WHITE PAPER

Durable and repairable products: 20 steps to a sustainable Europe

HOP STOP PLANNED OBSOLESCENCE

HOP's public policy guide to end premature obsolescence in the European Union

November 2020

About HOP

HOP / Halte à l'obsolescence programmée, or Stop Planned Obsolescence, is a French and European non-profit organization founded in 2015. It mobilizes over 40,000 citizens to influence public authorities and industry for longer-lasting products for consumers and the planet. HOP's work is dedicated to raising awareness in the public about obsolescence and solutions to make products last longer in order to influence public policy and businesses towards durability. HOP manages the Club of Businesses for Durability[1] to foster exchange of best practice with over 20 companies. We have also launched the collaborative website Produits Durables[2] in 2018 to rank brands and give concrete consumer advice. HOP is responsible for two lawsuits against Apple and Epson for planned obsolescence in 2017.

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20 proposals for sustainable production and consumption in Europe

Europeans are the largest producers of electronic waste in the world, with 16.2 kg per capita each year[3]. This waste, insufficiently recycled[4], is sustained by the manufacturing of new objects that are bought, used and then thrown away when they fail, often too soon for many consumers. For most products, manufacturing accounts for the lion's share of its environmental impact throughout its lifecycle[5]. Hence, it is of prime importance to make products last as long as possible before discarding them. Citizens show strong support for increased product longevity: 77% of European consumers would prefer to repair their products rather than buy new ones[6]. However, it remains difficult for citizens to action this desire; in some countries, less than half of all faulty products are repaired[7]. This white paper aims to provide policy guidance with the objective of closing this gap between ideals and reality, and rising to the challenge of the urgent climate crisis. With its new Circular Economy Action Plan, the European Union (EU) has the potential to put Europe at the forefront of durability: in this report, HOP details 20 measures that would make durable and repairable products the norm for 500 million European citizens, and greatly decrease our consumption's environmental impact.

Firstly, it is urgent to impose high quality and durability standards for all products sold in the European market. Ecodesign regulations need to be strengthened and widened. The EU must no longer tolerate premature obsolescence and needs to assist Member States to punish these unacceptable practices.

Secondly, information is key to developing better consumption practices: to this end, a mandatory durability scoring system must be introduced at the EU level, as it is wished for by 92% of Europeans[8]. A usage meter could also facilitate durability, along with new measures regarding legal guarantees.

Thirdly, European institutions must work on removing all obstacles to repair. It is an essential practice on every level: protecting skilled jobs, helping consumers save money, reducing waste and environmental impacts of products. Using fiscal measures and new obligations, the EU can finally establish a right to repair.

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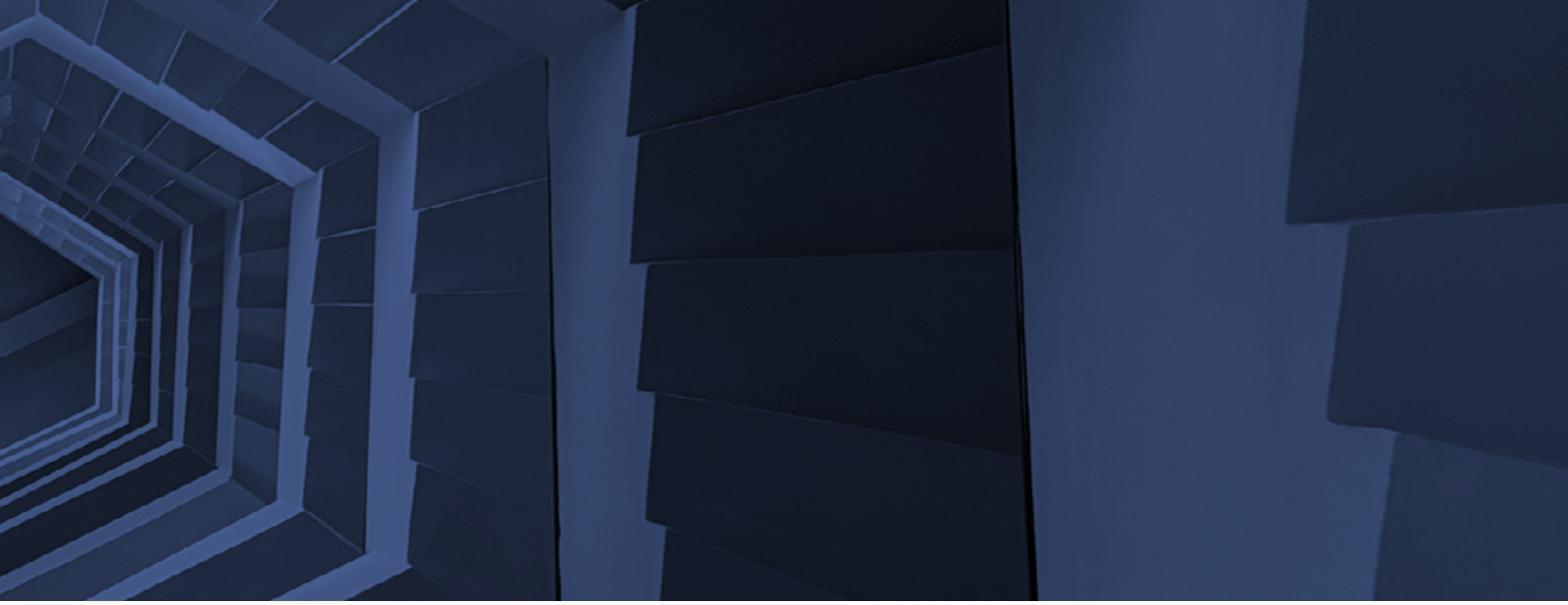

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Introduction
A turning point for durability in Europe

To "make sustainable products the norm in the European Union" and to ensure "premature obsolescence is tackled" are the primary objectives of the European Commission's Circular Economy Action Plan released in March 2020[9]. The action plan contains several measures for the next four years to enhance product design, improve consumer information and reduce waste. With this action plan, the Commission intends to develop a more sustainable economic system.

The challenge of sustainable consumption in Europe

What are the challenges faced by Europeans for a sustainable economy? In line with the Paris Agreement, the European Commission has the ambition of cutting GHG emissions by at least 55% by 2030, with policies directed at highly emissive sectors such as energy production, building, industry, agriculture and transport[10].

The manufacturing of products is also responsible for large amounts of emissions: the European Environmental Bureau showed in 2019 that "extending the lifetime of all washing machines, notebooks, vacuum cleaners and smartphones in the EU by just one year would save around 4 million tonnes of carbon dioxide (CO_2) [emissions] annually by 2030, the equivalent of taking over 2 million cars off the roads for a year."[11] The heavy climate impact of our everyday products is largely due to resource extraction and the manufacturing process. The European Commission estimates that up to 80% of products' environmental impacts are determined at the design phase[12]. The exploitation of resources is not the only environmental problem; when thrown away, all these products become waste that we struggle to treat or recycle[13]. Europeans are the largest producers of electronic waste per capita (16,2 kg every year) in the world[14].

Europe faces an important challenge to make products last longer. Beyond environmental considerations, it is also about protecting European consumers against premature obsolescence, which is defined as manufacturers' deliberate strategies to reduce a product lifetime in order to increase its replacement rate. Premature obsolescence is an extremely wide phenomenon in terms of practices, all contributing to encourage consumers to renew various goods too soon. These strategies are numerous: a spare part that's no longer on the market preventing one from repairing a washing machine (technical obsolescence), an update that slows down a phone only a year after it was purchased (software obsolescence), a massive advertising campaign to encourage consumers to buy more clothes than they

really need (aesthetic or cultural obsolescence), et caetera. Thankfully, more and more Europeans are understanding these aggressive business strategies and hope to see policy to combat this behaviour. The frustration is real; in 2014, 92% of French people believed that high-tech or white goods were designed so that they wouldn't last[15]. Citizens are voicing their demand for more durable and repairable products. In 2019, petitions in favour of a right to repair have garnered hundreds of thousands of signatures in several European countries such as Italy[16] and Germany[17].

Some Member States have implemented measures to prevent planned obsolescence: for example, whilst France banned planned obsolescence in 2015[18] and adopted several pioneer measures for durability in 2020[19], Sweden introduced fiscal measures to support repair in 2016.

