

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

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SUBCOMMITTEE IV ON FLANKING AND HORIZONTAL POLICIES

EEA EFTA Comment

on the proposal for a directive on common rules promoting the repair of goods

EXECUTIVE SUMMARY

- *The Agreement on the European Economic Area (EEA Agreement) extends the Single Market to the EEA EFTA States (Iceland, Liechtenstein and Norway).*
- *The EEA EFTA States welcome the proposal on common rules promoting the repair of goods, and believe that it has the potential to increase consumer confidence and legal certainty to the benefit of both consumers and traders. It will also strengthen the European economy by stimulating business, especially local repair services, and benefit rental services and leasing businesses.*
- *The EEA EFTA States support placing an obligation on the producer, or someone appointed by the producer, to repair products, without prejudice to any qualification requirements for repair services.*
- *The EEA EFTA States believe that it should be stated clearly that the proposal does not intend to harmonise any features of national contract law that are not covered by the proposal. If any legal guarantee for the repair contract is introduced, it should be based on minimum harmonisation.*
- *The EEA EFTA States support the aim of the proposed “European Repair Information Form”, but encourage careful consideration of the relation to national contract law in this regard.*
- *The EEA EFTA States support the idea of online platforms for repairers. Member States should, however, be allowed to require that repairers who register with the platform hold the necessary professional qualifications, if such requirements exist. It should be considered whether there is a need for a European platform, established and run by the European Commission, which could also be used by Member States.*

- *The EEA EFTA States recognise that it could be difficult to extend the scope of “duty to repair” to products other than those covered by eco-design rules. However, it should be considered whether some of the measures, such as the repair form and the online platform, could be used for other products on a voluntary basis.*

1. INTRODUCTION

1. The EEA EFTA States have studied with great interest 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) 155). The EEA EFTA States welcome the opportunity to comment on certain aspects of the proposal.

2. REMARKS ON THE PROPOSAL

2. The EEA EFTA States welcome the Commission proposal for new rules promoting the repair of goods, and believe that it has the potential to increase consumer confidence and legal certainty to the benefit of both consumers and traders. The EEA EFTA States support the main features of the proposal, which makes it easier for consumers to repair a product rather than dispose of it, and consider it to be a step in the right direction. Although in many cases repair will not be possible or will be considered too expensive, the EEA EFTA States recognise that the proposal is one of many different measures that will contribute to longer-lasting products, and hence a more circular economy.
3. The EEA EFTA States believe that the proposal will strengthen the European economy by stimulating business, especially local repair services. The proposal will also benefit rental services and leasing businesses.
4. The EEA EFTA States support placing an obligation on the producer, or someone appointed by the producer, to repair products. The EEA EFTA States suggest that the **definition of “repairer”** in Article 2 number 2 should be without prejudice to any qualification requirements for repair services, e.g. professional requirements for the repair of electrical products.
5. Furthermore, it is not entirely clear how the proposal would work in relation to national contract law, which would supplement the provisions of the proposal on a number of aspects. The proposal should thus make it clear that it does **not intend to harmonise features of national contract law** that are not covered by the proposal. This should include both the legal guarantee for the repair contract, and the legal guarantee for spare parts used in connection with the repair contract.
6. The EEA EFTA States support the aim of the proposed Article 4 on a “European Repair Information Form”. For certain products and problems, however, it will not always be possible to provide the required information. For instance, in the case of a washing machine, it may be necessary for the producer, or someone appointed to carry out the obligations on behalf of the producer, to examine the product in order to detect the problem and identify how it can be solved. The relation to national contract law should also be considered carefully in this regard. For example, information contained in the

repair form is binding on the trader, but it could well be reasonable, under national contract law, to charge a higher price than the estimated cost of repair in cases where the information provided by the consumer has not given a full picture of the problem.

7. As regards the scope, the EEA EFTA States recognise that **products regulated by eco-design rules are the best suited to a “duty to repair”**, and that it could be **difficult to extend the scope** to other products. However, it should be considered whether some of the measures, such as the repair form and the online platform, could be used for other products on a voluntary basis.
8. Moreover, the EEA EFTA States support the proposal in Article 5 number 4, according to which the Commission will be empowered to adopt delegated acts with the aim of amending Annex II, thus updating the list of Union/EEA acts laying down repairability requirements in light of legislative developments.
9. The EEA EFTA States support the idea of an online platform for repairers (Article 7 of the proposal). However, Member States should **be allowed to require that repairers who register with the platform hold the necessary professional qualifications**, if such requirements exist. Some stakeholders have suggested that the platform for repair should also include **information regarding the alternative dispute resolution** available for each service registered. This should be considered in order to increase consumer confidence in the platform and repair services.
10. The EEA EFTA States deem the proposal for an **online platform one of the most valuable measures of the proposal**. However, **a European platform** established by and run by the European Commission should be considered, which could also be used by Member States. Some Member States already have platforms, which could be linked to a common European one, whereas other Member States, in particular the small ones, would welcome the possibility to use a common platform. In addition to country-specific information on repairers, for instance, producers could use this platform to provide information under other legislation in one place.
11. When assessing the cost of replacing goods as an alternative to repair (Article 12 of the proposal), some stakeholders have suggested that the **transport of loan goods should be included in the costs**.
12. Some stakeholders representing consumers support Article 12 of the proposal, and acknowledge that it might reduce consumers’ right to **a replacement**. However, the reduced environmental impact will, in the long term, also benefit consumers. Other consumer stakeholders suggest that there should be a **limit on the number of repairs** that can be offered under Directive (EU) 2019/771, and that where several repair efforts have been made, consumers should have **the right to have a product replaced**. Moreover, when a product is subject to repair under Directive (EU) 2019/771, some stakeholders suggest that consumers should be offered a **temporary product on loan** while their product is being repaired. Stakeholders representing consumers suggest that this would increase consumers’ willingness to have products repaired within the legal guarantee. The EEA EFTA States are of the view that these proposals should be taken into consideration, as these are measures that are likely to increase consumers’ motivation to repair.