

European Commission's work on the "Analysis and development of a scoring system on reparability"

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Introduction

In response to the questionnaire supporting the European Commission's work on the "Analysis and development of a scoring system on reparability", APPLiA would like to highlight the following general comments. We invite the Commission to consider these as a foundation to the responses we have made to the online questionnaire.

Product legislation should follow the Better Regulation agenda to ensure coherence and legal certainty. There must be careful calibration between the merits of regulation and market-based approaches and where it is necessary for all future legislation to be based on the New Legislative Framework.

APPLiA members are not negative to developing an evaluation tool for reparability (e.g. in standardisation) but we have strong concerns that such a tool can be the basis for legal requirements. For any legal instrument the following minimum conditions must be in place as a pre-requisite to any legislative requirements.

Robust standards

A solid standardisation base is needed to secure measurable and enforceable legal requirements. An evaluation tool must be based on a robust standardised methodology to ensure measurability, repeatability, reproducibility, enforceability.

APPLiA fully supports the standardisation activities at CEN/CENELEC-level in the Ecodesign Coordination Group Joint Working Group 10. However, we do not consider that the draft standards formulate repeatable and reproducible measurement methods which can be used for creating legal instruments such as requirements or a potential repair index used e.g. for a product label. A measurement method that is used in legal instruments needs to be enforceable and leave no room of interpretation or doubt. If that is not the case, legal requirements will distort the market and create legal uncertainty. In addition, any measurement standard that is used as the basis for legislation should correspond to real-life conditions of use in order to address the concerns regarding appliance use, consumer usage patterns, environment and installation. In our opinion, this is not currently the case.

APPLiA members have been active in the development of prEN 45554 - General methods for the assessment of the ability to repair, reuse and upgrade energy related products. This work is still in progress and we see it necessary to link the going discussions and assessment in the JWG10 WG 3 to the analysis of any evaluation tool for reparability.

We support the development of an evaluation standard for repair as we consider that it can be a useful tool for each producer to evaluate and improve its products, but it is not suitable as the basis for legal instruments.



Effective enforcement

Any legal requirement needs to be effectively enforced by authorities. This requires:

- 1 / The methodology leaves no or minimal room for interpretation
- 2 / There is available and scientific sufficient laboratory capacity
- 3 / There are resources available to ensure enforcement activity of Member States.

The result must not have the potential to be subjective or open to interpretation or manipulation. The same result should be possible no matter who makes the evaluation (according to the standards) whether it be different verification laboratories or by the producer themselves. There is no point to set legal requirements if they cannot or will not be properly verified, and if they will not be enforced.

Level playing field

When legal requirements are set, they must be clear and consistent, supporting innovation and creating the conditions for competitiveness.

Legal requirements that are based on an evaluation tool that are not precise would impact the current competitive landscape between companies and will lead to market distortions. Such potential market distortions should be fully understood to ensure a level playing field between market operators. Market surveillance authorities must be able to straightforwardly test any new legal requirements. Testing costs and time requirements could prove a severe constraint for market surveillance. Only feasible, efficient and functional market surveillance will promote this level playing field for EU and non-EU producers.

Already today, the necessary services to ensure the proper and safe repair of products are readily available on the market. Repair is part of brands after-sales strategies and a way for companies to compete to offer appropriate services to consumers. Home appliance manufacturers are already engaged to meet the needs and challenges of repair in the EU, via different tools chosen by the brand: manufacturer's after sales service, information and training of authorised repairers, collaboration initiatives to train new professional, partnership with social enterprises, etc. It is highly important to keep the freedom for manufacturers to engage in this field in a competitive market.

Respect the safety and liability of the product

Home appliance manufacturers believe that consumer protection and safety is a key element to maintain trust with consumers and not to jeopardise efforts for the circular economy, such as repair.

The repair of products needs appropriate technical skills that most consumers do not have. If an appliance is not properly repaired, consumer safety within the home could be compromised. If a consumer has repaired a product, the liability for the safety of the product is not with the manufacturer. To ensure the safety and conformity of products, repair of appliances must be made by authorised repair operators.

Transparency and trust for consumers

Communication of the repair evaluation of the product would need to be well understood by the consumer in a simple and understandable way and should not be misleading. We consider that any aggregating of results into one overall score is not feasible as it will always be misrepresentative, depending on the consumers situation and depending on product type. Transparency is a must to establish trust and to ensure the legitimacy of the legislation.

Technical reasons do not hinder repair. The choice of repair is dependent on both economic reasons and individual consumer preferences. Once the product needs to be repaired, consumers have the choice to repair it or change their appliance, depending both economic reasons and consumer purchase behaviour. Consumers may want to change their equipment after a certain period, even if it is still functioning. The consumer may have new needs: moving, growing family, desire for new technology.



APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 44 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.

