Communities Go Circular Position paper on (the right to) repair

August 2024

EKOLOGI BREZ MEJA
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RIGHT TO REPAIR

This policy paper has been written for the **Communities go Circular** project, funded under the CERV programme of EACEA. The aim of the two year project is to educate and raise awareness on the subjects of repair and reuse, involve citizens in the process of demanding policy change, encourage the opening of new repair and reuse workshops, and finally to learn from and connect to other actors in the sector.

The partners of the project focused on reuse, repair and reduction of waste actions in their specific countries. They include Zelena Istra and Zelena Akcija from Croatia, Ekologi brez meja and KNOF from Slovenia, and Zero Waste Italy from Italy.

Colophon

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Publisher: Društvo Ekologi brez meja
Year of publication: 2024
Project: Communities Go Circular (101081655 - CGC - CERV-2022-CITIZENS-CIV)

Funded by the European Union

Funded by the European Union. Views and opinions expressed are however those of the authors only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the EACEA can be held responsible for them.

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Introduction

Repair has always been a staple tool for extending the lifetime of products, preventing them from becoming waste prematurely. In recent years its importance and recognition has grown thanks to many initiatives in the wider space of the circular economy transition. The European Commission estimates that every year 35 million tons of waste, 30 million tons of resources and 261 million tons of greenhouse gas emissions are produced simply because items get discarded when they could have been repaired instead[1]. On top of the environmental burdens, such practices mean an additional cost to consumers estimated at almost 12 billion euros every year.

Consumer awareness is rising and we see a thirst for durable and repairable products, plus more and more engagement in the growing right to repair movement. That right is simply the right of a person to repair an item themself or have it repaired by a third party. In Europe it's being championed by Right to Repair Europe, a coalition of more than 140 organizations with a strong watchdog role in the EU policy landscape.

We aim to stop the (past) trend of products becoming harder or impossible to repair, ensuring repair becomes accessible and preferred over replacement whenever possible. Reducing waste generation through repair has benefits under all pillars of sustainability — it's a means of climate change mitigation, job creation and community building. As such the right to repair movement is perfectly aligned with the objectives of the European Green Deal and actively works to positively influence it.

Recently the policy landscape has seen many interesting developments, a true start of serious work on repairability. A definite reason for rejoicing, a culmination of years of campaigning, however the details often leave something to be desired. Whether that's the limited scope of product categories the new rules apply to, broad exceptions or, the sometimes long transition periods.

With these hurdles, a new circular economy package on the horizon, and plenty of work to ensure the implementation of existing legislation bears ripe fruit, the time for advocacy is now. This buzzing climate also explains several of the activities of the Communities Go Circular project, which focuses on enhancing repair and reuse in Croatia, Slovenia and Italy. As part of that, this position paper summarizes our findings and where in the policy space we see room for improvement.

[1] European Commission, Right to repair: Commission introduces new consumer rights for easy and attractive repairs, 2023

Recent legislative developments

The topic of the right to repair falls under consumer protection legislation. The latter has been a staple of EU policy already since 1975[2], in time expanding to cover a wide array of topics like product safety, financial services, food safety and labeling, energy, digital market, travel and transport. Some right to repair measures are as old[3], but specifically for the EU, 2024 saw a landmark upgrade — the adoption of the Directive of the European Parliament and of the Council on common rules to promote the repair of goods (Right to Repair Directive, R2RD).

It aims to encourage consumers to choose repair over replacement by making it more practical, cheaper and sometimes at all possible — both during the warranty period and afterwards.

It currently covers only tablets, smartphones and certain household appliances, but the list will grow with each new product subjected to future ecodesign requirements. Currently, this means washing machines, dryers and dishwashers, electronic displays (e.g. televisions), refrigerators, welding equipment, servers, phones, tablets and batteries for light vehicles like e-bikes and e-scooters.

