

Sustainable consumption of goods – promoting the right to repair and reuse

Fields marked with * are mandatory.

Introduction

About you

* Language of my contribution

- ☐ Bulgarian
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- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
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* I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* First name

Sylvie

* Surname

Lema

* Email (this won't be published)

europe@afep.com

* Organisation name

255 character(s) maximum

French Association of Large Companies (AFEP)

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)

- ☐ Large (250 or more)

Transparency register number

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Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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* Country of origin

Please add your country of origin, or that of your organisation.

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- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Gabon
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- Gibraltar
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- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
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- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
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- Nauru
- Nepal
- Netherlands
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- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
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- Tokelau
- Tonga
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| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

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* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

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Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

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Introduction

In order to promote the circular economy and sustainable consumption, and to avoid unnecessary waste, the period during which consumers can usefully use their products is key. This period is influenced by the product design and its use. Products can be used for a long time only if they are designed in a durable way and if they are used for as long as possible. The first aspect is addressed by the Commission's 'sustainable product initiative' (SPI), which aims at setting binding requirements for producers to ensure that products are designed to be durable and repairable. The second aspect relies on the consumer's willingness to use the product for a long time and to avoid early replacement or disposal.

Studies show that one of the main causes for premature disposal of goods lies in the difficulties to repair broken products. The 'right to repair' initiative aims at addressing this problem by providing consumers with incentives to encourage sustainable use of products, and increase their ability to repair defective goods.

For this reason, the Commission will be looking into measures that promote repair within and beyond the legal guarantee period.

- * Q1. The time during which consumers use their goods has an impact on the environment. In particular, replacing goods that could be repaired and used for a longer time might adversely affect the environment. Please indicate if you agree with any of the following statements.

at most 1 choice(s)

- ☐ The time during which most consumer goods are used decreased over the last decade.
- ☐ The time during which most consumer goods are used increased over the last decade.
- ☐ The time during which most consumer goods are used has not significantly changed over the last decade.
- ☒ No opinion

Q2. Please indicate whether you agree that the following objectives should be pursued in order to promote sustainable consumption.

at least 1 answered row(s)

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
* Provide incentives to repair products instead of replacing them in the case of defects that are covered by the legal guarantee.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Provide incentives to repair products instead of buying new ones in the case of defects that are not covered by the legal guarantee (e.g. when the legal guarantee period expired or the defect did not exist at the time of delivery).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Provide incentives to buy and use second-hand goods.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Provide incentives to buy and use refurbished goods (i.e. second-hand goods that have been tested and, if necessary, repaired before they are sold).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q3. Please indicate whether the following objectives should be achieved at EU or national level. You can choose only one answer per each objective. Please select 'Not applicable' if you think that these objectives should not be pursued at either EU or national level.

at least 4 answered row(s)

	EU	National	Not applicable	No opinion
* Provide incentives to repair products instead of replacing them in the case of defects that are covered by the legal guarantee.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Provide incentives to repair products instead of buying new ones in the case of defects that are not covered by the legal guarantee (e.g. when the legal guarantee period expired or the defect did not exist at the time of delivery).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Provide incentives to buy and use second-hand goods.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Provide incentives to buy and use refurbished goods (i.e. second-hand goods that have been tested and, if necessary, repaired before they are sold).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Measures related to the legal guarantee framework (Sale of Goods Directive)

When goods turn out to be defective at the time of delivery, consumers can rely on the legal guarantee and ask the seller for a free remedy (repair or replacement). The legal guarantee means that, for at least 2 years from delivery, sellers are liable for defects that existed at the time of delivery. Member States can apply a period longer than 2 years, if they wish.

In addition to the legal guarantee, consumers can rely on a commercial guarantee in certain situations. The producer or the seller can decide to provide such a commercial guarantee, where the conditions depend on the concrete terms of the guarantee statement. The current legal framework for the legal and commercial guarantee is regulated by the Sale of Goods Directive (EU) 2019/771 ("Directive").

The Commission is considering a number of measures focused on promoting sustainable use of goods, e.g. through incentivising repair under the legal guarantee period and promoting the use of second-hand goods. These could lead to a possible amendment of the Directive. This section of the questionnaire aims at gathering opinions about such possible measures. Please carefully read the list below before answering the questions that follow (please note that this is not an exhaustive list).

