BUSINESSEUROPE

PRIORITIES FOR EU CONSUMER POLICY

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INTRODUCTION

European companies are committed to playing their role in society by producing quality goods and services at competitive prices, creating productive and fulfilling jobs, contributing to the financing of necessary public services and infrastructure, innovating, and delivering enabling technologies for the green and digital transitions (see, here BusinessEurope Reboot agenda). For European companies to deliver on the above, and given that consumers or "prosumers" are becoming more informed, demanding, and well-connected, it is essential to improve the legal environment in which companies operate, to allow them to better adapt to the needs and expectations of consumer markets while staying competitive. Consumer policy plays a key role in the realisation of the climate transition, as well as in fostering competitiveness and further deepening the internal market.

At a time when the European Commission is working on the future EU Consumer Agenda, BusinessEurope would like to set forth its vision for EU consumer policy for the coming 5 years. This approach focuses on three main pillars: establishing a level playing field in the internal market, effective enforcement, and sustainable consumption.

KEY EU CONSUMER POLICY ACTIONS FOR THIS POLITICAL CYCLE

- European Consumer policy should refocus on one of its core purposes: **enabling businesses to fully capitalize on the benefits of the EU Single Market,** while driving its further integration and thus allowing consumers to access more products, services, and choices at more competitive prices. To achieve this, efforts should be put towards creating a more **harmonized consumer framework across member states to ensure uniformity and coherence within the Single Market.**
- A **stable and clear legal framework** is essential to keep supporting investments needed to meet the green and digital transition goals. Legal systems must be afforded sufficient time to absorb and apply all the new consumer rules adopted during the last legislature (especially on the twin transition), before starting to revise them or considering new initiatives.
- Remove obsolete, unnecessary, and overlapping consumer-related requirements when delivering on the goal[1] of the next Commission to **reduce administrative burdens.**[2]
- The **focus of the EU Consumer Agenda 2025-2030 should be centred around competitiveness and better enforcement**, instead of regulation.
- **Prioritize a public enforcement approach** led by authorities (largely the dominant legal tradition across the EU). Private enforcement should be the last resort and alternative means of dispute resolution should be promoted.
- **Regulation of Third-Party Litigation Funding (TPLF) at EU level**. It is important to secure relevant safeguards to prevent abusive civil litigation. One important measure would be to adopt rules at EU level around Third-Party Litigation Funding, with transparency being at the centre of priorities for regulation.
- Any **new requirements on consumer information must follow a "need to know" basis** to avoid imposing unnecessary burdens on companies and creating an information overload for consumers.
- The **same rules should be equally applied to all actors operating in the EU, including those established outside the EU** that offer products and services to consumers across the Union. Better enforcement will be necessary to ensure rules are upheld vis-à-vis non-EU market players. A level playing field is key to secure fair competition and trust among consumers.

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[1] See European Commission, 'Commission work programme 2024 Delivering today and preparing for tomorrow', available at https://commission.europa.eu/system/files/2023-10/COM_2023_638_1_EN.pdf, page 5.

[2] Increasing and complex reporting requirements are acknowledged also in the Mario Draghi report (e.g. see pages 317, 321).

1 INTERNAL MARKET AND LEVEL PLAYING FIELD

A. ON AVOIDING THE PERILS OF OVERREGULATION

- Allow sufficient **time for companies to absorb the new digital rules and adapt** technologically and procedurally, before considering new ones.
- **New rules should only be considered when absolutely necessary,** following evidence-based justification, and provided they are future-proof, innovation-friendly, and follow a targeted/ full harmonisation approach. **The threshold for proposing new legislative initiatives should be high**, and any new initiatives or proposals should be preceded by a thorough assessment of whether existing horizontal consumer protection laws based on general clauses can be applied to new challenges, such as those arising from digitalization and the green transition. Avoiding unnecessary costs and regulatory burdens must be a priority for the regulators to help European companies remain or become competitive. **Businesses need a stable and predictable legal environment to operate, invest, and to uphold the high EU level of consumer protection, especially in a globalized market.**
- **Avoid unnecessarily detailed legislation that has little incremental value for consumers but creates high costs and regulatory burdens for companies.** Overly prescriptive rules may increase the cost of doing business, therefore driving up the costs of products and services and potentially limiting consumers' choices.[3]
- The EU should act cautiously when reflecting on introducing new rules around **evidence** (e.g. reversal of the burden of proof in favor of claimants). Civil law traditions in Europe establish that those who make the claim must prove it. **Shifting the burden of proof from the claimant to the defendant would be a fundamentally disruptive factor in European justice and national civil liability systems**, with unforeseen consequences in terms of litigation trends, and it could prove disproportionate. We should avoid an increase in abusive or frivolous litigation that can negatively impact business models and ultimately harm EU competitiveness.[4]
- **Any new requirements on consumer information must follow a "need to know" basis.** Different access rights shall be granted based on the needs of the different players (B2C, B2B, or B2Gov) to avoid excessive information that is hard to process for consumers.[5]
- It is necessary to **pay particular attention to the size of the companies affected** by regulation, as well as its impact on them, by providing simplification and mitigation measures for SMEs in line with the principle of proportionality.
- **Fairness in the Digital Single Market** is a two-way exercise for the EU: on the one hand we must maintain incentives for companies to continue innovating and striving for sustainable

[3] For example, too prescriptive new rules on free trials could easily limit the availability of free trials as a consequence.

[4] Abusive litigation can occur either by forum shopping practices or by unrestrained and unregulated actions of Third-Party Litigation Funders who are increasing their activities exponentially in the EU (see more concerns below on this business model).

