



Council of the
European Union

181609/EU XXVII. GP
Eingelangt am 25/04/24

Brussels, 25 April 2024
(OR. en)

9219/24

Interinstitutional File:
2023/0083(COD)

CODEC 1167
CONSOM 167
MI 440
COMPET 469
SUSTDEV 54
ENV 457
ENER 203
DIGIT 122
IND 226
PE 123

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's first reading (Strasbourg, 22 to 25 April 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

¹ OJ C 145, 30.6.2007, p. 5.

In this context, the Chair of the Committee on the Internal Market and Consumer Protection (IMCO) Anna CAVAZZINI (Greens/EFA, DE) presented on behalf of IMCO a compromise amendment (amendment number 86) to the abovementioned proposal for a Directive, for which the rapporteur René REPASI (S&D, DE) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

II. VOTE

When it voted on 23 April 2024, the plenary adopted the compromise amendment (amendment number 86) to the abovementioned proposal for a Directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2024)0308

Common rules promoting the repair of goods

European Parliament legislative resolution of 23 April 2024 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 the opinion of the European Economic and Social Committee of 14 June 2023¹,
 - having regard to the opinion of the Committee of the Regions of 10 October 2023²,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 February 2024 to approve Parliament's position, in accordance with Article 294(4) 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,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0316/2023),
1. Adopts its position at first reading hereinafter set out³;

¹ OJ C 293, 18.8.2023, p. 77.

² OJ C, C/2023/1330, 22.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1330/oj>.

³ This position replaces the amendments adopted on 21 November 2023 (Texts adopted, P9_TA(2023)0400).

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.

Position of the European Parliament adopted at first reading on 23 April 2024 with a view to the adoption of Directive (EU) 2024/... of the European Parliament and of the Council on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 293, 18.8.2023, p. 77.

² OJ C, C/2023/1330, 22.12.2023, ELI: <http://data.europa.eu/eli/C/2023/1330/oj>

³ Position of the European Parliament of 23 April 2024.

Whereas:

- (1) Directive (EU) 2019/771 of the European Parliament and of the Council⁴ pursues the objective of improving the functioning of the internal market, while achieving a high level of consumer protection *as well as increased circularity within the economy*. In the context of the green transition, this Directive pursues the objective of improving the functioning of the internal market, while promoting more sustainable consumption, and thereby complements the objective pursued by Directive (EU) 2019/771.

⁴ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

- (2) In order to achieve those objectives, and in particular to facilitate cross-border provision of services and competition among repairers of goods purchased by consumers in the internal market, it is necessary to lay down uniform rules promoting the repair of goods purchased by consumers within and beyond the liability of the seller established by Directive (EU) 2019/771. Member States have already introduced or are considering the introduction of rules promoting repair and reuse of goods purchased by consumers outside the existing liability of the seller established by Directive (EU) 2019/771. Differing mandatory national rules in this area constitute actual or potential obstacles to the functioning of the internal market, adversely affecting cross-border transactions of economic operators acting on that market. Those operators could have to adapt their services to comply with the different mandatory national rules and be faced with additional transaction costs for obtaining the necessary legal advice on the requirements of the law of the Member State of the consumer's habitual residence, which apply pursuant to Regulation (EC) No 593/2008 of the European Parliament and of the Council⁵, and to adapt their contracts for the provision of repair services accordingly. This will affect, in particular, small and medium sized enterprises, which make up most of the repair sector. Legal fragmentation could also negatively affect consumer confidence in cross-border repair due to uncertainties regarding factors which are important for the decision to repair goods.

⁵ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

- (3) In order to reduce premature disposal of viable goods purchased by consumers and to encourage consumers to use their goods longer, it is necessary to ***strengthen the provisions related to the repair of goods, allowing consumers to seek affordable repair from the repair service provider of their choice***. Repair should result in sustainable consumption, since it is likely to generate less waste caused by discarded goods, less demand for resources, including energy, caused by the process of manufacturing and sale of new goods replacing defective goods, as well as less greenhouse gas emissions. This Directive promotes sustainable consumption with a view to achieving benefits for the environment, ***by promoting a life cycle of goods which includes re-use, repair and refurbishment***, while also producing benefits for consumers by avoiding costs associated with new purchases in the short term.

- (4) *Consumer behaviour consists of a wide variety of aspects. When choosing between repair and purchase of a new good, decision criteria such as economic convenience, durability, availability and proximity of a repair service, and the time required for a repair play a key role. Various obstacles might prevent consumers from opting for repair. This Directive aims to address some of these obstacles.*
- (5) Regulation (EU) .../... of the European Parliament and of the Council⁶⁺ lays down, in particular, supply-side requirements pursuing the objective of more sustainable product design at the production phase. Directive (EU) 2024/825 of the European Parliament and of the Council⁷ lays down demand-side requirements ensuring the provision of better information on durability and repairability of goods at the point of sale, which should enable consumers to make informed sustainable purchasing decisions. This Directive aims to complement those supply-side and demand-side requirements, by promoting repair and reuse in the after-sales phase ■ outside the liability of the seller. ***In addition***, Directive (EU) 2019/771 ***should be amended to promote repair within the liability of the seller***. This Directive thus pursues the objectives, in the context of the European Green Deal, of promoting a more sustainable consumption, a circular economy and the green transition.

⁶ Regulation (EU) .../... of the European Parliament and of the Council of ... establishing a framework for setting ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ ...).

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.

⁷ Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information (OJ L, 2024/825, 6.3.2024, ELI: <http://data.europa.eu/eli/dir/2024/825/oj>).

- (6) This Directive should not affect the freedom of Member States to regulate aspects of contracts for the provision of repair services other than those harmonised by Union law. *This Directive should not affect either the freedom of Member States to regulate aspects of general contract law, such as rules on the formation, validity, nullity or effects of contracts, including the consequences of the termination of a contract, in so far as they are not regulated in this Directive, or the right to damages. This Directive should be without prejudice to Regulation (EU) 2023/988 of the European Parliament and the Council⁸, in particular in the case of a product safety recall.*
- (7) *Member States should remain free, where compatible with the obligations laid down in this Directive and other applicable Union law, to maintain or introduce provisions on other aspects of promoting the repair of goods which could complement the rules set out in this Directive, for example regarding commercial guarantees, the existence of repair service centers or financial incentives to repair.*

⁸ *Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC (OJ L 135, 23.5.2023, p. 1).*

- (8) *In order to fully exploit the benefits of this Directive, it should apply to all goods. However, the provisions concerning the obligations to repair and to inform as specified in this Directive should only apply to goods for which repairability requirements are provided for by Union legal acts.*
- (9) Repairability requirements should comprise all requirements under Union legal acts which ensure that goods can be repaired, including but not limited to requirements under the ecodesign framework referred to in Regulation (EU) .../...⁺, to cover a broad range of goods as well as future developments in any other field of Union law.