The main user facing changes that the directive brought are:

- manufacturers are obligated to provide repair services even after the warranty period, with some caveats, up to 10 years;
- these repairs must be provided free of charge or at a »reasonable price«;
- repairs during the warranty period extend the warranty by one year;
- consumers will be able to request information from repairers (e.g. cost, service duration) through a standardized European Repair Information Form, enabling easy comparisons between repair options; this information must be provided free of charge;
- an online platform will be created to facilitate finding repair services and information;
- national platforms have to be in place by 31/07/2027;
- a simple repair service quality standard will be developed to highlight good performers;
- manufacturers are prohibited from using techniques that impede repairs, be it through limiting use of third-party or second-hand spare parts, software malpractices like part pairing or contractual clauses. Unfortunately, this provision is weakened by a loophole justifying the use of anti-repair techniques with (among others) intellectual property considerations.;
- manufacturers must provide access to spare parts, information on repair and maintenance and any repair related software tools at reasonable costs.

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[2] The Council Resolution of 14 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy

[3] Magnuson-Moss Warranty Act (USA, 1975) prohibited the anti-repair warranty voiding stickers

The directive entered into force on the 30th of July 2024. EU countries have two years to incorporate it into their national legislation, which is an opportunity for greater ambition. For example, the directive stipulates Member States have to adopt at least one national measure for promotion of repair, with a list of financial and non-financial suggestions included with the Directive. However, this obligation has a long deadline of five years.
The transposition has already started in some countries, but it could be delayed by the current lack of Commission's guidelines on the definition of reasonable prices.

Besides the R2RD, last year saw an upgrade to the battery regulation, reducing the chance for broken batteries to incapacitate the whole product, as they are now required to be replaceable.

More notably, in 2024 also the Ecodesign for Sustainable Products Regulation (ESPR) was adopted, including future requirements of durability and repairability for a wide range of products. It will expand the list of repair-covered product categories, as soon or as late as their specific ecodesign criteria have passed.

Outside the EU level, a growing number of cities, regions and countries have adopted financial incentives and other measures promoting repair.

Results of the CGC project repair survey

As part of the Communities Go Circular project, an online survey was held in Slovenian, Italian, Croatian and English between May and July 2024. The goals were to measure the attitude and obstacles of the general public towards repair and certain policy measures. It was designed with inspiration from previous research by Nazlı Terzioğlu (2021) without any respondent stratification. As such it is not generally representative of the wider population.

779 people answered it fully, wherein every second submission was by a woman, most were by adults older than 35, well educated and reluctant to share their income bracket.

The main findings[4] are:

- 71 % of respondents used repair services in the last year, 80 % did it themselves;
- No gender difference was observed, but age does matter: 75 % of people older than 55 years repaired compared to the second highest 57 % at ages 25-34. Better education and higher income also positively correlate with higher repair frequency;
- Over half of them sent for repair: clothes (59 %), cars (56 %) and footwear (49 %), while at the end of the list were items for sport, hobbies and the home (< 10 %);
- When repairing themselves, clothes dominated (76 %), followed by furniture (53 %) and home accessories (44 %). Least likely were home appliances and sport gear;
  - 88 % of respondents owned the needed tools for repair;
  - Middle-aged respondents were most likely to repair themselves, but the difference compared to other age groups was small (< 10 %). Education and income were not a significant factor.

[4] A detailed analysis is available in this article.

- Private repair service providers dominated (81 %), while 51 % chose official services;
- Average yearly cost of repairs was 448.20 €, with predictable differences between the countries;
- When asked about the acceptable price, over a half said it depends on the product, with the other answers uniformly spread among varying lower prices and the answer that the price does not matter. [5];
- Only a third of the respondents thought that age of the product does not matter when deciding about repair, while a half again said it depends on the product;

A whole section was dedicated to circumstances related to repair. Several statements were presented and respondents rated their agreement on a scale from 1 to 5, least to most.