Member States seem to be leading the way, yet EU-wide action is also crucial. Indeed, the European scale is relevant to tackle these issues. The EU has legal power in deciding which products can be sold to Europeans within the Single Market and implementing environmental policies concerning global issues.

An incomplete path towards European regulation

2013: a milestone report inspired Member States but led to few policy changes

In 2013, the European Economic and Social Committee published its first opinion on sustainable consumption[20]. Led by Thierry Libaert, this opinion report highlighted the challenges of repair and consumer information to enhance durability and called on the ban of planned obsolescence in Europe. Whilst it did not immediately lead to policy changes, it put obsolescence on the European agenda as a political issue for the first time.

2017: the European Parliament voted in favour of durability

In 2017, French MEP Pascal Durand was in charge of a report on a longer lifetime for products in the European Parliament[21]. This report called on the Commission to introduce several measures such as informing consumers of the availability of spare parts or fostering repair.

2019: a few measures for more repairable products

In December 2015, the European Commission adopted a new Circular Economy Package[22]. As a part of this package, the EU's regulations on the environmental impacts on products known as Ecodesign were broadened in 2019 to include not only energy efficiency, but also repairability and recyclability requirements. These measures, which target several product groups (washing machines, dishwashers, fridges, TVs and servers), are set to enter into force in 2021[23]. They represent the first important step taken in Europe to make sure products sold in the internal market are more repairable[24].

Interview with Thierry Libaert

Thierry Libaert

Member of the European Economic and Social Committee

"In 2013, the EESC released an Opinion titled Towards more sustainable consumption: industrial product lifetimes and restoring trust through consumer information. Of the 17 recommendations, none has yet been implemented. Some progress has been made, but not a single one has been fully completed. In 2017, another important step was the vote of a resolution on longer-lasting products in the European Parliament with Pascal Durand, calling on the Commission to put forward legislation.

The big problem with the European institutions is that everything is compartmentalized. There is no European leadership on an issue like sustainability. That's why it's hard to move forward quickly: no directorate-general considers itself to be in leadership on a project like this. When it comes to a subject as cross-cutting as the sustainability of products, the administrative organisation in Brussels does not allow for rapid progress.

Whilst some of the initiatives are at a stalemate, such as Green Public Procurement or the creation of a European planned obsolescence observatory, others are progressing: for instance, the EU is reflecting on the implementation of a repairability and durability scoring system. **New issues have emerged since 2013, such as the link between marketing and durability.** Ongoing reports by the European Parliament and the EESC will publish recommendations to make advertising more responsible."

Emmanuelle Maire

Head of Sustainable Production, Products and Consumption Unit at the Directorate-General for Environment

European Commission

"I direct a team of 25 people in the European Commission. The aim of our team is to support the economic transition of the European Union towards a circular economy by formulating strategy proposals, proposals for European legislation, and to direct investment and innovation via European funds towards this objective. We therefore work together with the other services of the European Commission, the Member States, the European Parliament and stakeholders. We are also working on the implementation of tools to promote sustainability (the EU Ecolabel to reward the best-in-class products; EMAS the eco-management and audit scheme; LEVEL(s) to promote sustainable buildings, etc.).

We have a strong motivation to implement concrete projects to bring Europeans together and reach the sustainable development goals, the Paris Agreement and the European Green Deal.

Our latest success is the Circular Economy Action Plan (https://ec.europa.eu/environment/circular-economy/index_en.htm) that the European Commission proposed in March 2020 and which is currently being assessed by the European Parliament, the Council (27 Member States of the European Union), the Committee of the Regions and the Economic and Social Committee.

One of the challenges is to make sure that we act together in the same direction: at local, regional, national, European, and international level. At citizens' level, companies' level or NGOs' level. Each organisation has limited capacity and we need to pull our resources together. The Circular Economy Stakeholders Platform gathers all stakeholders that want to get involved, share news, expertise, best practices and exchange together (https://circulareconomy.europa.eu/platform/). This is all the more needed in the current health, economic and social context. We need to build back better in a greener and circular way and we need to help each other.

We need to build back better in a greener and circular way and we need to help each other.

The EU Recovery Plan will help promoting investments in the circular economy.

To make products last longer at the EU level, we consider modifying the Ecodesign Directive to go beyond the energy efficiency of products, and beyond energy-related products and cover more products. We need to be more ambitious with regards to what is placed on the European Union market and to give an advantage to operators who bet on sustainability and not on disposable products.

It is important to reinforce the consumer information by strengthening European consumer law, their trust in green products by substantiating green claims through the environmental footprint methods and establishing a right to repair products.

Finally, we need to guide public investment and innovation policy towards sustainable products and business models."

2020: the European Commission promises to make durability the norm, encouraged by the European Parliament

In its Circular Economy Action Plan (March 2020)[25], the European Union announced several legislative proposals in the years to come:

- an initiative on sustainable product policy to widen Ecodesign repairability and durability obligations and with the aim of "restricting single-use and countering premature obsolescence",
- a proposal to empower citizens so they can be better informed when purchasing products,
- the establishment of a right to repair as well as measures on specific sectors like electronics and textiles.

In October 2020, the European Parliament Committee on the Internal Market and Consumer Protection voted in favour of a report entitled "Towards a more sustainable single market for business and consumers" drafted by French MEP David Cormand[26]. This report, set to be adopted in plenary in November 2020, makes recommendations to improve consumer rights and "[clamp] down on premature obsolescence".

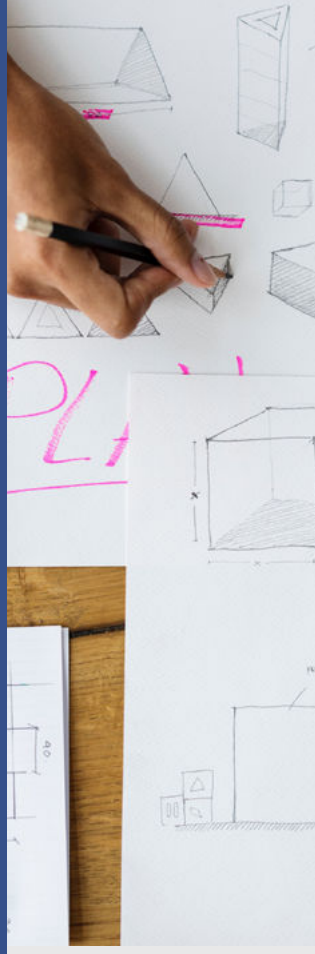
HOP's white paper to inspire sustainable policies for Europe

As encouraging as these announcements are, there is still a lot to be achieved in this space: now is the time to follow-up by concrete binding proposals by the European Commission. As the world's largest single market, Europe has an incredible potential to change the way products are designed and consumed for the better. It is now time for Europe to build on various national experiences and policy reports since 2013. HOP publishes this white paper at a turning point for durability: it is now that European institutions can make a difference in making circular economy a reality for 500 million consumers. Based on the French experience and its own expertise, HOP publishes this white paper to provide European policymakers and stakeholders with guidance for effective policies to make products last longer, in the interest of the environment and all consumers. These policies must target three crucial phases in the product life cycle: firstly, by imposing better product design and business models (Part I), making it mandatory for manufacturers to take durability into account at the earliest stage of production; secondly, by informing and protecting consumers (Part II) so that they can choose the best product and trust that it will last; thirdly, by removing all obstacles to repair and reuse (Part III), so that in case of failure, replacing a product rather than repairing it becomes the exception rather than the norm.

The objective of this white paper is also to showcase the diverse and inspiring initiatives that are taking place all over Europe for sustainable consumption. By publishing 12 interviews of NGO representatives, experts and policymakers, HOP aims to explore and highlight some of the many individuals and organisations whose work is essential to an ambitious and fair transition.

Part I.
Durable design: changing the way products are made

Consumers are often targeted by environmental policies, with the expectation that they are responsible for driving demand towards better products. Whilst consumer information is crucial[27], the durability of a product depends largely on its design, which should not be neglected. The responsibility for durability does not fall solely on consumers. Manufacturers and retailers must be compelled to put more durable and repairable goods on the single market. Europe can take several steps to ban unfair practices and regulate the advertising sector.



