

The European Right to Repair

Recommendations regarding the interplay between the Ecodesign Regulation, the Sale of Goods Directive and the Directive on common rules promoting the repair of goods

GERMAN ADVISORY COUNCIL FOR CONSUMER AFFAIRS

In its policy brief, the Advisory Council for Consumer Affairs (SVRV) made recommendations on the implementation of the planned "right to repair". In a discussion forum based on this, in addition to political representatives of the European Commission and the German Federal Government, stakeholders from business, consumer associations and science discussed the legal and economic issues of the right to repair. On this basis, from the point of view of the SVRV the key issues of the right to repair are **the availability of repair options and the price of repairs**. It must be ensured that repairs are readily available and economically attractive for consumers. **Three aspects are fundamental to the subsequent legislative process of the right to repair:**

1. The link between the Ecodesign Regulation and the Sale of Goods Directive

The free right to repair within the legal guarantee must be used effectively. To this end, **the Ecodesign Regulation and the Sale of Goods Directive must be linked**. Compliance with ecodesign requirements for repairability must be an explicit prerequisite for the contractual conformity of goods and both the liability periods and the reversal of the burden of proof must be adapted to the lifecycle of goods. This gives consumers a long-lasting right to repair and compliance with ecodesign law can also be regulated via private law in addition to official market surveillance.

2. Leeway for Member States in the Directive on common rules promoting the repair of goods (Repair Directive)

The Repair Directive takes a fully harmonising approach. However, the right to repair is too complex an issue to solve immediately. A one-size-fits-all approach should be rejected. Some Member States have recently developed national solutions to promote the repairability of goods. The innovation potential of the Member States should be utilised and they should be given **room for manoeuvre** in the implementation of the Repair Directive. A suitable means is **regulatory sandboxes**, with which **preliminary rules can initially be created and tested**. These must be integrated into the Repair Directive. This is especially important for sectors where consumers are confronted with system transactions, such as in the ICT sector.

3. Promotion of independent repairers and self-repair

In order to be competitive, independent repairers must be promoted. The bureaucratic burden arising from the European Repair Information Form must be reduced. In addition, the availability of cheap spare parts must be ensured, for example by the repair clause provided for in the Design Directive. In order to promote self-repair by consumers, regulations implementing ecodesign should, in future, ensure that the bulk of spare parts and repair information must also be provided to consumers.

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Advisory Council for Consumer Affairs at the Federal Ministry
for the Environment, Nature Conservation, Nuclear Safety and
Consumer Protection
11055 Berlin

Telephone: +49 (0) 30 18 305-7276
Email: info@svr-verbraucherfragen.de
Internet: www.svr-verbraucherfragen.de

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The Advisory Council for Consumer Affairs is an independent body that provides advice about policymaking in the field of consumer affairs based on research findings and informed by the practical experience for the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.

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