

Eurefas's position paper on the EU initiative "Sustainable consumption of goods : promoting repair and reuse"

Eurefas - the European refurbished association - gathers players from the high-tech and electronics refurbishment sector in Europe. Our goal is to support the development of a fully fledged European market for repair and refurbished goods by sharing expertise with public authorities and decision makers and by raising consumer awareness for our products by promoting their environmental and social benefits.

As the European refurbishment association, we welcome any initiative that seeks to facilitate the repair of products. Together with reuse (especially refurbishment), repurpose and recycling - as a last resort -, repair constitutes one of the core pillars to build a European circular economy. They all serve the same purpose: using a product as long as possible and by doing so providing an answer to the environmental, social and economic challenges the UE faces :

- Address the environmental challenge: while the manufacturing of a tech product is responsible for 78% of its digital carbon footprint¹, the spread of repairs and refurbishment can limit the manufacturing of "new" and e-waste to what is really needed. Indeed, the main causes for premature disposal of goods lies in the difficulties to repair them.
- Reconcile sustainable consumption and purchasing power: having our products repaired or buying a refurbished one is cheaper than the purchase of a new one. As the use of digital goods has become essential in our daily life, there are significant potential gains in purchasing power here.
- Promote digital sovereignty and local job creation: repairs and refurbishment require technical skills and manual labor. That's why they represent a unique opportunity to bring the added value from the production of electrical and electronic devices, which is currently almost exclusively located in Asia, back to Europe, and to create thousands of jobs.

As such, we fully support the EU "Sustainable consumption of goods" initiative because it promotes repair and reuse. As the European economy is still mainly linear and more efforts are needed to make a more circular consumption the preferred default option for consumers, we recommend the Commission to go further than "voluntary commitments" (option 1 in the consultation). In order to achieve a real paradigm shift, the support of the Commission needs to be decisive and should :

- **Ensure a level playing field with manufacturers** : globalizing repair is only easily feasible, and at reasonable cost, if manufacturers play a fair game or it will be circumvented.
- **Foster strong and high-quality networks of independent repairers close to end-users**. In order to improve consumer confidence in reused and repaired products, the EU and the Member States have to give all professional repairers the resources to be competitive and reputed.

¹ Assessment of the environmental impact of digital technology in France and prospective analysis ; Ademe & Arcep (january 2022)

- **Make it easier for consumers to get their products repaired and encourage them to be true players in the circular economy transition.** Making repair a common practice requires incentives for consumers to shift behaviors towards more sustainable consumption. What is more, there is a need for public campaigns to raise people's awareness on the virtues of a circular economy.

In practical terms, these three main lines of action have to apply during the product's lifespan : at the time of purchase, within the legal warranty period, and above all beyond it. Eurefas strongly believes in creating a dedicated right to repair, not exclusively related to the revision of the Sales of Good Directive, which is too much focused on the legal warranty period.

At the time of purchase

In order to ensure that the consumer can make the right sustainable choice, **sellers shall provide consumers with accurate information on the reparability of their products.** Eurefas strongly supports the creation of a free-access repair index for each new product, with relevant criterias such as the price of spare parts, the availability of conformity software updates, and the access to all the repair and maintenance information.

Within legal warranty period

Eurefas believes in **promoting incentives to make repair the first remedy instead of replacement,** especially for new products for which the cost of repair will always be lower than replacing it with another new product. For refurbished ones, we suggest keeping the current provisions of the Sales of Good directive (choice between repair and replace). In the current economic situation, refurbishers may lack supply of essential parts and components making repair not always cost efficient for devices that have previously been repaired or refurbished.

All products, whether new or refurbished, that have been replaced instead of repaired, should be reintegrated in the circular economy loop. They should be refurbished, repurposed and only if technically or economically not feasible, recycled. Furthermore, for all products repaired (once or multiple times) during the legal warranty period, we would support extending the warranty on the device for an additional 6 months. Extending the warranty on the repaired/replaced part might only be considered if a digital product passport is implemented to ensure traceability of repairs along the device's use. In this scenario, each repairer and end-user would be the one liable for any repair or maintenance on the device.

Finally, **rather than considering an extension of the legal warranty period** - especially because proving a default has occurred before the purchase becomes impossible after 2 years of use - **we truly think that the priority is to ensure the real implementation of the current provisions.** In concrete terms, we pledge for a harmonization of the regime across all the European countries to ensure business certainty, especially for smaller operators. And as the burden of proof on the seller is the true consumer's power within the guarantee, we propose to extend it to two years for new products, so that it would be aligned with the official warranty period. Regarding refurbished products, an extended

warranty period would be harmful for the sector as long as the law does not ensure that manufacturers play a fair game (spare parts availability, ban of software techniques that impede repair, traceability on what was made in the product's former life...).

Beyond legal warranty period

Because of all the issues mentioned above, we are convinced that the greatest sustainable advance in repair will be made by **creating a fundamental right to repair for the consumer beyond the legal warranty period**. In concrete terms, any consumer should be able to obtain a repair solution from any seller, with a 6 months legal warranty on the part of the product that has been repaired or replaced, at a fair price, and for 10 years after first placing a new model on the market. To do so, the seller shall steer the consumer towards the closest appropriate professional repairer (depending on the type of device and the consumer's location) through national repairers registers that every Member State shall create and update. These registers shall contain a huge and spread network of repairers, whether independent or partnered with sellers or manufacturers, based on objective criterias set by national or european authorities.

This fundamental right to repair will be feasible and efficient only if :

- Refusing to perform a repair on a product that has previously been repaired by another professional is made illegal;
- Independent professionals can repair a product with any type of spare parts, whether original, compatible or second-hand ones, with a 6 months warranty on the part of the product repaired or replaced. European law must therefore forbid preventing or limiting independent repair outside of manufacturers or distributor's certified or agreed networks, through any contractual, hardware or software technique (especially part paring), which happens too often.

About EUREFAS:

The European Refurbishment Association (EUREFAS) aims to represent the IT refurbishment sector, in particular smartphones, including high-profile companies operating on technology, buyback, refurbishment and sale of second-hand high-tech devices. The association's main mission is to build a circular economy and to advocate and promote the interests of the sector across the European Union. Eurefas is driven by sustainability values and aims to play a significant role in shaping a greener world. Find out more at www.eurefas.com.

Eurefas has signed the transparency register of the European institutions under the number: 332404341982-26 and is thus committed to fully comply with its code of conduct while engaging vis à vis the EU officials.

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