Widening Ecodesign measures to foster better production

01 Strengthen and expand Ecodesign regulations

Ecodesign is a powerful policy to improve the quality of products on the European market. By introducing new repair provisions for 2021, the EU has shown the way to more ambitious requirements. Thanks to new Ecodesign requirements[28], professional repairers will have access to spare parts and repair manuals for several product categories from 2021 onwards. Beyond the current raft of changes, the expansion of Ecodesign must be continued to improve the durability of many everyday products. For example smartphones which are not targeted in the most recent policy changes are estimated to emit 72% of their overall CO_2 emissions during production[29].

Recommendations:

- Strengthen existing Ecodesign measures to promote independent and volunteer repairers as well as self-repairing citizens, by giving them access to spare parts and repair information.
- Include more provisions on repairability and durability of products. This may take the form of requiring batteries to be easily replaceable or preventing the use of glued or welded parts (intentional irreparability).
- Extend Ecodesign regulations to other product groups, especially to mainstream electronics that are insufficiently durable such as smartphones or laptops[30], but also eventually to products such as textiles or furniture.

Eve Poulteau

Chief Executive

Emmaus UK

Emmaüs Europe: for a social circular economy

"For Emmaüs Europe, our economies must become more circular, but also more social and fair. The Emmaus movement begun 70 years ago in France and rapidly spread to other countries in Europe and beyond. Nowadays, the movement is active with 330 organisations in 20 European countries. Its founder Abbé Pierre, activist and former member of the Resistance, launched it to spread peace and solidarity across Europe. Its specificity is that Emmaus generates revenue and promotes social integration by collecting donated end-of-life products, repairing them if necessary, and then reusing and reselling these products.

Activism is at the core of Emmaus's mission, with an objective of participating in public debates around social issues and human rights.

The money raised by former poor people working together in Emmaus activities help providing housing to homeless people, supporting indebted families or relief aid to other countries.

Emmaus's first motivation is one of solidarity and humanity: to help a great number of people who have difficulties get back on their feet and find opportunities in the future and in their turn help others. Poverty has mutated in Europe: more and more people are homeless because they are undocumented even though they are capable of working, because the EU grants fewer residence permits, we think that a change in migration policies is essential to fight the causes of poverty. Emmaus also wants reuse to become systematic rather than just recycling. Activities that favour social integration should be favoured before purely market-based reuse companies. That's why Emmaus works with RREUSE to help social and circular economy gain recognition and preference by European institutions. The 2015 Circular Economy Package was to that regard a win, as this social dimension was introduced for the first time.

The biggest obstacle to the development of a social circular economy is the lack of priority given to the social economy. Furthermore, Emmaus observes a deterioration in the quality of products that are thrown away or donated, especially furniture, electronics and white goods. This makes products harder and time-consuming to repair and increases the amount of waste. The decrease in quality is particularly noticeable with textiles: Emmaus is overwhelmed by the enormous amount of bad quality textiles to work with. To counter this overproduction, they have been part of the "Fair and sustainable textiles" campaign, along with RREUSE and other partners, in order to make manufacturers more accountable of the environmental and social impact of the industry and promote local production.

We need strong policies to reduce the quantity of new products that are manufactured and to increase their quality.

The social aspect of the circular economy is key. We also need strong policies to reduce the quantity of new products that are manufactured and to increase their quality thanks to high standards in markets and free trade agreements. Manufacturers need to be more accountable for their impacts.

Finally, we need to give up on the common preconception that better quality goods wouldn't be accessible to poor people. We are currently spending enormous amounts of money to compensate for environmental externalities, to treat the waste caused by overproduction of bad quality goods. Public money could be used better, for instance to help disadvantaged people buy good quality products."

02 Limit software obsolescence to improve the durability of electronics

The increasing presence of software in our connected appliances poses the risk of earlier obsolescence for many products. It is estimated that about 34 billion connected devices are currently in operation in the world[31], with rapidly growing markets such as wearables[32] (connected earphones, watches...). The case of smartphones demonstrated how software could accelerate obsolescence: in 2017, HOP gathered over 15.000 statements from consumers who noticed their smartphones had slowed down or malfunctioned after a software update[33]. Indeed, updates can sometimes be unmanageable for older devices, leading them to lag or stop working. But this isn't the only issue with software: the end of security updates and technical support can also be considered as software obsolescence.

To counter growing software obsolescence, corrective and functional updates must be separated. Functional updates often add new features and are more likely to slow down a device, whereas security updates are indispensable. Software updates should also be reversible to preserve the device's performance. Finally, open source software should be encouraged, as they enable users to adapt and modify code to meet the hardware performance of their device.

Recommendations:

- Modify Directive 2019/771 to create a legal guarantee on the conformity of software for a period of at least 8 years after purchase.
- Include, in all Ecodesign regulations pertaining to products that use software, the obligation for manufacturers to separately provide corrective and functional updates and to give performance warnings on new updates before instalment.
- Allow the uninstallation of any disruptive update.
- Make software source code available when technical support or security updates cease, to enable continued repair of devices beyond the manufacturer's intent.

03 Establish minimal durability requirements in the construction sector

The building industry generates one third of the total amount of waste in Europe[34]. Making the built environment last longer could be a solution: for instance, rehabilitating a building generates 60% less emissions on avererage, and considerably less waste than demolishing it to rebuild[35]. The EU must promote Ecodesign and resource efficiency in construction by establishing durability requirements and favouring resource-efficient buildings in public procurement projects. For instance, builders should disclose the use of resources necessary for their projects and plan for the reuse of materials used in construction as much as possible.

Recommendation:

- Introduce durability requirements for the building industry in the Construction Product Regulation.

04 Guide European procurement and investments towards sustainable projects

Public procurement accounts for 16% of the GDP of the EU[36]; it can set an example for better consumption. Public procurement policies can include durability criteria, the purchase of second-hand and refurbished products and the use of leasing services. Durability criteria can also be included in the attribution of certain European funds.

Recommendations:

- Include in the Green Public Procurement criteria and in all the European public procurement laws the obligation for authorities to integrate a minimum of 25% of refurbished and second-hand products, 25% of eco-designed goods and 20% of rental of products in their annual purchases by 2030, and progressively increase these proportions.
- Reinforce the interest of purchasing second-hand goods in informative documents such as the "Buying Green!" manual for Member States[37].
- Give priority to companies cooperating in the circular economy and focused on durability of products in the InvestEU program (2021-2027). More generally, take repair, reuse and durability into account in economic investments and recovery plans.
- Direct research funding towards exploring sustainable and collaborative business models such as product-as-a-service.

Interview with Marline Weber

Marline Weber

Head of legal and European Affairs

French National Institute for Circular Economy (INEC): federating for the circular economy

"The French National Institute on Circular Economy (INEC) is a reference and influential body for ecological intelligence and resource economics. It is made up of very diverse stakeholders: companies, local authorities, associations and universities. Its mission is to federate all public and private players to promote the circular economy and accelerate its development.

As the person responsible for legal and European affairs, I am driven by the desire to identify, through consultation and in the search for a consensus between many sometimes divergent interests, levers to be used to enable the transition to a circular economy. Convinced of the relevance of these levers of action, it is then easy for me to bring them to the attention of public authorities, both national and European, as well as private players. I am also working on the constitution of a European network of the circular economy (see the recent study Major Networks of the Circular Economy in Europe, April 2020), in order to strengthen collaboration between States and to allow the dissemination of good practices.

I am working on constituting a European circular economy network in order to strengthen collaboration between States and to allow the dissemination of good practices.

I am pleased to have participated in the adoption of certain measures in the circular economy law, particularly with regard to public procurement, training, the ban on the destruction of unsold goods and the strengthening of the waste treatment hierarchy, the development of the incorporation of recycled materials in products... to have helped certain initiatives to get off the ground by providing support and working on the legal and other obstacles to their development, and to have contributed to the development of public procurement and circular private purchasing by launching the Purchasing and Circular Economy programme with the Greater Paris Metropolitan Area.

At the level of the EU, there is still a tendency to believe that there is a "serious" economy, and right now, a recovery for jobs and economic sustainability, and "next to it", a green recovery "to do well". This is why there is a separate DG GROW and DG ENV at the European Commission, and why the French Secretariat of State for the Circular Economy is attached to the Ministry of Ecological Transition and not to the Ministry of the Economy.

