



News & Highlights

European Union Puts Teeth in Right to Repair

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On 1 March 2021, new regulations reinforcing consumers' right to repair entered into legal force across the European Union (EU) [1]. The regulations stem from the EU's Ecodesign Directive of 2009, which among other objectives aims to compel manufacturers of energy-using products to design them with ecological and environmental considerations in mind, such as reducing the pollution created in the production process and increasing recyclability [2]. This latest legislation moves the EU closer to a circular economy in which products, rather than being thrown away and replaced, are kept in working order for longer through easier access to spare parts and repair facilities.

The new regulations apply to four types of consumer appliances: washing machines, dishwashers, refrigerators, and displays such as computer monitors and televisions. It means that manufacturers will, among other requirements, need to make a range of parts available to professional repairers for 7–10 years after the last unit of a given model enters the EU market. For consumers who want to repair their own appliances, a smaller range of parts suited to do-it-yourself tasks must be made available for several years, with a maximum delivery time of 15 working days.

"These measures are a great first step. It is the first time that we have had a legal repairability requirement in the EU. And these regulations open the door to Ecodesign regulations for other products, such as laptops and smartphones," said Brussels-based activist Chloé Mikolajczak, a campaigner at the European Right to Repair group, a network of more than 40 organizations across Europe that includes community repair groups, environmental activists, and advocates of self-repair and social economics. "But the regulations are also limited," she said. "For example, cost is not included. Manufacturers typically have a monopoly on spare parts, which means they control the market and the price. No matter how much you want to repair your appliance or device, if the spare parts are too expensive, you will not do it."

The increasing legal force of the Ecodesign Directive is part of a broader push by the EU called the European Green Deal, which seeks to achieve a climate-neutral, circular economy by 2050. To that end, on 25 November 2020, a vote by Members of the European Parliament (MEP) resulted in the adoption of a resolution to "develop a research-based strategy to increase the durability, reusability, upgradability, and reparability of products," including a culture of repair and support of second-hand businesses and local repair specialists. The resolution—titled "Towards a more

sustainable single market for business and consumers"—calls for the development of an effective right to repair aimed at making consumer products more easily and cheaply repairable [3]. Indeed, a European survey found that 77% of consumers would prefer to repair a faulty product rather than replace it [3].

Following the adoption of the resolution, French MEP David Cormand, who championed it, said: "We must put an end to the premature obsolescence of products by putting it on the blacklist of unfair commercial practices and by making the duration of legal guarantees proportional to their estimated lifespan; establishing a real right to repair; and guaranteeing clear and consistent information on the durability and reparability of products with compulsory labelling."

France has already tackled the compulsory labelling component, in January 2021 introducing a mandatory "repairability index"—a score out of ten that manufacturers must add to the labels of washing machines, laptops, smartphones, televisions, and lawnmowers [4]. The score is based on criteria such as how easily the product can be disassembled, the provision of repair information, and the availability and relative cost of spare parts. The goals are to allow consumers to make more informed buying decisions and to encourage manufacturers to compete by designing increasingly repairable products.

Electronic waste (e-waste; Fig. 1), in particular, poses a significant challenge. Annual global e-waste production in 2019 was 54 million tonnes and is expected to grow by 2 million tonnes per year [5]. In the EU, e-waste totalled 12 million tonnes in 2019, with less than 40% of it recycled [6]. The situation is exacerbated by manufacturers that use glues instead of mechanical fasteners, limit the availability of spare parts, withhold diagnostic software from independent repairers, and use software to pair hardware components to a particular device. The latter means that a perfectly functional piece of replacement hardware cannot simply be swapped in to replace a malfunctioning piece.

As part of its Ecodesign remit, the EU is also considering right-to-repair regulations for mobile phones, tablets, and laptops [7]. Smartphones are often replaced sooner than necessary (Fig. 2), with many consumers buying a new one every two years due to, for example, worsening performance of a built-in battery that can only be replaced by the manufacturer at significant cost to the consumer. Mikolajczak said she anticipates that EU legislation aimed at improving the reparability of smartphones and laptops will come into force in 2023 at the earliest.