For choosing repair, environmental concerns, regular use, perceived quality and knowing that someone can repair it were the most agreed with statements (all above 4). Close behind were guilt, setting a good example and whether the repaired item will not break again quickly (all 3.9). The only relatively strongly disagreed with statement was that there is a stigma due to the way repaired items look (2.6).

For repairing it yourself, the importance of ease of repair and spare part accessibility scored highest at 3.9.

When asked about the right to repair, roughly half the respondents heard of it (53 %). They explained it as having the option to repair (29 %), a producer obligation (23 %), a consumer right (23 %), while 15 % mentioned the environmental aspect and 8 % legislation.

Almost everyone (98 %) thought that a lower VAT for repairs should be enacted by their countries, while 91 % would repair more often in that case. It is worth mentioning that a lower VAT level already applies for a limited set of repairs in Slovenia and for repair of private dwellings in Italy and Slovenia.
93 % said that repair vouchers would encourage them to choose repair more often.

They also liked the idea of a product repair score. 94 % claimed they'd take it into account when purchasing. However, when asked how they would interpret a score of 3.5 / 10, the responses varied significantly. Half of the respondents said the product was hard to repair and 43 % that it doesn't make economic sense to repair it. 17 % mentioned that they don't know how to interpret it, 4 % that there's not enough information and lastly, 3 % actually considered the repairability as high.

Only a third of the respondents knew about web portals that promote reuse and/or repair.

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[5] Previous research has shown that the maximum price that consumers are willing to pay for a repair ranges from 20 % to 40 % of the product price, see The Price Is Not Right, Right to Repair Europe, 2023

Policy recommendations

For the choice of repair to become the default option, a number of measures are needed in several areas. Combining the expertise within the Right to Repair Europe coalition, the CGC project and experiences from places where certain repair measures have been in place for longer, we stress the following policy areas in need of improvement. Our recommendations are split between the EU and Member State levels or to put it differently: on the framework and implementation side.

Policy gaps at the European Union level

A universal right to repair and free choice of repairer

For a truly **universal right to repair** not only must products be well designed to physically make repair possible, but consumers must have a free choice of who will do the repair, whether that's themselves, the manufacturer or 3rd party repair service providers. On top of that there are several other preconditions (only partly addressed by the R2RD) without which this right to repair cannot yet be exercised. Aspects of this are discussed in other sections, but here we'll focus on the importance of free choice.

Enabling consumers to get their products repaired by the provider of their choice necessarily limits the damage from manufacturers' monopolistic anti-repair practices and encourages healthy competition.

The core business of most independent repair providers is just repair, meaning their main goal is to provide excellent repair services, prolong the lifespan of products and not push for premature replacement. They are often willing to repair issues that manufacturers and their authorized repairers are not. Or do it at a substantially lower cost at the same level of quality.

Furthermore, this free choice of repairer should be available already during the warranty period, which would also reduce the frequency of early replacement with a new product.

We expect the European Commission to widen the coverage as soon as possible.

Wide product category coverage

Unfortunately the right to repair regulations currently apply to a narrow list of product categories. It will grow as new ecodesign requirements are created, but the end goal should be full coverage, i.e. all product groups where repair can be considered.

Currently much of the electric and electronic equipment is out of scope, even though their waste stream is one of the fastest growing ones[6] and even though many of these products and their spare parts exhibit some of the worst repairability seen.

[6] E-waste in the EU: facts and figures, European Parliament, 2024; ILO, 2014

Ecodesign

Obviously products should be designed with excellent repairability in mind, which often also necessitates greater durability. Part of that is the ease of dis- and re-assembly, the spatial accessibility of key components, use of more standardized parts or even fully modular designs. However we'd like to highlight two other aspects that regulators should keep in mind.

Product design should not only facilitate repair, but enable it to be done safely by humans. That means minimizing exposure to hazardous materials and components. In fact, reducing their amounts in the product is an often forgotten form of waste reduction, since it's defined also in terms of reducing the use of hazardous substances.