For longer-lasting products in Europe, it could be worth to consider: a revision of the Ecodesign Directive to include more products, a revision of the VAT Directive to allow States to modulate their VAT rates for more virtuous products (repairable, with available spare parts, long-lasting, eco-designed, recyclable, etc.), a harmonisation of consumer information at European level, and the creation of standard circular economy criteria at European level, accompanied by a relaxation of public procurement rules allowing buyers to benefit from more circular goods and services."

Putting an end to planned obsolescence

05 Help Member States put an end to obsolescence

France and Italy are the first countries in Europe to punish premature obsolescence: Italy fined Apple and Samsung in 2018 for software obsolescence, totaling €15 million[38]. In 2020, France followed by fining Apple €25 million for deliberately slowing down phones via a software update[39]. However, it remains difficult for Member States to identify and combat these practices without guidance on the legal penalties applicable to such practices. Premature obsolescence of products is not acceptable in the European single market. It is essential to give consumers the power to protect their rights in the face of dishonest practices. Many citizens demand strong measures to deter companies from producing disposable products. In a survey conducted in 2019, 90% of respondents deemed it 'very relevant' to ban planned obsolescence in Europe[40]. However, it is not addressed in current European legislation. It is essential to include a definition of premature obsolescence in the European blacklist of unfair commercial practices. This definition should be wide enough to include the most mainstream practices, such as software, cultural and technical obsolescence, but also the design of products that are intentionally irreparable (i.e software used to block independent repair or critical components stuck together). France has already banned intentional irreparability in the 2020 anti-waste law.

Recommendations:

- Put premature obsolescence on the blacklist in the first annex of the Unfair Commercial Practices Directive of 2005 with the following definition: "Engaging in practices that aim to shorten a product's expected lifespan and stimulate the purchase of a new product, whether it is by making a product intentionally impossible to repair (through material or software means), or by resorting to technical, indirect, software or marketing practices." Ensure it is the responsibility of the producer to prove the absence of premature obsolescence in the legal procedures.
- Revise the orientation document for the implementation of this Directive and include indications on premature obsolescence and its sanctions, as well as examples of the Italian and French litigation.

06 Protect whistle-blowers and reinforce consumers support

Proving cases of premature obsolescence is complex as it requires specific information about manufacturing practices. Whistle-blowers are essential in helping to detect harmful practices to public health, security or the environment by reporting them externally. Trade secret law must be adapted to account for the specific case of premature obsolescence practices.

Recommendations:

- Extend the Alert Procedure to the design of products in article 2 of the Directive 2019/1937 on the protection of persons who report breaches of Union law.
- Allow whistle-blowers to disclose trade secrets when they represent an unfair commercial practice such as premature obsolescence in the Directive 2016/943.

Transforming advertising towards sustainability

07 Introduce notions of repairability and durability in the legal framework of advertising

Citizens are confronted by thousands of advertising messages every day[41], pushing them to consume as much as possible. These constant calls to overconsume are at the core of an unsustainable system. Advertising needs to be more regulated in coherence with the transition to a durable economy. Consumers cannot, on the one hand, be told to make better choices for the environment and on the other hand, be targeted by excessive advertising. The Circular Economy Action Plan mentions sustainable marketing: article 2-2 highlights the importance of reinforcing consumer protection against greenwashing (false or misleading claims on the environmental credentials of a product)[42]. It would thus be important to include durability principles in the advertising legal framework.

Recommendation:

- Incorporate the obligation for the advertising sector to respect principles of durability and repairability in the 2018/1808 Audiovisual Media Services Directive.

08 Ban advertising promoting harmful behaviors towards the environment

Marketing and advertising are the driving force behind cultural obsolescence, promoting early renewals of products even when they are still functional. For now, Member States only have to ensure that "audiovisual commercial communications do not [...] encourage behaviour grossly prejudicial to the protection of the environment."[43] To limit overconsumption, the EU could draw upon the French legislation which, in the 2020 law, forbade advertising that encourages the destruction of functioning products.

Recommendations:

- Clarify article 9 of the 2018/1808 Audiovisual Media Services Directive to ensure that advertising do not promote the destruction or abandoning of functional products.
- When mentioning the end of life of manufactured products, include an obligation for advertisers to mention repair, reuse and more generally the second life of products, as well as recycling opportunities.
- Investigate the opportunity to implement minimum quotas on advertisements for eco-designed, secondhand or rented products as well as repair services and more generally sustainable consumption.
- Fund large-scale consumer behavioral experiments the relevance of displaying disclaimers on advertising for new manufactured products to inform on the environmental impact of buying new products, or to promote a longer use for goods.
- When possible, impose the display of environmental indicators in advertising (such as the repair scoring system).
- Regulate green claims in advertising and marketing to avoid greenwashing by banning the use of certain wording that minimize a product's impact on the environment (like the French 2020 law).

09 Create an eco-tax on advertising to promote better consumption

Advertisements often promote the purchase of new products; marketers and advertisers should then contribute to offsetting the potential negative impacts on the environment associated with the overconsumption that they help create. Advertising companies should be compelled to dedicate at least 1% of their annual profits to fund awareness and information campaigns on sustainable consumption, in partnership with national governments environmental agencies. This mechanism could be in the form of a EU instituted tax. Whilst tax law is primarily a national competence, the EU can implement a sector-specific tax on advertisers.

Recommendation:

- Introduce an EU advertising tax Directive, as part of an excise duty, in order to offset negative externalities resulting from increased consumption.

Part II.
Informed choices: enabling citizens to find durable and repairable products

Encouraging better design and marketing is key to prevent premature obsolescence. However, it is also necessary to make sure consumers are given the capacity to choose for improved durability. 82% of consumers say they have difficulty evaluating a product's durability and repairability at the point of sale[44]. Across Europe, there is currently no mandatory information in stores that would help consumers find the product most likely to last longer. This need for information is highlighted by the European Commission, that plans to work on "access to reliable information on issues such as the reparability and durability of products to help [consumers] make environmentally sustainable choices"[45]. The proposed measures presented in this section aim to give European consumers adequate information to empower them in their daily consumption choices.

Creating essential tools to help consumers choose responsibly

10 Introduce mandatory repairability and durability scoring systems

Providing adequate information would enable consumers to choose longer-lasting products. Scoring systems for repair and durability have a dual objective. On the one hand, they help consumers chose the most repairable and durable products, on the other, they encourage manufacturers to improve the design of their products in order to obtain the best grade and gain market share. Even if voluntary initiatives are emerging in Europe, HOP considers a mandatory index would have more impact, both on consumers, who would be able to compare all the products in a given category instead of just a few, and on companies, who would be incentivised to improve. It is important to note that consumers will prioritize a durable product rather than a repairable product that may require effort; consumers are three times more likely to buy a product labelled as more durable and two times more likely to buy a product shown as more repairable[46]. 92% of Europeans would like products to be labelled with their lifespan[47]. That's why HOP insists on the need to develop a durability scoring system and not only grade repairability. France has taken important steps in the 2020 law: a repair scoring system will be instituted in 2021 and will be complemented or replaced by a durability scoring system by 2022. The EU could draw upon this experience to implement its own scoring system(s), in the form of a grade out of 10, whereby 10 indicates a highly repairable or repairable product. Proposed criteria may include the availability and price of spare parts, the availability of technical documentation for repairers and consumers and the ease of disassembly of products. The next step would be a durability score which includes repairability criteria as well as the robustness and reliability of the product.

Interview with Elsa Lomont

Elsa Lomont

Co-founder

Longtime: guiding consumers with a voluntary label

"Longtime Label is a European independent label for consumers and manufacturers. It was developed in 2017 by the French social business Ethikis ad Civis with the aim to guide consumers in their purchase of products. Its origins lie in a customer experience: Florent Preguesuelo, its co-founder, found himself disoriented when he came to buy a new drill. The problem was raised: how can consumers be informed of the reliability, robustness and repairability of new products?

How can consumers be informed of the reliability, robustness and repairability of new products?

Longtime evaluates the durability of a product with 41 criteria such as the availability of spare parts, a durable conception or a reliable guarantee. All types of products can be covered by the label: IT electronics, furniture, mechanical tools, thanks to their work on the Product Specific Requirements (PSR). "We are sort of an answer to the questions that the manufacturers may have. That's really where we play a role and feel useful.", explains Elsa Lomont, co-founder and manager of Ethikis.