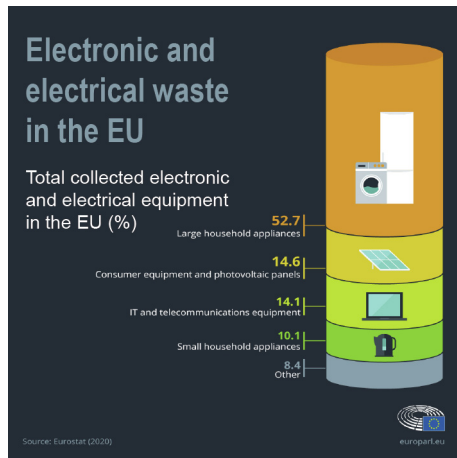


Fig. 1. The percentage of e-waste per appliance type across the EU. In 2019, the EU generated 12 million tonnes of e-waste, with only about 40% of it recycled. IT: information technology. Credit: Eurostat, European Commission, with permission.



Fig. 2. Smartphone repairs have become harder for independent repairers to perform, thanks to the use of glues by manufacturers instead of mechanical fastenings in the latest devices. Credit: Kilian Seiler on Unsplash (public domain).

The right to repair changes in Europe are likely to ripple out to the world's other big markets, including the United States. “Manufacturers, by and large, are in opposition to right to repair. It is obvious that you cannot repair things that have been glued together,” said Gay Gordon-Byrne, executive director of the Digital Right to Repair Coalition, a US trade association better known as The Repair Association, based in North River, NY, USA. “But we know through back-channel conversations with manufacturers that many are planning to comply to some extent. Getting rid of glue, getting access to replace batteries—these kinds of fundamental things seem like they are going to happen organically. That is definitely the result of pressure, mostly from the EU.”

The Repair Association has been spearheading legal activity in the United States for a coalition of repair advocacy groups that has submitted the Digital Fair Repair Act for legislative consideration in 28 states this year. The legislation does not attempt to mandate design changes to electronic equipment, but instead requires that manufacturers provide to consumers and independent repairers fair and reasonable access to the same servicing tools, materials, and diagnostics that they already supply to their authorized repairers, and also fair access to spare parts and software updates [8].

It is a tough fight, said Gordon-Byrne. “You run up against the virtually unlimited money of companies that have identified themselves as lobbying in opposition. I have stopped calling it a David versus Goliath battle. It is more like taking on Godzilla.” Nevertheless, “all we really need is one state to pass the bill,” she said. “That will create the hole in the wall. Say Illinois passes the bill. Then anybody in the country that needs to buy a part will simply order it from someone in Illinois.”

There may be additional momentum in the United States. In May 2021, the Federal Trade Commission (FTC) published a new report to Congress, titled “Nixing the Fix,” that identified many types of obstacles to the repair of electronic devices, including the use of adhesives and limited access to spare parts and diagnostic software [9]. The report concluded that there was “scant evidence to support manufacturer’s justification for repair restrictions,” and “[The FTC] stands ready to work with legislators [...] to ensure that consumers and independent repair shops have appropriate access to replacement parts, instructions, and diagnostic software.”

The movement towards a culture of repair and sustainability is growing, according to Seattle, WA, USA-based Julia Goldstein, PhD, engineer-turned-author of *Material Value: More Sustainable, Less Wasteful Manufacturing of Everything from Cell Phones to Cleaning Products* [10]. “The key will be changing consumer perception,” she said. “Organic foods used to be niche; now they are mass market. If customers are shown which devices are more eco-friendly and respond positively, manufacturers will move in that direction. Those companies may not sell as many devices in the short term, but if the long-term view is to build their brand by designing with repair and longevity in mind, maybe ten years from now that company is still around and some of the others are not.”

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