1. Repair as the primary remedy

Under the Directive, consumers can choose between having defective products repaired or replaced. The Directive could be amended so that repair would be the primary remedy and consumers would only be able to replace the defective product if repair is not possible.

2. Determining the consumer's remedy when the repair cost is less than or equal to the replacement cost

Under the Directive, consumers can choose between having defective products repaired or replaced. The consumer's choice is only restricted when the chosen remedy is impossible, or if it imposes disproportionate costs compared with the other remedy. The Directive could clarify that the costs for replacement are disproportionate if they are higher than or equal to the cost of repair, thereby determining repair as the consumer's remedy when its cost is less than or equal to the replacement cost.

3. Re-starting the legal guarantee period after repair

If a product is defective, under the Directive, consumers can choose whether to repair or replace the product. To encourage consumers to choose repair, the legal guarantee period could be restarted after the repair i.e. the consumer would have an additional legal guarantee of a minimum of 2 years after the product

is repaired.

4. Longer legal guarantee period

The minimum two-year legal guarantee period allows consumers to claim from sellers a repair or replacement of a defective product. The legal guarantee period could be further extended for both these remedies.

5. Same legal guarantee period for new and second-hand goods and/or refurbished goods

The Directive gives Member States the possibility to allow consumers and sellers to agree on a shorter liability period for second-hand goods but not less than 1 year. To promote the sale of second-hand goods, the legal guarantee period for second-hand goods could be the same as for the newly produced goods (minimum 2 years).

Buying refurbished goods (i.e. second-hand goods that have been repaired and tested) can extend the period of time during which a product is used before it is discarded. As for second-hand goods, the legal guarantee period could be the same for refurbished and for new goods.

6. Replacement of defective products with refurbished goods

When a product becomes defective and the consumer would like to have it replaced, the seller would be allowed to offer a refurbished product as a replacement.

7. **Voluntary business commitments to repair goods** with a significant negative impact on the environment and promote the purchase of second-hand and refurbished goods.

Q4. Which of the following measures would be most effective in extending the use period of goods, once purchased? Please rate the effectiveness of each measure below.

at least 8 answered row(s)

	Very ineffective	Rather ineffective	Neutral	Rather effective	Very effective
* Repair as the primary remedy	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Determining the consumer's remedy when the repair cost is less than or equal to the replacement cost	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Re-starting the legal guarantee period after repair	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Longer legal guarantee period	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Same legal guarantee period for new and second-hand goods	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Same legal guarantee period for new and refurbished goods	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Replacement of defective products with refurbished goods	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Encouraging businesses to voluntarily commit to repairing goods and promoting second-hand/refurbished goods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
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If you consider that other measures would be effective, please specify which ones:

200 character(s) maximum

Companies underline the difficulty to determine a global and horizontal law for various sectors as they have their own specificities (complexity, components availability...). See AFEP position paper.

Measures on the right to repair

The Directive gives consumers a right to have the defective product repaired or replaced but only when a defect is present at the time of delivery and becomes apparent within the legal guarantee period (in most Member States this means 2 years). In addition, only certain defects give a right to repair. For example, if the product is not functioning as advertised on the product packaging, the consumer has a right to a free repair. However, if the consumer accidentally drops a product on the ground, the resulting defect will not be covered by the legal guarantee.

Therefore, the Commission is considering to establish a new consumer right to claim repair for situations that are not covered by the current legal guarantee framework, for example, when a defect became apparent after 2 years or did not exist at the time of delivery but was caused by normal wear and tear or by mishandling of the product.

* Q5. Which of the following product categories should be covered by a new right to repair? You can choose more than one answer.

at least 1 choice(s)

- ☐ All consumer product categories
- ☐ Electronics
- ☐ Large household appliances
- ☐ Small household appliances
- ☐ Vehicles
- ☐ Textiles
- ☐ Furniture
- ☒ Other

If other, please specify:

200 character(s) maximum

Companies consider that new incentives to enhance repairability are relevant, rather than a new horizontal right for repairability. Choosing sectors for new incentives should be based on an IA.

* Q6. In which situations should a new right to repair apply? Please tick all that apply.