As a voluntary initiative, the label depends on the producer's will to engage, as opposed to compulsory information. Labelling has the advantage of not delegating the responsibility of market surveillance to Member States. Ethikis ad civis designed their label for a European scale. "If we have taken the plunge, it is because there is no durability label in Europe or anywhere else in the world.", explains Elsa Lomont. Considering the difference between repairability and durability is, according to Ethikis, key in the policies to come.

At the European level, Longtime could be strengthened by further public awareness, or measures such as financial levers promoting eco-designed and durable products. European Ecodesign regulation itself needs to be broadened to many more products such as small domestic appliances, according to Daniela Liebetegger, Ethikis' international manager.

Most important of all is the inclusion of all stakeholders. According to Elsa Lomont, it is interesting to invite labelled manufacturers within the official discussions to share good practices and help industries become more ambitious in their targets.

The current dynamics are encouraging, according to Ethikis. For Elsa Lomont, "the initiative only makes sense if it succeeds in bringing together as many parties as possible over time. The establishment of the 41 criteria is not an end in itself: we are in a continuous process, so we are trying to mobilize as many players as possible. My fear is that many initiatives will be taken without some kind of link, some kind of concert, a single voice that will allow us to move in the same direction." The remaining issue is the coordination of diverse similar initiatives throughout Europe: the objective is to combine the collective forces and intelligence to maximise everybody's efforts."

Interview with Zuzana Procházková

Zuzana Procházková

Executive Board member

Slovakia: combining legislation and awareness

"Repairably is a non-profit organization based in Slovakia, with the aim to promote the repairability of durable consumer goods. Repairably is a platform for repairable products, and its main tool is the product certification and Repairably label.

The mission of Repairably is to decrease waste production and increase resource efficiency, by avoiding the throw away-buy new approach, when a product gets broken, and proposes the repair to become easy and affordable instead.

The most successful actions of Repairably were the introduction of repairability as a topic in Slovakia, the certification of 9 repairable products and the launching the repairability prize to the Slovak National Design Prize.

Given that there is little pressure by the public to ask for sustainable solutions, apart from raising awareness, the legislation becomes very important. There is a lot going on at the legislative level currently in regards to the repairability, however the right to repair for all the users and independent repairers has not been reached in the documents.

Repairably is an independent voluntarily certification, therefore does not directly depend on legislation, but it does depend on the awareness, and the decisions of the consumer to be informed and to prefer sustainable products.

As far as we are informed, there is no specific national regulation in Slovakia that would help the circular economy or the repairability to be incorporated in the production and consumption models. There is INCIEN, Slovak Institute for Circular Economy working in this field, trying to implement the circular economy principles on the market and in the legislation.

To make products last longer in the EU, first of all, **there should be a greater transparency in regard to the products on the market**, where the producers would disclose information in regard to the materials used in their products, and secondly, some minimum performance requirements in terms of circular economy should be set-up for all the products to form part of the European market. The consumer awareness is very important too and should be built up."

Recommendations:

- Initiate a Consumers Information Directive including a repairability score following the French system and imitating the Energy Label. The repair scoring system should take into account the price of spare parts: whilst it is complicated to estimate, it is a key criterion to include. Cost is the main deterrent to repair[48]; consumers often give up on repairing when the cost of spare parts is over 30% of the cost of the new product[49]. Therefore, consumers would still be disinclined to repair a laptop that ranked 10 out of 10 in the repair score, if repairing it is comparately costly against replacing it. France has found a way to calculate the relative price of spare parts to include it in the score. The EU can replicate this methodology. The transparency of the scoring system and the results are also essential. As grades are likely to be self-declared by manufacturers, consumers must have access to the contributing factors in calculating the score to be able to verify what has been claimed by manufacturers. Finally, it is also important to apply the scoring system to online sales of goods, to encourage a healthy competition between electronic retail actors.
- Include in this Directive a clear binding timeline for the different scores (for instance, a repair score becoming mandatory in 2022 and a durability score in 2024). Task the Joint Research Center (JRC) with a study on the feasibility of a durability scoring system, comparing the existing voluntary methods taking place in Europe.

11 Inform consumers on the availability of spare parts

Across Europe, information on spare parts at the point of sale is often non-existent, or incomplete in the best of cases. Whilst France and Italy have introduced legislation to inform consumers on the length of availability for spare parts at the point of sale, the obligations are sometimes insufficient or disrespected. For instance, consumer association UFC showed in 2016 that less than 25% of retailers respected their legal obligations on displaying spare parts availability information[50]. This shows that a harmonised policy at the European level is necessary. Moreover, Ecodesign regulations are progressively ensuring the provision of spare parts for a certain number of years (i.e. 10 years for washing machines and dishwashers[51]). Consumers must be made aware of manufacturers' efforts to make spare parts available in order to allow repair. At the time of purchase, information about the (un)availability of spare parts must be clear and have a legal value.

Recommendations:

- Introduce in the 2008/98/EC Waste Directive the obligation for both online and physical retailers to inform consumers on the length of availability of spare parts of all electric and electronic products. This information must be clear and visible at the point of purchase, whether it is online or physical. It must specify the duration of spare parts availability. In case there are no spare parts available or if the retailer does not have access to the information, it must be displayed clearly that spare parts are not available. Significant sanctions must be applied in case of misleading or false declarations with adequate market surveillance.

The usage meter: a powerful lever for improved maintenance, durability and reuse

12 Introduce a usage meter on several products

Similar to the odometer in cars, a mandatory usage meter could be put in place on products such as washing machines and televisions to improve information of product lifetimes. This measure was first mentioned in a 2017 European Parliament report[52]. Mandatory usage meters could count the number of cycles for a dishwasher or hours of use for a smartphone. This meter would give objective information on the product lifetime throughout its use. Even though studies are being conducted on the topic, there is still a lack of public data and expertise when it comes to ranking products by their durability. For instance, some washing machines and TVs already contain a usage meter but most of the time it is only accessible to the manufacturer and its accredited repairers. The usage meter would constitute an objective information tool to monitor and compare product durability. It would also have practical advantages for consumers: by following the usage of their products, they could be advised to better maintain them. For instance, it could be advised to clean one's washing machine after a certain number of cycles. Finally, the introduction of a mandatory usage meter minimises one of the main obstacles to the development of second-hand markets, which is the lack of trust in the quality of second-hand or refurbished products. An illustration of this is that 45% of French people say they choose not to buy refurbished smartphones because they fear potential dysfunction[53]. The presence of a usage meter would give more objective information on how the product has been previously used and potentially repaired, encouraging trust and fair prices.

Recommendation:

- Include a mandatory and accessible usage meter in certain products in the transversal Ecodesign regulation. Alternatively, a progressive introduction of the usage meter could be included in the part of the 2012 Directive related to electronic waste dedicated to prevention. Washing machines, dishwashers, TVs and laptops could be targeted first, with a view to progressively extending usage meters to all relevant electronic products. Eventually, displaying a usage meter should be made mandatory at the point of sale on second-hand products.

Improving consumers' awareness and protection on durability

13 Protecting consumers and the environment by strengthening legal guarantees

Legal guarantees are a direct protection for consumers to assert their rights against premature obsolescence. Therefore, they must be used to contribute to product life extension in the interest of consumers and the environment. Even though a two-year legal guarantee against faulty goods exists in Europe, it is insufficiently known and applied. In 2016, the French consumer authority revealed through an investigation that 63% of retailers gave insufficient information on legal guarantees, instead focusing on additional commercial guarantees[54]. This is sometimes more the case online; in 2020, HOP filed a complaint against Amazon for unfair commercial practices due to the absence of information on legal guarantees[55]. It is important to reinforce consumer awareness on guarantees, to facilitate their enforcement and to scale-up sanctions. Furthermore, European institutions have a duty to encourage repair over replacement under legal guarantees. In its Circular Economy Action Plan, the Commission clearly states that sustainable products must become the norm. Therefore, all policies that relate to products must work towards this goal.

