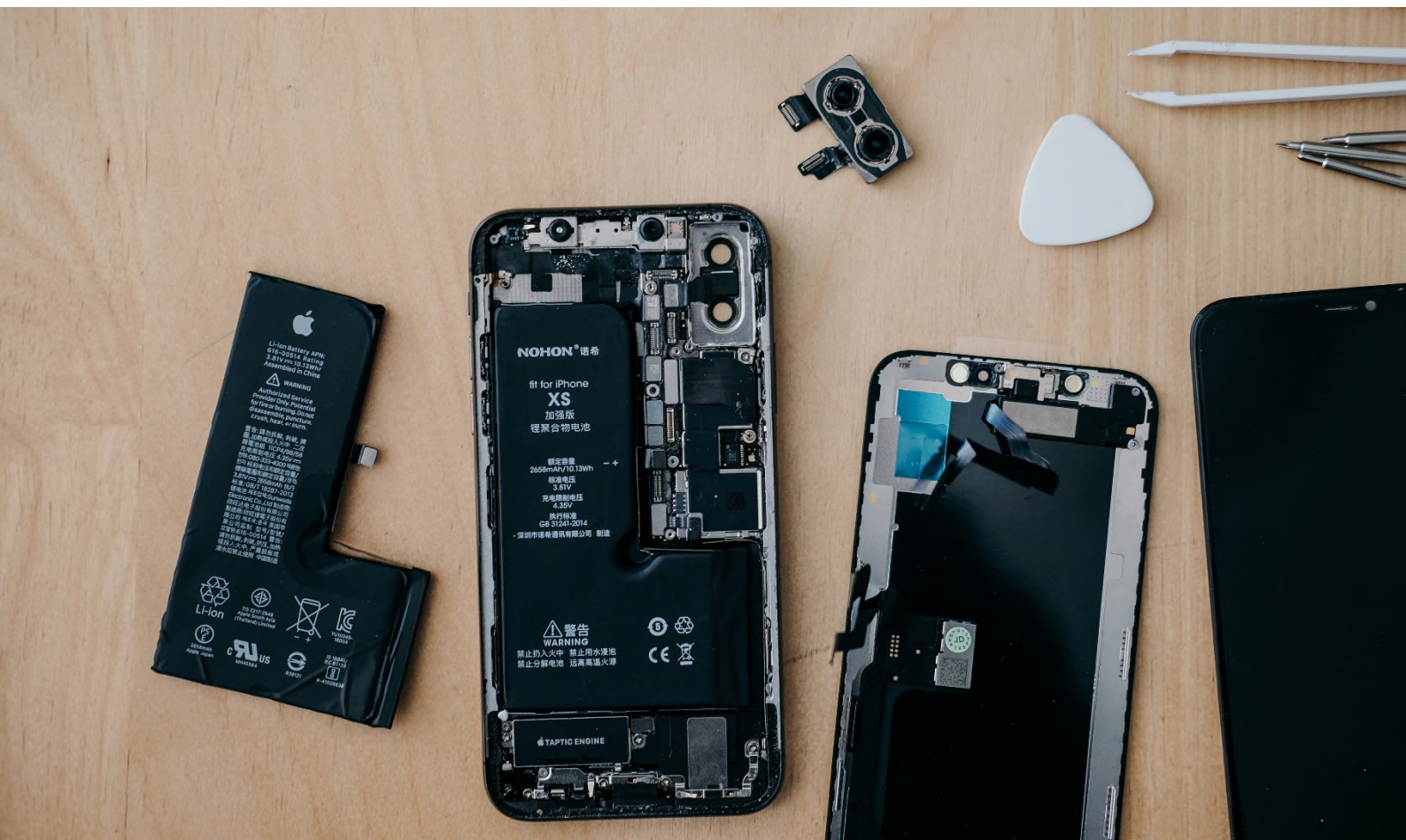


Position Paper

EU Commission Proposal for a Directive on common rules promoting the repair of goods (COM(2023) 155 final)



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The TÜV Association welcomes the EU Commission's proposal on common rules promoting the repair of goods. The Right to Repair will make it easier and more cost-effective for consumers to repair goods rather than have them replaced. In addition, increased demand will boost the repair sector while creating incentives for manufacturers and sellers to develop more sustainable business models. However, to ensure high quality repair services and to provide transparency and trust for consumers, independent third-party assessments should be considered.

