

Feedback on the European Commission's proposal on Common Rules Promoting the Repair of Goods

JBCE's Position

Japan Business Council in Europe (JBCE) welcomes and strongly supports the European Commission's *Proposal for a Directive on common rules promoting the repair of goods*¹.

Indeed, we believe that the proposal creates a proportionate framework ensuring that consumers have access to safe and high-quality repair.

However, JBCE would like to take this opportunity to highlight and provide its insights on a few elements of the proposal.

Warranty remedies

- JBCE believes that it is **crucial to allow the replacement of a defective product with a refurbished one**, as it is one of the main elements for achieving a viable circular economy. This solution allows for defective products to be collected, transported, and repaired at the same time, ensuring greater efficiency.

Legal guarantee period

- JBCE **supports the Commission's decision not to extend the legal guarantee period**. According to the latest *Impact assessment on the impacts of fully harmonized rules on contracts for the sales of goods*², conducted by the Commission in 2017, the majority of received consumer claims due to product non-conformity happen in the first two months after the purchase; 96% of problems with defective goods are discovered during the first two years from purchase. Therefore, a two-year guarantee allows for more than sufficient time to cover these issues.

Out of warranty repairs

- JBCE **welcomes the newly introduced repair obligations** for manufacturers and strongly **supports the possibility to subcontract the repair services**. On the other hand, it is crucial to take measures to prioritize consumer safety and enhance the safety and reliability of repair services. To ensure consumer safety throughout the entire repair process, it is important that repair tasks are carried out exclusively

¹ COM(2023) 155 final / on common rules promoting the repair of goods and amending Regulation(EU)

² SWD(2023) 59 final / IMPACT ASSESSMENT REPORT

by technicians who have received appropriate and comprehensive training. Additionally, prioritizing the use of proper parts, preferably genuine components, is necessary to maintain the integrity and functionality of the repaired devices. This helps mitigate the risks of malfunctions, electric shocks, and fire hazards that may arise from the use of substandard components.

B2B transactions

- **JBCE welcomes that the ‘right to repair’ under the proposal only applies to consumer purchases.** This is appropriate as commercial products are covered by carefully negotiated B2B agreements.

B2B transactions should remain outside the Directive’s scope. Business customers usually require tailored commercial arrangements for repair in light of their critical operational requirements.

Since the proposed Directive covers goods that are sold through contracts with consumers, in relation to electronic displays in the Annex II list, as we consider that both consumer and non-consumer display products are in the scope of repairability requirements under the Ecodesign Directive, **we urge the Directive to clarify that electronic displays sold in B2B transactions will not be affected by the repair requirements outside the legal guarantee.** Several types of electronic displays are designed for and sold to business users.

Information on the obligation to repair

- JBCE believes that it **should be clarified that the information requirements set out in Article 6 could be fulfilled by making the compulsory information available online**, for example, via the manufacturer’s website.

About JBCE

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organization representing the interests of about 100 multinational companies of Japanese parentage active in Europe. Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceutical, textiles, and glass products.

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