Róbert Fidrich

Program manager

Hungary: positive progresses in favour of durable electronic devices

"The Hungarian branch of Friends of the Earth, Magyar Természetvédök Szövetsége (MTVSZ), gathers 100 member groups throughout the country and has been working on issues such as climate, agriculture or social justice for 31 years. A few years ago, it began to work on the environmental and social impacts of ICT (information and communications technologies). For the 2018 Black Friday, MTVSZ together with FFE/Towards Sustainability Association (TSA), within the framework of the Make ICT Fair Project opened a petition against planned obsolescence, which collected 15 000 signatures in 1 year and a half. Their original goal was to change the Hungarian legislation to impose a mandatory 5-to-10 years guarantee on electronic devices, and make planned obsolescence become a crime. The issue is integrated in their 100-pages policy recommendation package co-ordinated by MTVSZ, released in March 2020, as well as in various conferences, round tables and an advertisement campaign about ICT. They also developed an exhibition showing the real lifetime of products, and participate in various universitarian or public events to raise awareness on this particular problem.

In June 2020, MTVSZ and TSA had a first victory: the Hungarian Innovation and Technology Ministry announced that from 2021 the rules of warranty and guarantee would evolve. The more expensive the product is, the longer the required warranty time will be (from 1 to 3 years). The same decision introduces an electrical guarantee card, and the compulsory replacement of a product by the company in the case of an impossible reparation within 30 days, or after the fourth breakdown. Consumers will also need to be clearly informed about repair delays, whereas the consumer protection authority will have a stronger control role. Last but not least, controls within the supply chains of the products will be introduced.

If MTVSZ and TSA recognise that those steps go in a good direction, they want more ambitious measures. In a recent statement, they present 13+1 recommendations for more durable electronic devices . Among them, they demand even longer warranty periods, the reduction of the value added tax for manufacturers committed in durable products, the support of recycle, repair, reuse sectors and alternative usage models. They also call for better information about lifespan and repairability of products, including in advertising, and more awareness about the use of devices by consumers and public procurement. They finally support the criminalisation of deliberate reduced planned obsolescence in their country.

The feedbacks of the petition and the growing demand of Hungarian citizens demonstrate that planned obsolescence is not a legend

MTVSZ and TSA plan to develop the fight for durable products in their future actions, including at the European level. The feedbacks of the petition and the growing demand of Hungarian citizens demonstrate that "planned obsolescence is not a legend" (Robert Fidrich). Various initiatives exist, such as the Hungarian green party's renewed mobile phone package negotiated not to include a new phone with the subscriptions of its members."

Recommendations:

- Conduct an EU-wide study on the legal guarantees in Europe in relation to product lifetimes. This study should assess the state of enforcement of legal guarantees in Europe and investigate the ties between legal guarantees and durability. It could also analyse the socio-economic impact of longer guarantees on the repair sector and on product lifetimes in several European countries, and consequently make policy recommendations.
- Reinforce information on guarantees by ensuring, as in France, that all invoices and receipts mention the EU two-year legal guarantee.
- Extend the reversal of the burden of proof to two years: the retailer, not the consumer, would have to prove that the good was not faulty at the time of purchase.
- Ensure consumers can benefit from legal guarantees even though they don't have their receipt anymore by relying on the retailer's data or the consumer's personal banking details.
- Investigate ways to make manufacturers financially responsible for the costs associated with legal guarantees, to give them a concrete incentive to design more durably.
- Insist on sanctions in the Sale of goods Directive to ensure enforcement of this guarantee, and make sure foreign marketplaces are also compelled by these obligations.
- Change the hierarchy of remedies in the Sale of goods Directive to give priority to repair over replacement. Replacing a product should only be acceptable when repair is impossible or too expensive.
- Replicate the French measures that incentivise repair by automatically extending the legal guarantee by an additional six months when a faulty product is repaired rather than replaced. This could also encourage more trust in repair services.
- Create a six-month legal guarantee on repair services and a one-year legal guarantee on second-hand products.
- Consider banning the use of the word 'guarantee' when it refers to 'commercial guarantees' not to maintain confusion on the different types of guarantees, using the word 'insurance' instead.

14 Encourage individual sharing of products

Consumers sometimes accumulate costly products that are bought new and only needed on an occasional basis. This can be the case for gardening or hardware equipment, special cooking machines, etc. The sharing economy offers interesting perspectives for such products. Their cost and use could be shared by several consumers. This alleviates both the economic and environmental cost of new products. These types of models are common in Sweden or in the United States, especially when it comes to large domestic appliances such as washing machines or dryers, that are sometimes common to entire buildings. Shared equipment within buildings or neighbourhoods can help increase the lifespan of products by making it more affordable to buy and maintain robust and quality products and save on water, energy and CO_2 associated with production. Such models should be adapted to the needs of consumers. For instance, in suburban and rural areas, one could imagine hardware and gardening products, rather than washing machines that are harder to share between individual houses.

Recommendations:

- Encourage real estate investors and architects to pool large domestic electrical appliances in buildings by publishing Guidelines.
- Direct European funds and procurement towards these innovative sharing models.
- Make it mandatory for housing developers to provide sharing services to their tenants when possible in new buildings.

15 Create a European Durability Day

There is a growing citizen call for more durable products. The success of HOP, along with numerous European initiatives and petitions, shows that consumers are fed up with the throwaway economy and demand durability and repairability. One of the challenges European institutions must take on is to guide citizens towards initiatives that can help them in their everyday life: a European Durability Day could highlight the solutions to choose responsibly, lease or buy second-hand products, maintain them, repair them and donate or resell them to extend their life for as long as possible.

Recommendation:

- Set up a European Day on sustainable consumption, durability and repairability to stimulate and spread initiatives, following the template of the European day of languages.

George Makridès

Service Manager

Epanekkinisis, Greece: repair for educative purposes

"Epanekkinisis" means "Restart" in Greek. George Makridès, a freelance engineer, had the idea of creating this social enterprise when her daughter went for the first time to primary school, a few days after he visited a company which was replacing old monitors with new ones. "Then I thought: there is nobody bridging this gap between all the things companies throw away and all the things other people need".

The company was created in 2015 to help schools and educational institutions which did not have IT equipment. In 2018, they created a social enterprise to collect old computers, teach volunteers to fix them, and then donate them to schools. Some products are sold in the shop in order to cover operating expenses. They also participate to repair and reuse events. The workers are both employees and senior and young volunteers. The formers train the latters who often come from Athenian universities and technical schools and want to gain work experience for a couple of months. Epanekkinisis partners with NGOs and hires refugees.

George regrets to observe premature obsolescence in his daily work: "when we are doing repairs, often we can clearly see that items are designed to fail after a couple of years." He mentions the price of spare parts or after-sales services as obstacles to repair that push customers to turn to new products.

The availability of spare parts is another problem, as George describes: "when you don't have the original battery on the market, you have to buy another one which is usually not as good as the original manufactured one. And of course they do it on purpose: they are making these batteries themselves in order to make sure that the customer does not have such a good experience with the aftermarket battery, so he will choose to buy another mobile phone."

Epannekinisis' manager also blames marketing that encourages quick replacement of products, insisting on the low price of these products. For George, this "throwaway" consumption process is neither intuitive nor profitable for consumers.

To really change people's opinions, information is key to George. The energy label has for example allowed citizens to become aware of products that use too much energy. George thinks that replicating this type of system would be critical for buyers to make durable choices.

Educating people is essential

That is why education and raising awareness is the core activity of Epanekkinisis. "Educating people is essential. If you make them see the advantages, then many things would change." The company gives the example of a competition they initiated in 24 primary schools in Athens in 2019. Parents, pupils and teachers were told to gather all the IT equipment they no longer used at home. The products collected were repaired and given back to winner schools - which had collected the most products -, or recycled.

Part III.
Making repair and reuse accessible to all Europeans

As this report has shown, many measures are necessary to make products last longer. Durability must be a key element of product design, and consumers need to have the necessary tools to choose confidently. However, failure cannot be avoided sometimes. When one's product fails, one has two choices: repairing or replacing it with a new one. On average, 36% of Europeans choose to replace them[56]. This proportion varies considerably between EU countries: for instance, 56% of Dutch people systematically buy new products[57]. In France, it is estimated that only 44% of faulty goods are repaired[58]. When Europeans fail to repair their products, there is a tremendous amount of waste produced. These figures show how necessary it is that EU institutions empower repair, a practice that is primarily hindered by its high cost relatively to low prices of new items. Policies can be implemented to make repair a reflex for all Europeans.

