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Circular economy: Provisional agreement on the “right to repair” Directive

The Council and the European Parliament reached a provisional deal on a Directive that promotes the repair of broken or defective goods, also known as the right-to-repair (or R2R) Directive)[1].

This Directive aims to increase the repair of goods within the legal guarantee and to provide consumers with simpler, cheaper options for repairing technically repairable products when the legal warranty has expired or when the good no longer functions due to wear and tear.

The provisional agreement follows a proposal presented by the European Commission on March 22, 2023.

It applies to all products with repair requirements under EU law, imposes an obligation to repair on manufacturers of goods with repair requirements, establishes a European information form providing consumers with key data on the repair service, and unifies the national repair information platforms into a European online platform.

It is part of the new consumer agenda and the circular economy action plan, and complements other recent legislative initiatives to promote sustainable consumption, such as the ecodesign Regulation (which will promote the production of repairable products) and the Directive on empowering consumers for the green transition (which will enable consumers to make better-informed purchasing decisions at points of sale).

In concrete terms, the R2R Directive would amend existing texts:

- Regulation (EU) 2017/2394 of December 12, 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws;
- Directive (EU) 2019/771 of May 20, 2019 on certain aspects concerning contracts for the sale of goods;
- Directive (EU) 2020/1828 of the European Parliament and of the Council of November 25, 2020 on representative actions for the protection of the collective interests of consumers.

Priority given to repair and reuse

Very often, when the vacuum cleaner, the dish washer, a coffee machine or any other product breaks down or is defective, it is easier to dispose of it and buy a new one than have it repaired, especially when the legal guarantee has expired.

The R2R Directive creates incentives for consumers to prolong the life of the product by having it repaired.

To achieve this objective, the R2R Directive proposes a new set of tools to make repair more attractive to consumers:

- The possibility for consumers to request manufacturers to repair products that are technically repairable under EU law (for instance, washing machines, vacuum cleaners or mobile phones);
- A European repair information form which repairers can offer to consumers, with clear information such as repair conditions, time to finish the works, prices, replacement products, etc. (the R2R Directive includes a model of this form as Annex 1);
- A European online platform for repair to facilitate the matchmaking between consumers and repairers;
- An extension of 12 months of the seller's liability period after the repair of a product.

Scope of application

The provisional agreement keeps the scope of the directive to those products for which the EU legislation lays down reparability requirements (i.e., washing machines, dishwashers, refrigerators, or vacuum cleaners).

In the future, the European Commission will have the possibility of introducing reparability requirements for new products, which will then be added to the list of products covered by the R2R Directive (Annex 2).

The provisional agreement obliges manufacturers to provide information concerning spare parts on their web site, make them available to all parties in the repair sector at a reasonable price, and to forbid practices that prevent the use of second-hand or 3D printed spare parts by independent repairers.

Obligation to repair and freedom of choice

The R2R Directive requires manufacturers to make the necessary repairs within a reasonable time and, unless

the service is provided for free, for a reasonable price, so that consumers are encouraged to opt for repair.

However, the provisional agreement also maintains consumers' right to choose between repair and replacement for defective products within the seller's liability period included in the guarantee.

If the consumer opts for the repair of the product, the seller's liability period will be extended by 12 months from the moment the product is brought into conformity. This period may be further extended by Member States if they so wish.

European repair information form

To cut red tape for repairers (particularly the small ones), the provision of a European standardized form is optional.

However, if repairers provide the form to consumer, the conditions set out in the form will be binding for them.

The form must be provided free of charge, although the consumer may be asked to pay the cost of the diagnostic service.

The key information included in the form will be valid for 30 calendar days, but the consumer and repairer may agree to extend this period.

European online repair platform

The provisional agreement proposes the creation of a European online repair platform designed and operated at the European level, instead of 27 national platforms.

The aim of the platform is to make available for consumers the different repair services at the European Union level but also cross borders and in each Member State.

Therefore, the European platform will include sections for each Member State, with information coming also from national repair platforms, whether public or private.

At the same time, national platforms will have the possibility of including information about community-led repair initiatives.

Next steps

The provisional agreement reached by the Council and the European Parliament now needs to be endorsed and formally adopted by both institutions.

[1] Proposal for a Directive on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394, Directives (EU) 2019/771 and (EU) 2020/1828 (COM (2023) 155 final of March, 22, 2023. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023PC0155>. European Council's press release available here: <https://www.consilium.europa.eu/en/press/press-releases/2024/02/02/circular-economy-council-and-parliament-strike-provisional-deal-on-the-right-to-repair-directive/>

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