

EGMF-EPTA Comments regarding the draft IMCO Rapporteur report on the Common rules promoting the repair of goods Directive

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The European Garden Machinery Federation (EGMF) and the European Power Tool Association (EPTA) – representing Europe’s garden machinery and power tool industries, are strong supporters of enabling and promoting customers to use sustainable, long-lasting and repairable products by design.

Our industries produce equipment used by consumers and professionals for do it yourself (DIY) and large-scale projects, as well as by skilled tradesmen in the construction, landscaping, gardening sector and other related sectors. We are highly committed to the highest standards for reparability, safety, robustness, durability, and circularity and the products in our portfolio are already being developed so that they are repairable by design. We ensure that they are repaired and go through maintenance, when necessary, throughout their use in order to be able to continue guaranteeing safe use of the product with expected performances.

Provided with our experience and expertise, through this paper, we would like to assist the European Parliament Committee on Internal Market and Competition (IMCO) MEPs, and especially the Rapporteur and Shadow Rapporteurs to shape a balanced and fit for purpose legislation.

Scope

We support the harmonisation of measures on reparability under a single EU-wide legislation to prevent further proliferation of national rules, which is already a pressing issue for our sectors. However, we would like to underline that the scope of the legislation needs to be defined carefully and precisely on a product-by-product basis, in line with the Ecodesign procedures and methodologies.

We would also like to suggest taking a holistic approach when defining the scope, taking into consideration the environmental impact of keeping in operation certain types of products that are less efficient and more polluting, which could lead to a net negative result for the EU’s sustainability goals.

In the draft report of Rapporteur Repasi, many new product groups are introduced, greatly expanding the scope of the original proposal of the European Commission. However, we strongly recommend that the reference to the existing EU laws remains. If we wish to include future legislation that is still a subject of drafting or negotiation, those should be added after a proper impact assessment and stakeholder consultation.

Considering the listed product groups that have been proposed by the IMCO Rapporteur, we would like to specifically address and make amendments and suggestions to the product groups below.



- **Batteries and waste batteries**

The scope of which types and categories of batteries is not defined in the draft report. This differs to the new Batteries and waste batteries Regulation ([EU\) 2023/1542](#), which already defines several types and categories, meaning this information could be applied here. Moreover, it already sets a number of rules on both the replaceability and removability of batteries, as well as the availability of information for repairers, which should be taken into consideration to avoid overlapping legislation.

The same principle regarding the scope should apply for other products where there is already a regulation that sets requirements for repair and repair information. For example, the rules regarding waste batteries are already covered by the WEEE Directive.

EGMF and EPTA suggest **specifying and narrowing down** the abovementioned product groups or **excluding** them from the scope of the Directive.

- **Electronic displays**

The scope of which electronic displays should be considered for the Directive is also not clear. We suggest that the scope needs to be precisely defined, and we suggest that displays integrated, or intended to be integrated, into other products such as those listed in Ecodesign Regulation on electronic displays ([EU\) 2019/2021](#) should be excluded.

We would like to point out that the respective Regulation already sets specific rules for design for repair, which include the availability of spare parts and access to repair and maintenance information. This should be taken into consideration when it is decided whether electronic displays should remain in the scope of the Common rules promoting the repair of goods Directive, and which specific displays it should cover.

EGMF and EPTA suggest **specifying and narrowing down** the abovementioned product groups or **keeping the original text** of the European Commission,

- **Vacuum cleaners**

The draft IMCO amendments report expands the scope to “Vacuum cleaners” from “Vacuum cleaners according to Commission Regulation ([EU\)666/2013](#)”, which could be interpreted to include equipment such as industrial machines.

We strongly suggest that specialised, outdoor and industrial vacuum cleaners such as dust extractors and leaf collectors, remain out of scope as they are designed for specific work tasks, often related to workplace health and safety. They are sold in much lower volumes compared to domestic / household vacuum cleaners and are already designed for a long service life.

EGMF and EPTA suggest **specifying and narrowing down** the abovementioned product groups or **keeping the original text** of the European Commission.

Lastly, we would like to stress that a general clarification on the intended coverage is necessary. We strongly believe that consumer (B2C) and professional (B2B) products should be viewed differently, and the EU legislation should focus on products that cannot be currently repaired, or such with a very short lifetime. As a principle, B2B products should not be regulated in the same way as B2C products, as repairs and services are generally covered in our sector by B2B bespoke agreements.

EGMF and EPTA suggest **keeping the original text** of the European Commission.



Access to information and spare parts for independent repairers and consumers

We would like to raise caution about incentivising repair by independent repairers and **especially consumers**. This poses the risk of having repairs executed by people that are not qualified for electrical and electronic equipment, which could lead to serious safety issues.

For example, when electrical equipment is re-assembled it should be subjected to an electric strength test, and consumers do not have access to this kind of test apparatus. Our tools and machinery often contain complex mechanical arrangements to ensure safe switch-on / switch off, and if these mechanical parts are miss-assembled by an untrained person, the equipment would be rendered extremely dangerous. Other common examples for dangerous mechanical repairs are when not properly trained and educated independent repairers use the incorrect grease on threads and apply inappropriate torques, rendering the equipment extremely unsafe.