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

- (10) ***Repairers are to provide*** consumers ***with*** key information on ***their*** repair services. In order to facilitate the consumer's free choice to decide by whom to have goods repaired and to help identify and choose suitable repair services, ***repairers should be able to use on a voluntary basis the standardised European Repair Information Form provided in Annex I to this Directive.*** The European Repair Information Form **■** should ***comprise the*** key parameters that influence consumer ***repair*** decisions, ***such as the nature of the defect, the price and the time within which the repairer undertakes to complete the repair.*** ***If the repairer offers additional services such as transportation, the individual costs of those services should be indicated.*** ***Information in the European Repair Information Form should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive (EU) 2019/882 of the European Parliament and of the Council⁹.*** ***The European Repair Information Form could*** allow consumers to assess and easily compare repair services, including alternative repair offers, ***and*** facilitate the ***provision of*** information on repair services, in particular for micro, small and medium-sized enterprises. ***Repairers would gain more legal certainty since by using and filling in correctly the European Repair Information Form, they would be deemed to fulfil their legal obligations, in particular with respect to provision of certain pre-contractual information pursuant to Directive 2011/83/EU of the European Parliament and the Council¹⁰.*** ***The standardised presentation of key information via the European Repair Information Form would improve clarity and transparency contributing to greater consumer trust in repair services.***

⁹ ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

¹⁰ ***Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).***

- (11) *If the repairer provides the European Repair Information Form, it should do so within a reasonable period of time, which should correspond to the shortest possible period of time after the request and before the consumer is bound by a contract for the provision of repair services. Where no European Repair Information Form is provided, a consumer should also* be able to conclude a contract for the provision of repair services with a repairer pursuant to pre-contractual information provided by other means in accordance with Directive 2011/83/EU.

- (12) *The European Repair Information Form should be provided free of charge. However, there are situations in which a repairer needs to perform a diagnostic service, i.e. inspecting the goods to identify the nature of the defect or the type of repair. In such cases, the repairer should be able to request the consumer to pay the necessary costs that he incurs, including labour or transportation costs.* In line with the pre-contractual information and other requirements set out in Directive 2011/83/EU, the repairer should inform the consumer about such costs before the consumer requests the *diagnostic service and before the* provision of the European Repair Information Form. Consumers should be able to refrain from requesting the *diagnostic service* where they consider that the costs for obtaining *the diagnostic service* are too high. *If the consumer chooses to have the good repaired, the repairer should be able to deduct such costs from the price of the repair. This is without prejudice to Member States' rules on mandatory deduction of such costs. The deduction could be communicated through the European Repair Information Form.*

- (13) Repairers should not alter the conditions of repair that they provide in the European Repair Information Form, including ■ the price for repair, for a *minimum* of *30 calendar days*. *However, the repairer and the consumer should be able to agree on a longer period. This would ensure that consumers are given sufficient time to compare different repair offers.* 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.
- (14) *If a repairer decides to provide the European Repair Information Form and the consumer accepts the conditions provided for therein, the repairer should be obliged to repair. Member States should provide for proportionate and effective remedies for consumers where the repairer does not perform the repair service after the consumer accepted the European Repair Information Form. Such remedies could include a reimbursement of the cost paid for the diagnostic service.*

- (15) 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. Where that obligation does not apply, a large number of defective, but otherwise viable, goods are prematurely discarded. In order to encourage consumers to have goods repaired in such situations, this Directive should impose an obligation on **manufacturers** to repair upon the consumer's request goods to which repairability requirements imposed by Union legal acts apply, since they are the addressees of those repairability requirements. That obligation should apply to **manufacturers** established both inside and outside the Union in relation to goods placed on the Union market. *Furthermore, this Directive should not put into question the economic freedom of choice for manufacturers to stop manufacturing a good, without prejudice, where applicable, to the obligation to provide spare parts and tools under Union law.*

- (16) Since the obligation to repair imposed on **manufacturers** under this Directive covers defects that are not due to the non-conformity of the goods with a sales contract, **manufacturers** should be able to provide repair *for* a price paid by the consumer, **or** for free. The charging of a price should encourage **manufacturers** to develop sustainable business models, including the provision of repair services. Such a price might take into account, for instance, labour costs, costs for spare parts, costs for operating the repair facility and a customary margin. The price *should be reasonable, meaning it should be set in such a way that consumers are not intentionally deterred from benefitting from the manufacturers' obligation to repair.* The price for and the conditions of repair should be agreed in a contract between the consumer and the **manufacturer** 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 **manufacturers** who are obliged to repair to keep the price acceptable for the consumer. The repair obligation might also be performed for free where the defect is covered by a commercial guarantee, for instance, in relation to guaranteed durability of goods. *To incentivise consumers to have their goods repaired outside of the legal guarantee, a manufacturer should be able to offer a loan of a comparable good for the duration of the repair, which is expected to be returned once the consumer receives the repaired good.*

- (17) *It would be beneficial if the repair could be carried out as close as possible to the consumer to prevent unnecessary shipping costs and emissions. Manufacturers and, where applicable, authorised representatives, importers and distributors, should be able to fulfil their obligation to repair by sub-contracting repair, for instance, if **they do** not have the repair infrastructure or if repair can be carried out by a repairer located closer to the consumer. **However, they should remain liable for the obligation to repair.***

- (18) Under the requirements laid down in delegated acts adopted pursuant to Regulation (EU) .../...⁺ or implementing measures adopted pursuant to Directive 2009/125/EC of the European Parliament and of the Council¹¹, ***manufacturers are to*** provide access to spare parts, repair and maintenance information or any repair related software tools, firmware or similar auxiliary means. Those requirements ensure the technical feasibility of repair, not only by the ***manufacturer***, but also by other repairers. As a consequence, the ***repairers and, where applicable, consumers will have access to spare parts and repair-related information and tools in accordance with Union legal acts and consumers will have a wider choice of repairers or, where applicable, the possibility to repair by themselves. Spare parts should be made available at least for the time period set out in Union legal acts. Manufacturers that make spare parts and tools available for goods covered by legal acts listed in Annex II to this Directive, whether because of corresponding legal obligations under Union law or voluntarily, should charge a reasonable price that does not deter access to such spare parts and tools, thereby preventing repair. To complement those measures, manufacturers should not use any contractual clauses, hardware or software techniques that impede the repair of goods for which there are repairability requirements set out in Union legal acts listed in Annex II to this Directive unless they are justified by legitimate and objective factors, including to prevent or restrict the unauthorised use of works and other subject matters protected by intellectual property rights under Union and national legal acts, in particular Directives 2001/29/EC¹², 2004/48/EC¹³ and (EU) 2019/790¹⁴ of the European Parliament and of the Council. Consequently, this should encourage competition and benefit consumers with better services and lower repair prices.***

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

¹¹ 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 (OJ L 285, 31.10.2009, p. 10).