Re-thinking the way we produce and consume products represents a crucial driver for the transition to a circular economy. Over the last decades, replacement has often been prioritised over repair whenever products become defective. Likewise, consumers have not been given sufficient opportunities and incentives to repair their goods after the legal guarantee has expired. The Commission's right to repair-proposal will ensure that more products are repaired, both within and beyond the legal guarantee, and that consumers have easier and cheaper repair options.

The prioritisation of repair over replacement is the right direction to reduce the environmental footprint of unnecessary waste. However, in order to comprehensively inform consumers about the reparability of products, confidence-building measures and valid information at the time of purchase are equally needed. The legislator should therefore provide for an independent assessment of the reparability of products. Furthermore, the proposal does not address the quality of repair services to a sufficient extent.

Establish a “Ready for Repair” conformity mark issued by independent conformity assessment bodies

In order to comprehensively inform consumers about the reparability of products, confidence-building measures and valid information at the time of purchase are equally needed. The Commission should therefore provide for an independent assessment of the reparability of products. Here, the newly developed EN ISO/IEC 17029 standard on validation and verification is a suitable tool. The establishment of a conformity mark (“Ready for Repair”) issued by independent conformity assessment bodies, linked to specific requirements such as the stocking of spare parts over a certain period of time and the simple exchange of parts/components, can additionally facilitate sustainable purchasing decisions for consumers.

Increase quality and trustworthiness of independent repair shops

It is to be welcomed that the Commission has included independent repair shops as important market players in its proposal. This increases the number of available repair shops and thus fosters competition in newly emerging or growing repair markets offering a wider choice for consumers. More competition among repair shops would also lead to better quality of repair services and lower repair prices. In order to ensure the necessary level of quality of independent repair shops, it is crucial to consider the role of standards for repair services. We therefore highly welcome the Commission’s plan to develop a European quality standard for repair services (Recital 27) to help consumers identify professional repairers.

However, apart from setting out minimum quality requirements, it is crucial to ensure their effective compliance. Independent repair shops should demonstrate their competence on the basis of quality management and personnel certifications issued by independent assessment bodies. This would strengthen consumers’ trust and offer valuable guidance when selecting a repair shop. Moreover, it would be highly beneficial for the planned online matchmaking repair platform (Article 7), in that it would not only help consumers find high-quality and trustworthy offers, but also boost visibility for high-quality repairers. The Commission has already recognized the importance of labels to build consumers’ trust in Article 7(1)(d).

Expand the list of products in Annex 2 and promote ecodesign requirements

The Commission’s proposal requires manufacturers to provide a repair option beyond guarantee, but only for a limited set of products, including household washing machines, tumble dryers, vacuum cleaners, dishwashers, and in the near future smartphones and tablets (Article 5, Annex 2). This list is a first start, but it is not enough to make a repair the new normal in case of malfunction and thus trigger a broad change of consumer behaviour. In order to actually avoid large amounts of waste and achieve a true circular economy, more product groups must be subject to the right to repair as soon as possible.

In the current proposal, the Commission leaves open who should verify the periodization of repair over replacement and via which methodology. Also, the current proposal leaves open who and how it is decided that repair is impossible (Article 5). In both cases, independent assessment bodies can play an important role to ensure legal certainty and compliance.

Facilitating repair and reuse for all products predominantly relies on ensuring better design for durability and reparability of products. In that sense, we highly welcome the Commission's intention to foster sustainable product design with the new Ecodesign Regulation proposal (COM(2022) 142). Product-specific eco-design requirements are a key aspect of a right to repair. Product durability, upgradability, reparability but also ease of maintenance and refurbishment are important objectives to make products more sustainable. The EU legislator should also consider the feasibility of prescribing product-specific design requirements that address issues such as ease of disassembly and repair, availability of spare parts, access to repair and maintenance information under the Ecodesign Regulation. Here, independent assessment bodies can equally provide support by ensuring the consistent and effective compliance with the new ecodesign requirements.

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