- ☐ Where defects are caused by the consumer before the end of the legal guarantee
- ☐ Where defects are not caused by the consumer but are the result of wear and tear
- ☐ Where defects occur after the legal guarantee expires
- ☒ Other

If other, please specify:

200 character(s) maximum

The right to repair already exists before the end of the legal guarantee (LG). When LG ends, repairability offered by companies are rising through healthy competition. A right to repair isn't needed

* Q7. A new consumer right to repair could allow consumers to claim repair of goods during a period of time. In your opinion, what should be the duration of this period? You can choose more than one answer.

at least 1 choice(s)

- ☐ The duration should be the same fixed period for all consumer goods
- ☐ The duration should depend on the type of product
- ☐ A minimum duration should be set by law and longer periods should be a competing factor on the market
- ☐ The duration should differ based on the cause of the defect
- ☒ Other

If other, please specify:

200 character(s) maximum

As mentioned a new right to repair is unnecessary as it would also trigger a careless use of products by consumers. See AFEP position paper

Q8. Which of the following repair options do you prefer? Please rate the following options from 1 (least preferred) to 4 (most preferred).

at least 4 answered row(s)

	1	2	3	4
* Repair by the manufacturer	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Repair by the seller	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Repair by an independent repairer	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Self-repair by the consumer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

* Q9. If there is an obligation to repair, who should be obliged to repair products?

You can choose only one answer:

- ☒ Repair service of the manufacturer
- ☐ Repair service of the seller
- ☐ Both the manufacturer and the seller

* Q10. In the previous question, you have indicated who should be obliged to repair products. Please indicate the main reasons for your choice. Please tick all the options that apply.

at least 1 choice(s)

- ☐ This person is easier to find/access
- ☐ This person will handle the repair faster
- ☒ The person would provide a better quality repair
- ☐ The overall economic burden is better placed on that person than on other persons

* Q11. Repairing any product incurs costs. Currently, consumers must pay for repairs not covered under the Directive. A possible new right to repair could place the repair costs on the manufacturer or the seller, potentially increasing the final purchase price. It could also restrict the profit margin of repair. In your opinion, what would be a reasonable price of repair for consumers under a possible new right to repair? You can choose only one answer.

- ☐ The repair should always be free, even if it means that the purchase price of goods increase.
- ☐ The price of repair should cover the costs of the repair (e.g. labour costs, cost of spare parts).
- ☒ The price of repair should cover the cost of repair and include a reasonable margin of profit.
- ☐ Other

Other measures to promote sustainable use of goods

In order to achieve the objective of extending the useful life of goods, the Commission is also looking to receive feedback on other potential measures. Such measures could be both legislative and non-legislative.

Q12. Companies need equipment to run their offices and factories and the duration of use of this equipment has an impact on the environment, too. In your opinion, which factors influence companies' decisions whether to repair or replace goods?

at least 5 answered row(s)

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Cost of repair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Availability of repair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Business continuity (e.g. time needed for repair or replacement)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Tax/accounting considerations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increased efficiency of newer products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

If you think that other factors influence companies' decision whether to repair or replace goods, please specify which ones:

200 character(s) maximum

Q13.

In the previous question, you have indicated the factors that influence company decisions whether to repair or replace the goods. Please explain in what way the factor(s) you chose influence the decision-making.

1000 character(s) maximum

The final price of repair is the main driver for decision making. Companies also consider that at the European level reparability could be encouraged (without imposing it, see previous points), by:

- Setting up experiments on indices of duration of use for certain categories of products in order to raise consumer awareness.
- Creating information portals on the repairment offers from economic actors
- Establishing standard calculations for consumers on the interest of repairing vs. replacement of products, starting on a pilot basis for certain categories of products.
- Introducing possible tax deductibility measures on the cost of storing spare parts

Q14. Do you have other suggestions about how to influence the current relationship between consumers and businesses with the aim of extending the useful life of goods?

1000 character(s) maximum

The most economical solution for companies and consumers in order to increase the lifespan of products is to integrate principles from their design to optimize the resources necessary for their manufacture and use, as well as to facilitate their repair, when possible. The current revision of the Ecodesign Directive will stimulate new and cost-effective ways to extend the lifespan of consumers goods. It should be ensured that

it is an opportunity to impose eco-design principles on any business placing products on the European market, whether it produces it in or outside the EU

It would be useful to ensure consistency between the proposal for a regulation establishing a framework for setting ecodesign requirements for sustainable products adopted on 30 March 2022 and the current DG JUST ongoing analysis to increase and improve the relationship between consumers and business

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Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

2e6a92f5-0221-4c66-95f4-e07177a6b0cd/AFEP_Position_Paper_-_Right_to_repair_-_April_2022.pdf

Contact

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