¹² Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

¹³ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

¹⁴ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

- (19) *Traders' practices that induce consumers to think that their goods cannot be repaired due to previous repair or inspection by an independent repairer, non-professional repairer or end-users, or false claims that such repair or inspection generates risks related to safety, thereby misleading consumers, could, where applicable, constitute unfair commercial practices under Directive 2005/29/EC of the European Parliament and of the Council¹⁵.*
- (20) The obligation to repair should also apply in cases where the **manufacturer** is established outside the Union. In order to enable consumers to turn to an economic operator established in the Union to perform this obligation, this Directive provides for a sequence of alternative economic operators required to perform the obligation to repair of the **manufacturer** in such cases. This should enable **manufacturers** located outside the Union to organise and perform their obligation to repair within the Union.

¹⁵ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).

- (21) To avoid overburdening *manufacturers* and to ensure they are able to perform their obligation to repair, that obligation should be limited to those goods for which and to the extent any repairability requirements are provided for in Union legal acts. Repairability requirements do not oblige *manufacturers* to repair defective goods, but ensure that goods are repairable. Examples of Union legal acts laying down repairability requirements are delegated acts adopted pursuant to Regulation (EU) .../...⁺ or implementing measures adopted pursuant to Directive 2009/125/EC, which create a framework to improve the environmental sustainability of products, *or other relevant Union legal acts such as Regulation (EU) 2023/1542 of the European Parliament and of the Council*¹⁶. This limitation of the obligation to repair should ensure that only those goods which are repairable by design are subject to such obligation. Relevant repairability 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 should correspond to the scope of the repairability requirements, for instance, ecodesign requirements might apply only to certain components of the goods or a specific period of time might be set to make spare parts available. The obligation to repair under this Directive, which allows the consumer to claim repair directly against the *manufacturer* in the after-sales phase, should complement the supply-side related repairability requirements laid down in *for example* Regulation (EU) .../...⁺, encouraging consumer demand for repair.

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⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

¹⁶ Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

- (22) To ensure legal certainty, this Directive should list in Annex II Union legal acts containing repairability requirements for relevant categories of goods. In order to ensure coherence with future *regulatory 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 adding Union legal acts to Annex II to this Directive, when new repairability requirements are adopted. ***The Commission should add those legal acts as quickly as possible and at the latest 12 months after their publication.*** 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-Making¹⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹⁷ OJ L 123, 12.5.2016, p. 1.

- (23) While this Directive imposes the obligation to repair on the *manufacturer*, it also facilitates consumer choice of repair services from other repairers. This choice will be facilitated by the European Repair Information Form *provided voluntarily by* not only *the manufacturer* but also *by* repairers like the seller or independent repairers or by searching via an online repair platform. As consumers would need to pay for the repair, they are likely to compare repair opportunities in order to choose the most suitable repair services for their needs. Thus, it is likely they approach independent repairers in their proximity or the seller before reaching out to *manufacturers* which might for instance be located at a greater distance and for which the price could be higher due to transportation costs.
- (24) In line with Directive (EU) 2019/771, a *manufacturer* should be exempted from the obligation to repair where repair is factually or legally impossible. Therefore, the *manufacturer* should not be able to refuse repair for purely economic reasons, such as the cost of spare parts, *or for the sole reason that a previous repair has been performed by other repairers or, where applicable, by the consumer*. National law implementing Directive (EU) 2019/771 or the preceding Directive 1999/44/EC of the European Parliament and of the Council¹⁸ already uses the criterion whether repair is impossible and national courts are applying it.

¹⁸ Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).

- (25) In order to increase consumer awareness on the availability of repair and thus its likelihood, *manufacturers or, where applicable, authorised representatives, importers or distributors*, should inform consumers *by making available information on their obligation to repair and their repair services. The information should be available at least during the entire duration of the obligation to repair, which could be understood as starting from the moment of placing on the market until the expiry of the repairability requirements*. The information should mention the goods covered by that obligation, together with an explanation that and to what extent repair is provided for those goods, for instance through sub-contractors. That information should be easily accessible to the consumer and provided in a clear and comprehensible manner, without the need for the consumer to request it, and in line with the accessibility requirements of Directive (EU) 2019/882. The *manufacturer* should be free to determine the means through which it informs the consumer, *such as via a website in a visible and prominent way, via the Digital Product Passport or at the point of sale, for example where the manufacturer is the seller*.

- (26) In order to encourage repair, *the Commission* should *set up a European online platform for repair (the ‘European online platform’)*. *The European online platform should consist of national sections based on a common online interface and include links to national online platforms for repair (the ‘national online platforms’) that fulfil the criteria set out in this Directive. To this end, the Commission should develop a common online interface for the European online platform. The Commission should also be responsible for ensuring the IT maintenance of the common online interface and respond to technical or other queries from users regarding any incorrect functioning of the European online platform. The European online platform should be accessible for free for consumers. It should also be able to accommodate, where applicable, sellers of refurbished goods, purchasers of defective goods for refurbishment or complementary market-based instruments, such as community-led repair initiatives. Member States should either use the common online interface for creating their national sections on the European online platform or establish, or maintain where applicable, national online platforms that fulfil the criteria set out in this Directive. When Member States use the European online platform, it should be left to Member States’ discretion how to populate the national sections, for instance by self-registration, importing bulk data from existing databases with the consent of the repairers or by making registration subject to prior approval. Where Member States consider it necessary, they should be able to set out conditions for accessing the national sections, such as meeting criteria on professional qualifications or showing adherence to applicable voluntary European or national repair quality standards.*

Such conditions should be non-discriminatory and in accordance with Union law. Member States that choose to set access conditions in their national sections should benefit from six additional months to make their national section operational.

