



Toy Industries of Europe

Right to Repair Directive Briefing on the provisional agreement

On 2 February 2024, the co-legislators reached a provisional agreement on the Directive on the Right to Repair. The text, that has been already endorsed by the Coreper and the IMCO (Internal Market and Consumer Protection) Committee, is available [here](#). This briefing illustrates the main points of the agreed text (amendments to the EC proposal are underlined).

Definitions (art.2) and link to other legislations

- **ESPR:** the definitions of repair (new add), manufacturer, authorised representative, distributor and refurbishment are aligned.
- **Sales of Goods Directive:** the definition of consumers, sellers, goods and durable medium (new add) are aligned.
- **Definition of repairer:** the amended definition includes manufacturers.

Support to repair

European Repair Information Form (art. 4 and Annex I)

- Repairers **may** provide consumers with a form in line with the template and the information requirements set in the Directive. The form shall be provided:
 - on a durable medium;
 - in a reasonable period of time after the consumer's request;
 - before establishing a contractual bound with the consumer;
 - free of charge, unless a diagnostic service is needed (the repairer shall notify the consumer in advance).
- The form is valid for 30 days, unless the parties agree on a longer period.
- Where the consumer accepts the conditions set in Form within the period of validity, the repairer shall be obliged to perform the repair service under those conditions.

Extension of legal guarantee (art. 12 amending Sales of Goods Directive): if the repair occurs within the legal guarantee, the latter is extended **once** by 12 months.

European Online Platform for repair (art.7)

- It is a tool to allow consumers to find repairers and, where applicable, sellers of refurbished goods, purchasers of defective goods for refurbishment or community-led repair initiatives.
- The EC shall develop a common interface by 36 months after the entry into force of the Directive.
 - An expert group chaired by the EC will be set for the development of the Platform.
- Member States can decide whether to set a national page on the Platform or only provide a link to national initiatives already established.
 - National contact points shall be designated for the national sections.
- The service will be free of charge for consumers.
- The registration of repairers will be on a voluntary basis.



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National measures supporting repair

- Member states shall:
 - ensure enforcement of the Directive and information to consumers;
 - introduce at least a national measure promoting repair.

Obligation to repair (art. 4 and 5)

- It applies to **products with reparability requirements provided for by EU legislation, as listed in Annex II.**
- The EC shall amend Annex II by delegated acts (in line with art.15) when new products are covered by reparability requirements without undue delay and in any case no later than 12 months after publication of the respective act.
 - ***At present, TOYS ARE OUT OF THE SCOPE OF THE OBLIGATION TO REPAIR, but they could be included if reparability requirements are set in the future (ex: if the upcoming ESPR delegated acts for toys define also reparability requirements).***
- Manufacturers shall:
 - carry out the repair free of charge or for a reasonable price, within a reasonable period of time.
 - Manufacturers can provide with a replacement good for the duration of the repair.
 - When repair is not possible, manufacturers can offer a refurbished product in exchange.
 - make spare parts and tools available at a reasonable price.
 - They cannot impede repair by contractual clauses, hardware or software techniques, or other measure such as the ban on the use of second-hand or 3D issued spare parts.
 - They cannot refuse repair for the sole reason that a previous repair has been performed by other repairers.
- For **manufacturers based in third countries**, the obligation falls to the EU authorised representative, or the importer (in absence of EU authorised representative) or the distributor (in absence of importer).

Measures supporting SMEs (new article): The EC shall define guidelines for SMEs to support compliance with the Directive.

Transposition into national legislation

- Member States will have 24 months to transpose the Directive into national law.
- Maintaining or introducing provisions diverging those of the Directive is prohibited (art.3).

Tentative timeline for next steps

- Vote in EP Plenary (followed by vote in Council): 22-25 April 2024
- Entry into force: mid-2024
- Transposition deadline for Member States: mid-2026