Removing the main obstacle to repair

The main obstacle to repair is its cost[59]. Indeed, even if repair does not always cost more than the price of a new product, its relative cost can be perceived as too high. Repair requires highly skilled laborers and various factors have made it increasingly difficult and expensive for them to operate in the last few years: the presence of more electronic elements in products, thinner designs with glued components, difficulty to disassemble and to access information and proprietary tools. While new businesses around repair are emerging[60], the number of jobs has steadily decreased in Europe, with the number of electronics repair firms going down by 16% between 2008 and 2010 in Poland, for example[61]. Comparatively, the price of many new products tends to decrease over time: for instance, buying a fridge in 1984 in France cost on average 14 days of the medium salary, whereas it cost 6 days on average in 2014[62]. These simultaneous changes are making it more appealing to replace a faulty product, even though repair has clear environmental benefits and is often economically beneficial in the long run too. That's where EU institutions need to step in; fiscal policy is essential to encourage repair.

Katrin Meyer

Coordinator

Runder-Tisch Reparatur, Germany: a roundtable for repair

"The German Repair roundtable was created in 2015. It is a network of different actors with the same aim: promoting repair in Germany. Their members come from various fields of the civil society and the economy: repair businesses, community repair initiatives, environmental and consumer organisations, science, consulting agencies... They all wanted to respond the absence of a Repair lobby in their country, whereas citizens were having difficulties to repair their products.

In 2018, the network became a 25-members association, meeting regularly to discuss the topics and their political development. "In the basis of these meetings, we try to input our expertise and positions into the political processes in Germany, but also together with the Right to Repair campaign at EU level", explains Katrin Meyer, coordinator in Runder Tisch Reparatur. Runder Tisch Reparatur organized a big repair festival, the second international Fixfest in 2019 to unite the repair community.

However, there are very scarce incentives and constraining German national measures in favour of repair, whereas, for Katrin Meyer, some could be easily implemented, such as the tax reduction for repair services. Despite the current revision of the German circular economy law, which includes some attempts about repair, the association is still waiting for concrete measures. One of the reasons suggested to justify this lack is that the EU is still working on repairability and eco-designing. Economic policymakers are reluctant to encourage repair, as they are not always aware of its economic potential.

Indeed, there is a lot of progress at work at the European level: "the Commission proposed some very good things" states Katrin Meyer. The association does follow the various changes and contributions, in order to communicate about them within their country. They want as many products as possible to be included into the Ecodesign regulation, in order to have measures for material efficiency for new products including smartphones, tablets, computers, refrigerators, among others. Runder Tisch Reparatur also encourages the improvement of the information for consumers: they reflect on an index similar to the French one to propose to their government and to the EU. Finally, they think that practices of software obsolescence need to be included as well in the European regulations.

Apart from these public actions, the association is also involved in events, and organises workshops, conferences, and educative campaigns about the importance of the right to repair. 2019 was for instance marked with a repair festival involving various actors from the civil society.

It is necessary to show the economic potential of repair services

The association has achieved bringing together many different people with different views around a common subject, and is also glad that the right to repair issue has been raised and discussed publicly and in the political sphere. Including repair within the circular economy topics in the same way as recycling has indeed marked the recent years. But the association's fights are not over yet; the implementation of the strategies, programs and discourses promoting repair still need to be enforced. Among other things, it is necessary to show the economic potential of repair services, so that political forces seize the issue."

Removing the main obstacle to repair

The main obstacle to repair is its cost . Indeed, even if repair does not always cost more than the price of a new product, its relative cost can be perceived as too high. Repair requires highly skilled laborers and various factors have made it increasingly difficult and expensive for them to operate in the last few years: the presence of more electronic elements in products, thinner designs with glued components, difficulty to disassemble and to access information and proprietary tools. While new businesses around repair are emerging , the number of jobs has steadily decreased in Europe, with the number of electronics repair firms going down by 16% between 2008 and 2010 in Poland, for example . Comparatively, the price of many new products tends to decrease over time: for instance, buying a fridge in 1984 in France cost on average 14 days of the medium salary, whereas it cost 6 days on average in 2014 . These simultaneous changes are making it more appealing to replace a faulty product, even though repair has clear environmental benefits and is often economically beneficial in the long run too. That's where EU institutions need to step in; fiscal policy is essential to encourage repair.

16 Enable Member States to reduce Value Added Tax rates on repair, reuse and refurbishment

The repair sector represents local and environmentally valuable skilled jobs that deserve to be protected and supported. In 2017, Pascal Durand's report in the European Parliament showed that developing repair could generate 200,000 jobs in the EU[63]. Several EU countries such as Sweden and Portugal have already adopted reduced VAT rates to make repair cheaper and support the practice. However, the 2006 VAT Directive states reduced rates apply exclusively to bicycles, shoes and textiles repair, and Member States only had until late 2006 to put this reduction in place. As the Commission seeks to support longer-lasting products, it is essential to allow reduced VAT rates for the activities that make products last longer: repair, reuse and refurbishment. The lost government revenue caused by a potential VAT reduction for the repair industry would be heavily offset by the reduced cost associated with waste collection and treatment, and the benefits or economic growth in these sectors.

Recommendations:

- Modify the 2006/112/CE VAT Directive to impose a 5.5% VAT rate on repair, reuse and refurbishment activities.
- Allow Member States to adapt VAT rates on products, for instance to favor eco-designed or repairable products.

Interview with Donatella Pavan

Donatella Pavan

Giacimenti Urbani coordinator

Italy: making products more durable using taxes

"Giacimenti Urbani Association is based in Milano. We are a network having the objective of reducing the use of resources, through prevention, repair, reuse, upcycling and recycling. We organize events, exhibitions, campaigns against single-plastic-use and we promote the right to repair.

Regarding my most important motivations, I would say that I love the Earth and I believe in the Gaia Theory: we are One, all together, Nature and Human beings.

The main difficulties to implement circular economy in Europe lie inside the global market and in the laws linked to it. Concerning our repairing activities, the problem is the necessity to put a carbon emissions tax on every products coming into the market. It's one of the possible ways to reduce the gap between the cost of repairing and the cost of a new product of low quality.

In Italy, **we are waiting for a new law to increase the possibility to repair Electrical and Electronic Appliances**: it's very important to reduce taxes on repairing, to have the possibility to disassemble the appliance and to get the instructions for all the categories of repairmen.

To make products last longer at the EU level, we could imagine to set up a tax on carbon emissions, to reduce the tax on repair, and to force international brands - like Apple - to design products easy to repair. To support these policies, Giacimenti Urbani supports the Right to Repair petition to make smartphones easier to fix."

17 Make repair cheaper by creating European reuse and repair funds

To minimize the cost of repair, France introduced repair and reuse funds in the 2020 anti-waste law. Under the 'polluter pays principle', manufacturers are responsible for financing collection and waste treatment of their products. The repair fund is an extension of this system: instead of only focusing on recycling, manufacturers would now work to prevent the creation of waste in the first place. By funding repair and reuse, manufacturers would effectively prevent products from becoming waste. Funds would make repair cheaper for final consumers, as any EU citizen would have a 20 to 40% discount on repair at state-certified professionals. To repair a laptop, for example, the consumer would pay 60 euros instead of 100 euros, with the remaining 40 euros covered by the fund. The fund itself would be managed by Extended Producer Responsibility (EPR) schemes, under state supervision, and financed by producers. Their contribution to the fund could be adjusted to fit their efforts for repairable design (i.e. an exemplary producer putting very repairable products on the market would contribute significantly less than others to the repair fund). Besides making repair cheaper, the fund would encourage trust in repair professionals who would be certified and controlled. There are already successful examples of such initiatives in Europe. Repair vouchers have been set up in Austria[64], and France has set up a similar system that partially funded over 900,000 bicycle repair operations during the Covid-19 crisis[65]. A similar fund can be set up to finance reuse of products, in particularly for social enterprises.

Recommendations:

- Introduce European repair and reuse funds modelled after the French 2020 anti-waste law in a new Directive on Repair and Reuse.
- Revise the 2008 Waste Framework Directive to setup ambitious targets on repair, refurbishment and reuse under EPR schemes at the European level.