- (27) *Some Member States or businesses have invested resources in developing national online platforms to promote repair. To avoid creating excessive administrative burden and to allow for appropriate flexibility, Member States should also be able to choose to maintain an existing national online platform which complies with the requirements of this Directive. Where a Member State maintains or establishes a national online platform, it should not be obliged to establish a national section on the European online platform or to designate national contact points. The Member States should choose between establishing a national section on the European online platform or establishing a national online platform that complies with the conditions set out in this Directive and inform the Commission thereof by ... [24 months from the date of entry into force of this Directive]. Such national online platforms will be accessible via a link from the European online platform if they are operational at the latest on ... [36 months from the date of entry into force of this Directive]. They could be private, public or private-public partnership online platforms.*

- (28) *The European online platform should include user-friendly tools to search for repairers by Member State. This would assist consumers in assessing and comparing the merits of different repair service providers, thereby incentivising consumers to choose repair. While the European online platform aims at facilitating the search for repair services in business-to-consumer relationships, in order to promote sustainable consumption, Member States should be able to extend the scope of their national section on the European online platform to include sellers of refurbished goods, purchasers of defective goods for refurbishment or community-led repair initiatives, such as repair cafes.*
- (29) Member States should *designate a representative to be part of an expert group established by the Commission to advise on the design and functioning of the European online platform, in order to facilitate coordination between the Commission and the Member States* ■ .
- (30) *Member States should also designate national contact points responsible for tasks in relation to the management of their national section. National contact points designated by Member States should, where applicable, carry out surveillance on the data contained in the national section aimed at detecting, identifying and removing non-valid information in accordance with Union law.*

- (31) *The Commission* should ensure that *the European online platform is accessible for consumers easily and free of charge. The European* online platform *should allow consumers to find suitable repair services for their defective goods and, where applicable, sellers of refurbished goods, purchasers of defective goods for refurbishment or community-led repair initiatives such as repair cafes. Consumers should be able to use search functions in order to filter by different features like categories of goods, availability of temporary replacement goods, quality indicators and any repair condition, including location of the repairer and the possibility of cross border provision of services. The European* online platform should also be accessible to vulnerable consumers, including persons with disabilities, in accordance with applicable Union law relating to accessibility.

- (32) The search function based on goods could refer to the type or brand of goods. Since repairers cannot know the specific defect before a request to repair has been made, it should be sufficient that they provide on the **European** online platform generic information on key elements of *their* repair services to enable consumers to decide whether to have the good in question repaired, in particular the average time to complete repair, the availability of temporary replacement goods, the place where the consumer hands over the goods for repair and the availability of ancillary services. Repairers *and, where applicable, sellers of refurbished goods, purchasers of defective goods for refurbishment or community-led repair initiatives such as repair cafes* should be encouraged to regularly update their information on the **European** online platform. In order to build consumer confidence in the repair services available on the **European** online platform, repairers should be able to demonstrate their adherence to certain repair standards.
- (33) In order to facilitate obtaining the European Repair Information Form, the **European** online platform should include the possibility for consumers to directly request that form from the repairer through the **European** online platform, *where the repairer makes this form available voluntarily*.
- (34) *To raise consumer awareness about the European online platform, the Commission and the* Member States should undertake appropriate steps, for instance sign-post the **European** online platform on related national websites or carry out communication campaigns.

(35) *Member States should ensure that their national laws, including when transposing this Directive, are fully in line with the fundamental freedoms to provide services and of establishment as enshrined in the Treaties. This Directive should be without prejudice to Directive (EU) 2018/958 of the European Parliament and of the Council¹⁹.*

(36) *Member States should take at least one measure promoting repair. Such measures could be of financial or of non-financial nature. Measures of non-financial nature could include information campaigns, support to community-led repair initiatives through direct means like providing space for repair laboratories or meeting places, for instance in community or cultural centres. Measures of financial nature could, for example, take the form of repair vouchers, repair funds, supporting or creating local or regional online platforms for repair, organising or financing training programs to acquire special skills in repair, taxation measures. In the context of taxation measures, where applicable, in accordance with Annex III to Council Directive 2006/112/EC²⁰, Member States can, as appropriate, opt to provide for a reduced rate of value added tax regarding the supply of repairing services of household appliances, shoes and leather goods, clothing and household linen, including mending and alteration. In this context, the Commission could consider introducing a proposal, if appropriate, for the amendment of Annex III to that Directive. Those measures could be taken at a national, regional or local level. Member States should notify to the Commission one or more measures taken promoting repair, in order to facilitate the exchange of best practices. The Commission should make information on such measures publicly available.*

¹⁹ Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions (OJ L 173, 9.7.2018, p. 25).

²⁰ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

- (37) *It is necessary that Member States lay down penalties for infringements of national provisions adopted pursuant to this Directive and ensure that they are enforced. The penalties should be effective, proportionate and dissuasive.*
- (38) 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 repairers and community-led repair initiatives*, or by issuing a standardisation request to the European standardisation organisations. A European **quality** 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.

(39) *The enforcement provisions set out in this Directive are without prejudice to Directive (EU) 2020/1828 of the European Parliament and of the Council²¹.*

²¹ Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).

(40) *In order to incentivise consumers to choose repair to bring goods into conformity within the liability of the seller, and therefore to promote repair, where the consumer chooses repair as the remedy to bring the goods into conformity, Directive (EU) 2019/771 should be amended to extend the liability period by 12 months, which should be added to the remaining liability period of the good. That extension should apply once. However, Member States could further incentivise repair by providing for additional extensions of the liability of the seller if repair takes place again. Member States could also introduce or maintain rules to extend the liability of the seller in case of repair for periods longer than 12 months. In line with Directive (EU) 2019/771, where the extension of the liability period applies, the seller should be liable for any lack of conformity which existed at the time when the goods were delivered and which becomes apparent within the remaining liability period of the good, which includes the extension. The extension of the liability period should be without prejudice to consumers rights provided in Directive (EU) 2019/771. This Directive should be without prejudice to Member States introducing or maintaining provisions which provide for a longer extension of the liability period only for repaired parts in accordance with Directive (EU) 2019/771. Taking into account the flexibility provided by Directive (EU) 2019/771, Member States which do not provide for fixed time limits for the liability of the seller or only provide a limitation period for the remedies should ensure that the liability of the seller or the limitation period for remedies in the event of repair is at least equivalent to two years and 12 months, corresponding to the minimum period of liability of the seller set out in Directive (EU) 2019/771 and the minimum extension of that period in the event of repair. The extension of the liability period would encourage sustainable consumption and contribute to a circular economy.*