The second aspect is less tangible: software availability. It's about traditional electronics and the growing number of previously non-"smart" devices like locks and others in the Internet-of-things space. Where software is a mandatory component of the use of a product, manufacturers should provide long-term compatibility and updates, so that software itself does not render a product waste. With a good design, providing 10 years of support should not be an issue. Even with such guaranteed support, connected products would still be at risk of failing earlier than their unconnected counterparts.

Additionally, consumers should have the right to change the underlying software driving their product (common with computers and phones) and manufacturers should be encouraged to open source their firmware, especially once it's discontinued.

Stricter policies against anti-repair practices

There is no clarity yet what the official definition of "reasonable price" will be, but it should be such, that it helps reduce the frequent occurrence of overly pricey spare parts.

R2RD has an unfortunate loophole in its Article 5 dealing with obligation to repair:

> *»Manufacturers shall not use any contractual clauses, hardware or software techniques that impede the repair of goods listed in Annex II* ***unless*** *justified by legitimate and objective factors including the protection of intellectual property rights under Union and national legal acts. (...)«*

This allows manufacturers to continue with unfair anti-repair practices like part-pairing, a form of software locks where this software rejects unauthorized replacement parts, crippling the device.

The US Federal Trade Commission writes in their 2021 report on Repair restrictions that manufacturers have offered numerous explanations for their repair restrictions, but that they are not justified. Many of their arguments for why consumers should not be allowed to repair their own products are based on problems the manufacturers themselves create.

We expect a consistent implementation of the ban on anti-repair practices with a high bar set for exceptions. There needs to be legal clarity on what would be counted as “legitimate and objective factors”, so manufacturers are less likely to skirt the rules and ensuring compliance is easier.

Repairability scores and indices

The goal of repairability scores is to let consumers know how repairable a product is before its sale. As the number of products for which there is an official proposal for an index grows[7], it is important to keep in mind the experience from France (since 2021).

HOP identified two key problems that limit the effectiveness of the proposed EU score: the price of spare parts is not part of the assessment, even though it is a major barrier to repair[8], and the scoring system is not weighted properly for the score to truly reflect repairability. Additionally a bad subscore in a certain category should bring the whole score down, regardless how good the subscores in other categories are.

Current scores are on a scale of 1-10, but that has proven to be hard to interpret also in our survey. It is good that the calculation methodology is detailed, but the user presentation matters as well. We propose all future final scores be simplified to a set of classes, akin to the energy efficiency rating already in place.

Material use targets

Targets are needed to truly highlight and drive the importance of repair for the circular economy. Direct repair targets could have negative effects, since it would be easier to reach them with products that break more often, which of course would be counterproductive.

We suggest instead to focus on indirect and overarching targets for the reduction of primary resource use. Some indicators are already tracked in the Circular economy monitoring framework, notably material footprint, resource productivity and two resilience indicators. Repair has an important role to play there, as longer lasting products for example mean a lower demand on strategically limited critical raw materials.

An example of feasible indirect targets supporting repair would be average lifespan targets defined per product category. There is no defensible reason that e.g. a mobile phone or laptop should not last 10 years before needing replacement.

As has been suggested by many experts before, we need a separate Resource Framework Directive with binding science-based resource use reduction and reuse targets. Targets are the only proven way to successfully drive public policy (especially at Member State level) that can eventually result in the needed change. And our need to reduce our material footprint whether through repair or other measures is already high and steadily growing.

[7] Tumble dryers, computers, smartphones, cooking appliances

[8] E.g. according to a 2021 survey conducted by Kantar for VZBV, 88 % of German consumers expect a product with a high repair score to be economically repairable

Extended producer responsibility framework

Beyond it being an implementation of the polluter pays principle, extended producer responsibility (EPR) has the potential to truly drive better product design. Not just through sufficiently modulated fees penalizing linear design, but through ensuring a feedback loop exists between waste managers and producers to inform it.