Europeans should have the right to repair

According to a 2020 study made by the French environmental agency[66], using common household products longer instead of replacing them would help French households save 963€ over 10 years, while avoiding the emission of 219 Kg of CO_2 equivalent on the same period. In line with the European Commission's intention to establish a real right to repair, this section proposes various recommendations to make repair easier.

18 Make spare parts and repair information available for all

Reinforcing the obligation of availability of spare parts and repair information is necessary. This obligation must apply to all electric and electronic devices, including smartphones. The minimum period of spare parts availability must be ambitious, corresponding to the real product lifespan. For example, one can consider a minimum availability of 7 years for small electronics and 15 years for white goods. Moreover, the delivery time for spare parts needs to be shortened not to make repair unappealing.

Recommendations:

- Extend Ecodesign regulations to introduce a mandatory availability of spare parts for all electric and electronic devices, with ambitious durations specific to each category of products. Set a maximum of 10 working days for spare parts deliveries to ensure a reasonable repair timeframe.
- Introduce obligations for producers to provide repair information and common tools to all, including independent repairers and citizen repairers in Ecodesign regulations.
- Fund a single European database mapping all repairers, including independent ones, and volunteer repair events.

Chloé Mikolajczak

Campaigner

Right to Repair Europe: bring Europeans together for longer-lasting products

"The right to repair campaign is a coalition of 35 organisations from 15 European countries. It was launched in September 2019 with the goal to fight for a universal right to repair by advocating at EU, national and regional level tor ambitious legislation.

Our motivation is to bring Europeans a universal right to repair and to allow them to extend the life of their products, whether they are a professional repairer, a volunteer at a repair café or an individual. We now know that making products last longer is what makes the most sense for environment and consumers.

Our motivation is to bring Europeans a universal right to repair and to allow them to extend the life of their products

Our main win was seeing this European Commission this year commit to the right to repair, which was a historic first. The Commission committed on smartphones, an iconic product that was never regulated before, as it was too controversial for manufacturers. The fact that thousands of Europeans mobilized to demand the right to repair their smartphones and obtained this commitment has been our biggest win so far.

One of the most complicated things is the space the industry takes in negotiations in Brussels. A lot of the policy processes are happening behind closed doors, inaccessible to the public.

Many of the representatives who participate in these task forces or experts groups come from the industry. This is a huge risk: it happens that positive legislation for the environment and consumers are agreed upon, but then has been watered down and weakened by manufacturers in these closed groups. For instance, Ecodesign regulations that were adopted in 2019 to improve repairability of certain products are in part threatened. The industry, arguing that there are errors in final texts regarding TVs, displays and lamps, is trying to use this valuable reason to rewrite the rules that were already agreed upon.

The right to repair is also a political issue: at the European level, 27 countries, each with their political parties, are defending their interests. Even though the right to repair benefits from an

overwhelming support from the public, many policymakers remain heavily influenced by the industry.

France, with HOP, is a great example: with its repair index, it is introducing more progressive legislation than any European country and the European Parliament which recently voted on the issue. Sweden is also a good example, along with Austria which is implementing fiscal incentives and VAT reform to make repair both accessible and most importantly affordable. The price of repair is key: making spare parts and repair manuals accessible is not enough. If repair remains too expensive, it won't make sense for consumers, and that's what Austria's tackling.

There are some good ideas across Europe, but very few countries are actually taking concrete steps: The UK is looking at a law that would make manufacturers obliged to inform on the length of availability of software, but it is still a project at this stage. Discussions are also taking place in Italy on these topics.

The most important policy that could be introduced at EU level right now would be to expand Ecodesign requirements to more products. For now, these regulations are still very niche, and only apply to a few product categories. Additionally, implementing a EU wide repair index giving a strong weight to a criterion on the price of spare parts could help drive their prices down. Finally, tackling the issue of software and security updates needs to be tackled at the EU level. Even with longer-lasting hardware, if the manufacturer decides to stop software updates, consumers could essentially be left with a useless piece of hardware."

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Senior Policy Officer

RREUSE: putting second-hand first

"RREUSE is an international non-profit network representing social enterprises active in the field of re-use, repair and recycling. In 2019, RREUSE federated 27 members across 25 European countries and the USA.

RREUSE's mission is to put second-hand first through developing the role of social enterprise in the circular economy through policies, partnerships and exchange of best practices.

RREUSE finds motivation in the dual social and environmental positive impact of its members' activities, that promote training and employment opportunities to many people who need it all the while decreasing waste through reuse, repair and recycling.

Our latest success was to read how the social economy is recognised as a pioneer in job creation linked to the circular economy in the new Circular Economy Action Plan released by the Commission on 11/03/2020. This work programme also pledges to leverage the mutual benefits of supporting the green transition and strengthening social inclusion. RREUSE and its membership wait to see how this will translate into EU legislation.

One of the obstacles to the development of a social circular economy in Europe is that policies have mainly focused on recycling, rather than implementing the waste hierarchy and prioritise prevention and preparing for re-use. The fact that products are more difficult and costly to repair than in the past while also being cheaper to purchase new has also been a significant barrier to our activities.

Re-use and preparing for re-use targets, as developed in Flanders (Belgium), Spain and about to be implemented in France, are essential tools to stimulate all the actors of the re-use value chain (re-use operators, municipalities, producer responsibility organisations, retailers, etc.) to form partnerships and ensure that re-usable products are extracted from the waste stream as soon as possible. We also encourage Member States to use financial tools such as reduced VAT and vouchers on second-hand products or repair activities.

Beyond the energy efficiency requirements set by the EU legislator on certain products through the ecodesign regulation, there should be resource efficiency requirements making products more durable and repairable. These measures must help independent repairers, of which re-use operators are a part, to access spare parts at a reasonable price and repair manuals for free.

Beyond making products more durable, we also urgently need targets on reducing the consumption of new products

A cap on resource use at EU level would encourage Member States to take the appropriate measures to make consumers buy less new products and, therefore, more second-hand goods."

19 Encourage on-demand spare parts

Certain spare parts are simply no longer available on the market, making it impossible to repair products. In these cases, 3D printing can be a solution to make the necessary part. The EU could adapt intellectual property law to encourage publishing of the parts specifications one they are no longer produced by manufacturers. This would enable other parts manufacturers (Fitters and Turners) to step in, or for parts to be made through 3D printing. Several manufacturers have shown the way by voluntarily publishing all their 3D plans to encourage repair[67].

Recommendation:

- Reform intellectual property law to introduce the obligation for producers who stop providing spare parts to publish 3D blueprints.

20 Encourage repair using second-hand parts

Repairing or refurbishing products could also be done using second-hand parts. Instead of discarding them, reusing parts is both economically and environmentally preferable. These measures have been introduced in French law.

Recommendations:

- When these parts are available, introduce the obligation for electronic and automobile repairers to use second-hand spare parts.
- Finance collecting operations to enable repairers to have access to these parts.

Conclusion

European consumers lack means of improving the durability of their products. In addition to harming the environment by emitting CO_2, extracting non-renewable resources unnecessarily and creating waste, premature obsolescence in all its forms affects citizens' purchasing power, their right to repair and their freedom to make their products last longer.

Member States' responsibility is finite: policies need to be harmonised in Europe to face the practices of multinational companies. European policymakers have a decisive responsibility in setting up a legislative framework that favours longer-lasting products. When it comes to durability, Europe has a real opportunity to protect its citizens in their daily lives, a chance for Brussels to act directly on an issue which affects each and every citizen.

This white paper has tried to give all stakeholders suggestions and ideas to move towards a world in which repair and responsible consumption are the norm. This will necessarily imply new constraints on manufacturers, that can no longer make products without taking durability and repair into account. It will also require new tools to inform citizens so that they are empowered in their consumption choices. Finally, this new legislative framework must make repair as easy and inexpensive as possible, to make it the obvious choice when failure occurs.

Europe needs to support this inevitable transition by responding to the growing demands and frustration ever more consumers express, and by supporting many businesses that are making durability a competitive advantage in the world economy.

The old continent can be at the forefront of the new economy, in which products are durable, repairable and have multiple lives, for the benefit of our environment and the European people

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