- (41) In order to promote repair within the liability of the seller, *for the benefit of consumers and the protection of the environment*, Directive (EU) 2019/771 *should be further amended to introduce a new obligation to inform the consumer of the right to choose between repair and replacement as well as the extension of the liability period if that consumer chooses repair, thus raising awareness about both alternatives and the advantage of choosing repair. That information requirement would encourage sustainable consumption and contribute to a circular economy.*
- (42) *To support consumers and incentivise repair, the seller could, depending on the specificities of the relevant category of goods, loan the consumer a replacement good, if the repair is not completed within a reasonable period of time or without significant inconvenience. This replacement good could also be a refurbished good. In any case, the replacement good temporarily loaned to the consumer should be free of charge. Furthermore, the seller should still undertake the repair within a reasonable period of time. Providing a good on loan for the duration of the repair can avoid significant inconvenience to the consumer but it cannot justify an unreasonably long time period for repair. Moreover, in case of replacement as a remedy and upon consumer's request, the seller could provide the consumer with a refurbished good.*

- (43) In order to enable the enforcement of the rules set out in this Directive by means of representative actions, an amendment of Annex I to Directive (EU) 2020/1828 is necessary. For competent authorities designated by their Member States to cooperate and coordinate actions with each other and with the Commission in order to enforce compliance with the rules set out in this Directive, an amendment of the Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council²² is necessary.
- (44) In order to allow economic operators to adapt, transitional provisions concerning the application of some Articles of this Directive should be introduced. The amendment to Directive (EU) 2019/771 should apply only to sales contracts concluded after ... [24 months from the date of entry into force of this Directive] to ensure legal certainty and to provide sellers with sufficient time to adapt to the amended remedies of repair and replacement.
- (45) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents²³, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

²² Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

²³ OJ C 369, 17.12.2011, p. 14.

- (46) Promoting the repair of goods purchased by consumers, with a view to contributing to the proper functioning of the internal market while providing for a high level of environmental and consumer protection, cannot be sufficiently achieved by the Member States. Emerging national mandatory rules promoting sustainable consumption by way of repair of defects outside the scope of Directive (EU) 2019/771 are likely to diverge and lead to fragmentation of the internal market. Member States may not amend the fully harmonised rules concerning defects within the liability of the seller set out in Directive (EU) 2019/771. The objective of this Directive can rather, by reason of its scale and effects, be better achieved at Union level through fully harmonised common rules promoting repair within and outside the liability of the seller established in Directive (EU) 2019/771. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.

- (47) This Directive respects the fundamental rights and freedoms and seeks to ensure full respect in particular of Articles 16, 26, 37, 38 and 47 of Charter of Fundamental Rights of the European Union (the ‘Charter’). It contributes to an improvement of the quality of the environment in accordance with Article 37 of the Charter by promoting sustainable consumption of goods and thereby reducing negative environmental impacts from premature disposal of viable goods. This Directive ensures full respect of Article 38 on consumer protection by enhancing consumer rights relating to defects that occur or become apparent outside the liability of the seller pursuant to Directive (EU) 2019/771. It also ensures respect for the freedom to conduct a business in accordance with Article 16 of the Charter by safeguarding contractual freedom and encouraging the development of repair services in the internal market. This Directive contributes to the integration of persons with disabilities in accordance with Article 26 of the Charter by facilitating accessibility of the European online platform for persons with disabilities. This Directive seeks to ensure full respect of Article 47 of the Charter on the right to an effective remedy and to a fair trial through effective means of enforcement,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter, purpose and scope

1. This Directive lays down common rules *strengthening the provisions related to* the repair of goods, with a view to contributing to the proper functioning of the internal market, while providing for a high level of consumer and environmental protection.
2. This Directive shall apply to the repair of goods purchased by consumers in the event of a defect of the goods that occurs or becomes apparent outside the liability of the seller pursuant to Article 10 of Directive (EU) 2019/771.
3. *Articles 5 and 6 shall only apply to goods for which and to the extent that repairability requirements are provided for by Union legal acts listed in Annex II.*
4. *This Directive is without prejudice to Directive (EU) 2018/958.*

Article 2

Definitions

For the purpose of this Directive, the following definitions apply:

- (1) ‘consumer’ means ‘consumer’ as defined in Article 2, point (2), of Directive (EU) 2019/771;

- (2) ‘repairer’ means any natural or legal person who, related to that person’s trade, business, craft or profession, provides a repair service, including *manufacturers* and sellers that provide repair services and repair service providers whether independent or affiliated with such *manufacturers* or sellers;
- (3) *‘repair’ means ‘repair’ as defined in Article 2, point (20), of Regulation* (EU) .../...⁺;
- (4) ‘seller’ means ‘seller’ as defined in Article 2, point (3), of Directive (EU) 2019/771;
- (5) *‘manufacturer’* means ■ ‘manufacturer’ as defined in Article 2, point (42), of Regulation (EU) .../...⁺;
- (6) ‘authorised representative’ means ‘authorised representative’ as defined in Article 2, point (43), of Regulation (EU) .../...⁺;
- (7) ‘importer’ means ‘importer’ as defined in Article 2, point (44), of Regulation (EU) .../...⁺;

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

- (8) ‘distributor’ means ‘distributor’ as defined in Article 2, point (45), of Regulation (EU) .../...⁺;
- (9) ‘goods’ means ‘goods’ as defined in Article 2, point (5), of Directive (EU) 2019/771 except water, gas and electricity;
- (10) ‘refurbishment’ means ‘refurbishment’ as defined in Article 2, point (18), of Regulation (EU) .../...⁺;
- (11) ‘repairability requirements’ *means* requirements under the Union legal acts listed in Annex II which enable a good to be repaired, including requirements to improve ease of disassembly and requirements concerning access to spare parts, repair-related information and tools applicable to goods or specific components of goods;
- (12) *‘durable medium’ means ‘durable medium’ as defined in Article 2, point (11), of Directive (EU) 2019/771.*

⁺ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS 106/23 (2022/0095(COD)).

Article 3

Level of harmonisation

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

Article 4

European Repair Information Form

1. ***Repairers may provide the consumer with the European Repair Information Form set out in Annex I. The European Repair Information Form shall be provided on a durable medium and within a reasonable period of time after the request and before the consumer is bound by a contract for the provision of repair services.***

2. ***The European Repair Information Form shall be provided free of charge.***

3. ***By way of derogation from paragraph 2, where a diagnostic service, including a physical or remote examination, is needed to identify the nature of the defect, the type of repair and to estimate the price of repair, the repairer may request the consumer to pay the necessary costs of this service.***

Without prejudice to Directive 2011/83/EU, the repairer shall inform the consumer about the costs of the ***diagnostic service***.

