

Eurefas's position paper - Empowering consumers for the green transition initiative

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Eurefas - the European refurbishment association - welcomes this initiative which ensures consumers will have more reliable information on product's reparability, durability and the way it is promoted. To further accelerate the reuse of products - through refurbishment for example - and put them back into the circular economy loop, we suggest adding "reusability" to the list of the product's main characteristics (in Article 1.2.a) in respect to which a trader's practice can be considered misleading. Indeed, having more reliable information on how a product can be reused is beneficial for consumers as they will be able to resell it more easily.

However, we feel the proposal does not appropriately address the specificities of the second-hand market and some provisions could be strengthened in order to be more precise and binding. We outline below key recommendations to ensure that the initiative delivers on its promises.

Precontractual repair information should include when possible information to help in the diagnosis of a faulty appliance, such as repair manuals, information on repair tools and the period of availability of spare parts in order to truly reflect a product's reparability (cf article 2.2.j). We also believe some of the newly added unfair commercial practices (UCP) should be more precise otherwise they will be easily circumvented:

- The new UCP 23e of the Annex 1 should specify that "the existence of a feature of a good introduced to limit its durability" refers to the use of techniques, including software, by which the manufacturer aims to reduce a product's lifespan.
- The new UCP 23d of the Annex 1 should apply to any software update regardless of whether or not they are necessary to keep the good in conformity. We also believe the legislation should list as a UCP the omission to inform whether or not a software update is necessary to keep the product in conformity."

We welcome the Commission's attempt to bring more transparency to consumers on design choices limiting reparability and durability through the creation of new UCPS (Annex 1; (4)). However, to legitimise an ambitious right to repair, we cannot rely solely on prohibiting the lack of information on such design choices. We need to put a stop to those practices in the first place by preventing manufacturers from limiting the right to repair (through software locks or other methods) at the design and manufacturing stages. Consumer legislation can only provide a safeguard in ensuring a right to repair and an availability of product's information, echoing strong principles entrenched in product legislation (such as ESPR and product specific legislation).

To ensure that the provisions are enforceable, all required product information shall be passed on through the ownership chain, especially from manufacturers to (re)Sellers of second-hand goods, who do not have the same access to information as original manufacturers, especially if the device has been traded privately between consumers before reaching a professional seller. Not only should we request every good to have a product passport where all information could be stored and updated along the product lifetime, we should make it mandatory for manufacturers to make all product information requested in this text public, and frequently updated.



It is essential that legislation is adapted to the specificities of the second-hand market and its actors, in particular for refurbishers, who only test or repair a used product if necessary. Since we have no relationship to manufacturers, we cannot be held liable for commercial practices linked to the way the product is designed (refer to new UCPs 23d, 23e, 23f, 23g and 23i of Annex 1).

In order to ensure that these provisions are binding and properly enforced, we call for introducing minimum thresholds for penalties at the EU level.