The EPR system defined by the Waste Framework Directive and several subdirectives needs to be tightened. Article 8a on minimum requirements for schemes (PROs) is good, but it needs to be more prescriptive, mandating instead of making it an option. This would improve the currently poor compliance in many Member States. For streams like waste electrical and electronic equipment, where repair is a feasible option (unlike say for pesticides), there are several measures that could be mandated to further repair.

For example dedicated repair funds (at either PRO or national level) financed by existing producer EPR fees, a clear obligation to include repairability aspects in the design of fee ecomodulation, and repair-specific information and sensibilization measures.

Right to Repair Europe prepared a dedicated report on the need for EPR reform.

Policy gaps at the Member State level

R2RD directs Member States to adopt **at least one** national measure for promotion of repair, with a long deadline of five years. An obvious ask for legislators at this level then is to adopt more than one measure and to not wait until the deadline. Some suggestions follow.

When considering these measures, financial ones should be prioritized, since economic inaccessibility is one of the largest barriers to repair[9].

Additionally we ask our governments to be ambitious when it comes to shaping the positions of the European Council in all future EU regulations including the topic of repair.

Repair vouchers and bonuses

93 % of our survey respondents said that repair vouchers would encourage them to choose repair more often, which matches with previous surveys and studies identifying the cost of repair as one of the biggest barriers[10].

Several countries, regions and cities have implemented their own repair incentives and several more are considering it. A comprehensive overview by Right to Repair Europe is available with recommendations for future implementations.

As this measure has proven to be very successful, its implementation should be prioritized.

[9] E.g. Eurobarometer, the 2019 study by ADEME or Fnac's Baromètre SAV from 2022
[10] ibid.

VAT reduction

Another simple fiscal measure is to use a reduced value-added tax rate for repair. The acquis already allows for this for an albeit limited set of minor repairs: bicycles, household appliances, shoes and leather goods, clothing and household linen. Slovenia and 6 other Member States already implemented this, while Italy and Croatia have yet to. The lower rate for repairs of household appliances has been available since the 2022 revision of VAT rates, yet so far not a single member state has implemented it.

Other fiscal measures and EPR in practice

As the public sector is a big spender, green public procurement is another important way to directly increase demand for durable products, their repair and refurbishment. Repairability criteria should get embedded in the rules once repair indices are widely available. Where available, provisioning from social economy actors should be preferred.

Member States have significant leeway in how they implement extended producer responsibility within the larger EU framework. They already can and should embed repair into the ecomodulation criteria for EPR fees and ensure part of the collected fees get used for a fund dedicated to repair.

The funds should then be used to remove barriers and promote repair, education and training, support innovation (e.g. 3D printing of spare parts or extraction of used ones), community repair initiatives and social economy actors, and in general increase the attractiveness of repair business models to increase the range of available repair services. It could also be a partial source of funding for repair bonuses.

To complement the material use reduction targets, a larger fiscal reform is needed. Until the main tax burden shifts from labor to (primary) resource use, we will struggle to transition to a circular economy. This would radically benefit the repair sector, truly drive better product design and enable new circular business models to thrive.

Education and training

There are three different aspects of education and training that need to be worked on at the Member state level. The first is about educating consumers on the possibilities of repair, which is more about good information availability and awareness raising campaigns. The second is about creating and supporting training opportunities and programmes for the public to learn to repair themselves. This could be done within formal education or outside of it and should encourage cross-generational teaching and learning.
The third aspect is formal training and education specifically in the field of repair. Both due to a deficit of skilled workforce, which is limiting repair service provisioning and growth[11], but also specifically to teach the special skills that are required for certain product groups. Improving training and recognition will lower the barrier for new talent to join the sector.

[11] For example, Green Alliance modeled a tenfold increase in jobs related to repair and remanufacturing if a more ambitious approach is taken to the circular economy transition