4. The European Repair Information Form shall specify the following conditions of repair in a clear and comprehensible manner:
- (a) the identity of the repairer;
 - (b) the geographical address at which the repairer is established as well as the repairer's telephone number and email address and, if available, other means of online communication which enable the consumer to contact, and communicate with, the repairer *in a quick, efficient and accessible manner*;
 - (c) the good to be repaired;
 - (d) the nature of the defect and the type of repair suggested;
 - (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;
 - (f) the ■ time needed to complete the repair;
 - (g) the availability of temporary replacement goods during the time of repair and the costs of temporary replacement, if any, for the consumer;
 - (h) the place where the consumer hands over the good for repair;

- (i) where applicable, the availability of ancillary services, such as removal, installation and transportation, offered by the repairer, and the **detailed** costs of those services, if any, for the consumer;
- (j) ***the period of validity of the European Repair Information Form;***
- (k) ***where applicable, additional information.***

5. The repairer shall not alter the conditions of repair specified in the European Repair Information Form for a period of 30 calendar days from the date on which that form was provided to the consumer. The repairer and the consumer ***may agree on a longer period of validity for the European Repair Information Form. Where the consumer accepts, within the period of validity,*** the conditions ***set*** out in the European Repair Information Form, ***the repairer shall be obliged to perform the repair service under those conditions.***
6. Where the repairer has supplied a complete and accurate European Repair Information Form to the consumer, it shall be deemed to have complied with the following requirements:
- (a) information requirements regarding the main features of the repair service laid down in Article 5(1) point (a), and Article 6(1), point (a), of Directive 2011/83/EU and Article 22(1), point (j), of Directive 2006/123/EC of the European Parliament and of the Council²⁴;

²⁴ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

- (b) information requirements regarding the repairer's identity and contact information laid down in Article 5(1), point (b), and Article (6)(1), points (b) and (c), of Directive 2011/83/EU, Article 22(1), point (a), of Directive 2006/123/EC and Article 5(1), points (a), (b) and (c), of Directive 2000/31/EC of the European Parliament and of the Council²⁵;
- (c) information requirements regarding the price laid down in Articles 5(1), point (c), and Article 6(1), point (e), of Directive 2011/83/EU and Article 22(1), point (i), and (3), point (a), of Directive 2006/123/EC;
- (d) information requirements regarding the arrangements for the performance and the time to perform the repair service laid down in Articles 5(1), point (d), and Article 6(1), point (g), of Directive 2011/83/EU.

Article 5

Obligation to repair ■

1. Member States shall ensure that upon the consumer's request, the *manufacturer* shall repair ■ goods for which, and to the extent that, repairability requirements are provided for by Union legal acts listed in Annex II. The *manufacturer* shall not be obliged to repair such goods where repair is impossible. The *manufacturer* may sub-contract repair in order to fulfil its obligation to repair.

²⁵ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

2. *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 for a reasonable price;*
 - (b) it shall be carried out within a reasonable period of time from the moment the manufacturer has physical possession of the good, has received the good or has been given access to the good by the consumer;*
 - (c) the manufacturer may provide the consumer with the loan of a replacement good free of charge or for a reasonable fee for the duration of the repair; and*
 - (d) in cases where the repair is impossible, the manufacturer may offer the consumer a refurbished good.*
3. Where the **manufacturer** obliged to repair pursuant to paragraph 1 is established outside the Union, its authorised representative in the Union shall perform the obligation of the **manufacturer**. Where the **manufacturer** has no authorised representative in the Union, the importer of the good concerned shall perform the obligation of the **manufacturer**. Where there is no importer, the distributor of the good concerned shall perform the obligation of the **manufacturer**. *The authorised representative, importer and distributor may sub-contract repair in order to fulfil their obligation to repair.*

4. *Manufacturers that make spare parts and tools available for goods covered by Union legal acts listed in Annex II shall offer these spare parts and tools at a reasonable price that does not deter repair.*
5. *Manufacturers, or, where applicable, authorised representatives, importers or distributors who have an obligation to repair pursuant to this Article shall ensure that consumers can access, via a free access website, information on the indicative prices that are charged for the typical repair of goods covered by Union legal acts listed in Annex II.*
6. *Manufacturers shall not use any contractual clauses, hardware or software techniques that impede the repair of goods covered by Union legal acts listed in Annex II unless justified by legitimate and objective factors including the protection of intellectual property rights under Union and national law. Manufacturers shall, in particular, not impede the use of original or second-hand spare parts, compatible spare parts and spare parts issued from 3D-printing, by independent repairers when those spare parts are in conformity with requirements under Union or national law such as requirements on product safety or in compliance with intellectual property. This paragraph is without prejudice to the specific requirements of Union legal acts listed in Annex II and without prejudice to Union and national law providing for the protection of intellectual property rights.*

7. *Manufacturers shall not refuse to repair goods covered by Union legal acts listed in Annex II for the sole reason that a previous repair has been performed by other repairers or by other persons.*
8. *Without prejudice to the obligation to repair under this Article, consumers may seek repair from any repairer of their choice.*
9. The Commission **shall** adopt delegated acts in accordance with Article 20 to amend Annex II by updating the list of Union legal acts laying down repairability requirements in the light of **regulatory** developments. *The Commission shall adopt such delegated acts without undue delay after publication of the respective Union legal act, and at the latest 12 months after such publication.*

Article 6

Information on obligation to repair ■

Member States shall ensure that *the manufacturer or, where applicable, the authorised representative, importer or distributor make available free of charge, at least for the entire duration* of their obligation to repair pursuant to Article 5, information on *their* repair services in an easily accessible, clear and comprehensible manner ■ .

1. *A European online platform for repair (‘European online platform’) shall be established to allow consumers to find repairers and, where applicable, sellers of refurbished goods, purchasers of defective goods for refurbishment or community-led repair initiatives. The European online platform shall consist of the national sections that use the common online interface and shall include links to the national online platforms for repair referred to in paragraph 3 (the ‘national online platforms’).*
2. *By ... [36 months from the date of entry into force of this Directive] the Commission shall develop the common online interface for the European online platform. That common online interface shall comply with the requirements set out in paragraph 6 and be available in all official Union languages. The Commission shall thereafter ensure the technical maintenance of the common online interface.*
3. *Member States shall use the common online interface referred to in paragraph 2 for their national sections. However, Member States that have at least one national online platform, whether public or private, that covers their entire territory and complies with the provisions set out in paragraph 6 are not obliged to establish a national section on the European online platform. Instead, the European online platform shall include links to such national online platforms. Member States shall ensure that their national online platforms are operational by ... [36 months from the date of entry into force of this Directive].*