For the abovementioned reasons, many manufacturers today only allow repairs in specialised dealerships, where the manufacturer can provide appropriate training. Also, these dealers ensure contracts with the manufacturer that clarify the liability aspects. Additionally, we believe that sharing all technical data with external entities could threaten intellectual property rights.

We would also like to underline that the EGMF and EPTA manufacturers already indicate certain repairs that can be made by the owners themselves such as replacement of certain parts, guided by the manufacturer's repair and maintenance instructions, which circumvent these risks.

Our members are also working closely with other industry sectors in the EU standardisation bodies regarding who is capable of repairing specific types of equipment and specific components of them safely and properly. An example is the draft standard EN 50735 -1 on Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery.

Therefore, we strongly advise against adopting a horizontal one-size-fits-all approach to repair of all types of products by independent repairers and consumers.

Article 5.3 (AM 30): EGMF and EPTA suggest **keeping the original text** of the European Commission.

Repair duration limit and loan

EGMF and EPTA members, as respective competitors to each other, already ensure that repairs are executed at the optimally fastest pace that is possible with the aim to retain customer satisfaction and thus clientele.

Taking this into consideration, we would like to stress that the proposed deadline of 15 calendar days is not reasonable as it would require the manufacturer to keep a huge inventory of spare parts including for old machines that can date back 30 or 40 years.

Also taking into account the total amount of existing products and especially if we incentivise repair, it would just not be possible to guarantee a loan for every repair, or would require repairs to keep an exorbitant amount of machines just for this purpose. Lastly, repairers, or the dealer networks, are usually cash poor and these requirements will generate an additional cost for inventory of spare parts and loan, therefore jeopardising the viability of these companies.



Additionally, the obligation to provide a replacement good on loan for the duration of the repair is also not physically and economically viable for many types of equipment, especially considering the disproportionality between the time and costs of haulage in comparison with that of the repair.

Article 5.3 (AM 30): EGMF and EPTA suggest that **the original text of the Commission remains**, or the Rapporteur's amendment applies only **to specific goods that should be clearly specified**.

Extended guarantee period after first repair

We highly encourage the promotion of repair during the liability period of goods. However, we would like to address the newly proposed Recital 28 b, calling for an amendment of Directive [\(EU\) 2019/771](#) to allow consumers to have their products liability period extended with an additional two years from the moment of repair.

We believe that this would be a highly unproportionate and unfair measure towards manufacturers in a wide range of cases. The most common example would be when one component of a product fails in its final stages of the guarantee period. Then, during this additional extension, a different and not connected component could become worn out. This would unfairly burden the manufacturer to repair a part on which the original liability period has expired.

Recital 28 b (new) (AM 18): EGMF and EPTA suggest that **the recital is limited to repair and liability only on the firstly repaired component**, or **the whole recital is removed**.

The EGMF and EPTA members already have processes in place for the sale and reuse of products and parts. Encouraging further voluntary commitments to repairing goods and promoting second-hand/refurbished goods will increase value retention for both businesses and consumers. However, questions such as how 'second-hand' and 'refurbished' goods are defined, who will pay for the incentives to purchase such goods, and most importantly, who will be responsible for the performance and safety risks evaluations, must not be ignored.

In order to have the same liability period for second-hand and refurbished goods, it would be necessary for assessment and rectification to ensure that such goods are in such a state so that they deliver the same performance and safety to the user as a 'new product' to prevent unfair competition.

However, we would like to underline that such the need for rectification would be very common and if the cost for work is borne completely by manufacturers or sellers, it would be highly unproportionate.

Article 12.1a (new) (AM 44): EGMF and EPTA suggest that **the text of the Commission remains**.

Lastly, in this relation we wish to stress the need to 'educate' and raise awareness to consumers on the need to repair their products and having a proper maintenance.



The European Garden Machinery Industry Federation – EGMF – has been the voice of the entire garden machinery industry in Europe since 1977. With 30 European corporate members and 7 National Associations representing manufacturers of garden, landscaping, forestry and turf maintenance equipment, we are the most powerful network in this sector in Europe. Our members are responsible for employing 120,000 people in the EU, and in 2021 sold over 23 million units on the European Market. For further information please visit www.egmf.org or contact us at secretariat@egmf.org.

EPTA, the European Power Tool Association, represents 25 European manufacturers of electrical power tools with a strong production base in central Europe. Our members represent approximately 70.000 employees in Europe (170.000 worldwide) and around 90% of corded and cordless power tool sales in Europe (by value). EPTA members' portfolio encompasses both, corded and cordless power tools, the latter of which use lithium-ion rechargeable batteries. Cordless power tools are the fastest growing segment of the power tool market with a 50% share in 2022. The industry's annual turnover is around 8 billion €. Power tools are used both by skilled tradesmen, in a professional capacity, mainly in the construction industry, as well as by DIY users undertaking home improvement projects.

For further information please visit www.epta.eu or contact us at marinelli@epta.eu.