4. *Member States may extend the scope of their national section on the European online platform or, where applicable, their national online platform to cover, not only repairers, but also sellers of goods that have been subject to refurbishment, purchasers of defective goods for refurbishment or community-led repair initiatives.*
5. *The use of national sections and national online platforms in the European online platform shall be free of charge for consumers. The registration shall be voluntary for repairers and, where applicable, sellers of goods that have been subject to refurbishment and purchasers of defective goods for refurbishment or community-led repair initiatives.*
6. *The national sections that use the common online interface and the national online platforms shall:*
 - (a) include search functions regarding goods, location of repair services, *including a map based function, the cross-border provision of services*, repair conditions, including the time needed to complete the repair, the availability of temporary replacement goods and the place where the consumer hands over the goods for repair, availability and conditions of ancillary services, including removal, installation and transportation, offered by repairers, and applicable European or national *repair* quality standards;

- (b) *where applicable, include a search function to find sellers of goods that have been subject to refurbishment, purchasers of defective goods for refurbishment or community-led repair initiatives;*
- (c) enable consumers to request the European Repair Information Form *from repairers offering it*;
- (d) allow for regular updates of contact information and services by repairers;
- (e) allow repairers to indicate their adherence to applicable Union or national quality standards;
- (f) enable accessibility through national websites connected to the Single Digital Gateway established by Regulation (EU) 2018/1724 of the European Parliament and of the Council²⁶;
- (g) ensure accessibility for persons with disabilities; *and*
- (h) *provide contact forms for users to report technical issues related to the functioning of the European online platform as well as inaccuracies concerning the information provided by repairers, and, where applicable, by the sellers of goods that have been subject to refurbishment, purchasers of defective goods for refurbishment or community-led repair initiatives.*

²⁶ 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).

7. *The European online platform shall enable the collection of non-personal data regarding the functioning of the national sections.*

8. *Member States and the Commission shall take appropriate measures to inform consumers, relevant economic operators and sellers about the availability of the European online platform.*

Article 8

Expert Group

The Commission shall establish an expert group composed of representatives of all Member States and chaired by a representative of the Commission. The task of the expert group shall be to advise the Commission with regard to the design and functioning of the European online platform and its national sections.

Article 9

National contact points

1. *By ... [24 months from the date of entry into force of this Directive], Member States shall inform the Commission about:*
- (a) *the national contact point that they have designated for the European online platform; or*

(b) the national online platforms that they have established or will establish in accordance with Article 7(3).

- 2. By ... [24 months from the entry into force of this Directive], Member States using the national sections of the European online platform may adopt conditions, in accordance with Union law, on the access to their national section for registration for repairers and, where applicable, sellers of goods that have been subject to refurbishment, purchasers of defective goods for refurbishment and community-led repair initiatives. Such conditions may, in particular, provide for prior approval of the registration on the national section by the national contact point or for requirements for professional qualifications. Such Member States shall by that date inform the Commission of any access conditions adopted.*
- 3. Member States using the national sections of the European online platform and applying the conditions referred to in paragraph 2 of this Article shall ensure that their national section is operational within 6 months from the date the Commission delivers the common online interface provided for in Article 7(2).*
- 4. The national contact point shall be responsible for the following tasks:*
 - (a) providing access to their national section for registration for repairers and, where applicable, sellers of goods that have been subject to refurbishment, purchasers of defective goods for refurbishment and community-led repair initiatives;*

- (b) *ensuring compliance with any access conditions set by Member States pursuant to paragraph 2; and*
- (c) *assisting the Commission with the operation of the national sections of the European online platform.*

Article 10

Measures for Micro, Small and Medium-sized enterprises

Where appropriate, the Commission shall adopt guidelines to support in particular micro, small and medium-sized enterprises in complying with the requirements and obligations set out in this Directive.

Article 11

Enforcement

1. Member States shall ensure that adequate and effective means exist to ensure compliance with this Directive.
2. The means referred to in paragraph 1 shall include provisions allowing one or more of the following bodies, as determined by national law, to take action under national law before the courts or competent administrative bodies of the Member State to ensure that the national provisions transposing this Directive are applied:
 - (a) public bodies or their representatives;

- (b) organisations having a legitimate interest in protecting consumers or the environment;
- (c) professional organisations having a legitimate interest in taking action.

Article 12

Consumer information

Member States shall take appropriate measures to ensure that information on the rights of consumers under this Directive, and on the means to enforce those rights, are available to consumers, including on national websites connected to the Single Digital Gateway established by Regulation (EU) 2018/1724.

Article 13

Member States' measures promoting repair

1. *Member States shall take at least one measure promoting repair.*
2. *By ... [60 months from the date of entry into force of this Directive], Member States shall notify to the Commission one or more measures taken under paragraph 1. The Commission shall make information on the measures notified by the Member States publicly available.*

Article 14
Mandatory nature

1. Unless otherwise provided for in this Directive, any contractual agreement which, to the detriment of the consumer, excludes the application of national measures transposing this Directive, derogates from them, or varies their effect, shall not be binding on the consumer.
2. This Directive shall not prevent the repairer from offering to the consumer contractual arrangements that go beyond the protections provided for in this Directive.

Article 15
Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to Articles 4, 5 and 6 and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by ... [24 months from the date of entry into force of this Directive] notify the Commission of those rules and of those measures *and* shall notify it, without delay, of any subsequent amendment affecting them.

Article 16
Amendment to Directive (EU) 2019/771

Directive (EU) 2019/771 is amended as follows:

(1) *In 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, repairability, 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.’;

(2) *Article 10 is amended as follows:*

(a) *the following paragraph is inserted:*

‘2a. Where, in accordance with Article 13(2), repair takes place as the remedy to bring the goods into conformity, the liability period shall be extended once by twelve months.’;

(b) *paragraph 3 is replaced by the following:*

‘3. Member States may maintain or introduce longer time limits than those referred to in paragraphs 1, 2 and 2a.’;

(c) *the following paragraph is inserted:*

‘5a. Member States which, in accordance with paragraph 3 or paragraph 5, do not provide for fixed time limits for the liability of the seller or only provide a limitation period for the remedies, may derogate from paragraph 2a provided that they ensure that the liability of the seller or the limitation period for remedies in the event of repair is at least equivalent to three years.’;

(3) in Article 13, the following **paragraph** is inserted:

‘2a. Before the seller provides the remedy to bring the goods into conformity, the seller shall inform the consumer about the consumer’s right to choose between repair and replacement, as well as about the possible extension of the liability period, provided for in Article 10 (2a).’;

(4) *Article 14 paragraph 1 is replaced by the following:*

‘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;*
- (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.*

During repair, depending on the specificities of the relevant category of goods, in particular of the need of the consumer to have such goods permanently available, the seller may provide the consumer free of charge with a replacement good, including a refurbished good, on loan.

The seller may provide, at the explicit request of the consumer, a refurbished good to fulfil his obligation to replace the good.’

Article 17

Amendment to Directive (EU) 2020/1828

In Annex I to Directive (EU) 2020/1828, the following point is added:

- ‘(69)** Directive (EU) 2024/... of the European Parliament and of the Council of x on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828 (OJ L ...) ⁺’.

⁺ OJ: please insert in the text the number of the Directive contained in document PE-CONS .../... (2023/0083(COD)) and complete the OJ reference.

Article 18
Amendment to Regulation (EU) 2017/2394

In the Annex to Regulation (EU) 2017/2394, the following point is added:

- ‘29. Directive (EU) 2024/... of the European Parliament and of the Council of x on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828 (OJ L ...)’.’.

Article 19
Reporting by the Commission and review

- 1. By ... [7 years from the date of entry into force of this Directive], the Commission shall submit a report on the application of this Directive. The report shall assess the contribution of this Directive, and in particular that of Articles 5 and 16, to promoting repair in the internal market, including the repair of goods subject to repairability requirements outside the legal guarantee and the consumers’ choice for repair within the legal guarantee as well as its impact on businesses and consumers.***
- 2. The report shall also assess the effectiveness of incentives to choose repair, including the extension of the legal guarantee, and the need to promote commercial guarantees on repair services and to adopt rules on the liability of repairers for repair.***

⁺ OJ: please insert in the text the number of the Directive contained in document PE-CONS .../... (2023/0083(COD)) and complete the OJ reference.

3. *With regard to Article 7, the report shall assess the effectiveness of the European online platform based on information on the number of active repair service providers and on the number of consumers that accessed the European online platform.*
4. *The Commission shall submit the report 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. That report shall be accompanied, where appropriate, by a legislative proposal.*
5. *The necessary level of harmonisation required to ensure a level-playing field for companies in the internal market including the convergence of and divergence between national laws of the Member States transposing this Directive, in particular regarding the liability periods, shall be assessed in the context of the review provided for in Article 25 of Directive (EU) 2019/771.*

Article 20

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 5(9) shall be conferred on the Commission for a period of six years from ... [one month from the *date of* entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 5(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 5(9) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 21

Transitional provisions

■ Article 16 of this Directive shall not apply to sales contracts concluded before ... [24 months from the *date of* entry into force of this Directive].

Article 22

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [24 months from the *date of* entry into force of this Directive] at the latest. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Member States shall apply those measures from ... [24 months from the *date of* entry into force of this Directive].

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 23

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 24
Addressees

This Directive is addressed to the Member States.

Done at,

For the European Parliament
The President

For the Council
The President

ANNEX I

EUROPEAN REPAIR INFORMATION FORM

Part I

Identity and contact details of the repairer providing the repair service

Repairer	[Identity]
Address	[Geographical address to be used by the consumer]
Telephone number	
Email address	
If provided by the repairer, other means of online communication, which enable the consumer to contact, and communicate with, the repairer quickly and efficiently	

Part II

Information on the repair service

Good to be repaired	[Identification of the good]
<i>Nature</i> of the defect	[Description of the defect]
Type of repair suggested	[What kind of measures will be taken to repair the defect]
Price for repair or, if it cannot be calculated, the applicable calculation method and maximum price of repair	[This means the total amount or, if not possible, the calculation method and the ceiling for the repair service, in EUR/national currency]
■ Time to complete repair	<i>[Time by which the repairer undertakes to perform the service in days]</i>
Availability of temporary replacement <i>goods</i>	[A temporary replacement <i>good</i> means that the consumer will receive an equivalent <i>good</i> for use during the time of repair, the repairer has to indicate 'Yes' or 'No']
If yes, indicate the corresponding costs, if any:	[In EUR/national currency]

Place <i>to hand over the goods</i>	[The place where <i>the consumer hands over the goods for repair</i>]
If applicable, the availability of ancillary services	[Indicate if and to which extent ancillary services such as removal, installation and transportation are offered, or 'None' if no ancillary service is offered for the repair concerned]
If yes, indicate the corresponding costs, if any:	[In EUR/national currency, per service offered]
<i>The period of validity of the European Repair Information Form</i>	<i>[Period of validity of at least 30 days]</i>
<i>If applicable, additional information</i>	

Indications between square brackets provide explanations for the repairer and must be replaced with the corresponding information.

ANNEX II

LIST OF UNION LEGAL ACTS

LAYING DOWN REPAIRABILITY REQUIREMENTS

1. For household washing machines and household washer-dryers, Commission Regulation (EU) 2019/2023³²
2. For household dishwashers, Commission Regulation (EU) 2019/2022³³

³² ■ 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 L 315, 5.12.2019, p. 285).

³³ ■ 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 L 315, 5.12.2019, p. 267).

3. For refrigerating appliances, Commission Regulation (EU) 2019/2019³⁴
4. For electronic displays, Commission Regulation (EU) 2019/2021³⁵
5. For welding equipment, Commission Regulation (EU) 2019/1784³⁶
6. For vacuum cleaners, Commission Regulation (EU) No 666/2013³⁷
7. For servers and data storage products, Commission Regulation (EU) 2019/424³⁸

³⁴ 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 L 315, 5.12.2019, p. 187).

³⁵ 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 L 315, 5.12.2019, p. 241).

³⁶ 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 L 272, 25.10.2019, p. 121).

³⁷ Commission Regulation (EU) No 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 L 192, 13.07.2013, p. 24).

³⁸ 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 L 74, 18.03.2019, p. 46).

8. **■** For mobile phones, cordless phones and *slate* tablets, Commission Regulation (EU) 2023/1670³⁹
9. *for household tumble dryers, Commission Regulation (EU) 2023/2533⁴⁰*
10. *For goods incorporating light means of transport batteries, Regulation (EU) 2023/1542 of the European Parliament and of the Council⁴¹*
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³⁹ *Commission Regulation (EU) 2023/1670 of 16 June 2023 laying down ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) 2023/826 (OJ L 214, 31.8.2023, p. 47).*

⁴⁰ *Commission Regulation (EU) 2023/2533 of 17 November 2023 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household tumble dryers, amending Commission Regulation (EU) 2023/826, and repealing Commission Regulation (EU) No 932/2012 (OJ L, 2023/2533, 22.11.2023, ELI: <http://data.europa.eu/eli/reg/2023/2533/oj>).*

⁴¹ *Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).*