[5] Letta Report 2024 "A right balance needs to be found for other key topics - including sustainable mobility, prevention of food waste and sustainable waste management - between providing sufficient information while avoiding information overload" p. 115.

consumption practices, and on the other hand consumers must remain protected in the online world. It is essential to prevent wide discrepancies in obligations between online and offline environments to ensure legal stability for companies, enabling them to better protect consumers. At the same time, it is important to apply the same standards to non-EU operators targeting EU consumers, particularly via online platforms, to prevent unfair competition. These elements need to be considered during the ongoing Commission reflection around digital fairness.

B. ON HARMONISATION

- **Consumer policy should continue to serve as a means to deepen the internal market.** This is achieved by boosting the enforcement of internal market-related rules, bringing down barriers to cross-border trade, and continuing to work towards more uniform legal frameworks (rather than leaving room for fragmentation to settle in).[6]
- **The potential creation of 27 different regimes** should be avoided as it causes legal uncertainty for companies and confusion for consumers. Following the example of UCTD[7], there is a risk that the UCPD[8], as amended by the Empowering Consumers for the Green Claims Directive, will not follow a harmonised transposition path.
- **The same rules should be applied to all actors operating in the EU and outside the EU**, as long as they offer goods and services to consumers in the European Union, particularly in relation to online retailers operating in the EU market from third countries. A high standard of consumer protection in the EU should be upheld while creating a level playing field for companies (including product and trade services).

FACTS AND FIGURES

Serving over 450 million consumers and home to more than 23 million businesses offering jobs to EU citizens, the **Single Market** is the backbone of the EU economy, but its integration is stagnating. Delivering a fully-fledged Single Market strategy, removing regulatory barriers, and reducing bureaucracy could unleash €713 billion by the end of 2029.[9]

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[6] Letta report emphasizes that: *"Further harmonisation makes it easier to produce for the entire Single Market, which is good for the scaling up and competitiveness of EU companies, precondition for producing what EU consumers want at a price they can afford. Further harmonisation also makes it easier for public authorities to enforce EU law, offering a better protection to consumers"*, available at https://www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf, p. 113.

[7] For example, fragmentation in the application of consumer protection legislation is evident in Unfair Commercial Terms Directive (UCTD): Only 6 out of 27 Member States (22%) have refrained from going beyond the minimum standards of the UCTD, and 18 Member States have implemented blacklists of contract terms that are unfair in all circumstances, and/or grey lists of contract terms that may be unfair under some circumstances, many of which have broadened the application of the UCTD in additional ways as well. (See IMCO study, 'Legal obstacles in Member States to Single Market rules', available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658189/IPOL_STU(2020)658189_EN.pdf, page 135). According to this example, it is uncertain whether the UCPD, as amended by the Empowering Consumers for the Green Transition Directive, will follow a harmonized transposition path.

[8] Unfair Commercial Practices Directive.

[9] See, BusinessEurope Reboot agenda, page 6.

2 EFFECTIVE ENFORCEMENT

A. URGENT NEED FOR BETTER ENFORCEMENT

- **Before proposing new rules, it is crucial to thoroughly assess** not only the evolving consumer behavior in the context of the twin transition - an area already explored in numerous studies - but also the level of consumer trust and their use of national enforcement mechanisms (e.g., through cooperation between authorities, Impact Assessments, Eurobarometer surveys).
- Any future **EU Action Plan**[10] on consumers in the Single Market aiming to ensure their fairness and safety, should be preceded by a thorough fitness check of the current consumer protection EU framework and be supported by sufficient data.
- It is crucial that national authorities adopt a **guiding approach** in navigating companies through new rules, **rather than a purely punitive one. Companies will need support from authorities and the EU when facing these newly adopted extensive, complex, and costly rules.**
- Better **coordination between authorities** is needed to tackle cross-border infringements. Also, consumer authorities should be handed resources in an effective way to fulfil their enforcement duties.
- **Decision-makers should remain in a continuous dialogue and engagement with stakeholders.** It is key to ensure inclusiveness and cooperation with the business community in all stages of the sustainable consumption initiatives, including after enactment of the legislation, during transposition, and for the creation of guidance, as business possesses important expertise on consumer markets and on which solutions (legislative or other) could better fit the market. Reaching out to stakeholders should be conducted in a wide way that allows enough time for participation in consultations, surveys, etc.
- In support of the digital transition, it is important to **continue the digitalisation of certain court proceedings** (e.g. introducing new digital tools and automated procedures) accompanied by strong safeguards against abuses.

B. FAVOURING ENFORCEMENT BY AUTHORITIES

- **Preserving and strengthening the public enforcement approach should remain a priority in the upcoming EU consumer agenda.** In the past 5 years, there has been a big shift in EU initiatives to push enforcement to national courts. This diverts from the majority of legal traditions in the member states (and in the EU), whereby enforcement is first carried out by public authorities, and private enforcement is left as a last resort or as a means to obtain compensation for personal/ property damages.
- **Enhancing capacity building and coordination** (e.g. through inter-agency cooperation) **among authorities** is important, while ensuring predictability of regulatory oversight.

[10] 'The new Commissioner for Justice shall propose a Nee Action Plan for consumers in the Single Market', see Mission Letter to Michael McGrath, page 7.

FACTS AND FIGURES

- According to the 2023 Consumer Conditions Survey of the Commission, 2/3 (66%) of consumers have confidence in public authorities to protect consumer rights (with a 5 p.p. increase since 2018),[11] signifying an important amount of trust in public enforcement.
- 52% of EU citizens rate the justice system in their country - in terms of the independence of courts and judges - as good (11% say it is "very good" and 41% that it is "fairly good"), while 37% say it is (fairly or very) bad.[12]

C. NEED FOR STRENGTHENED ENFORCEMENT IN RELATION TO THIRD-COUNTRY OPERATORS FOR A BETTER PLAYING FIELD

- Ensure that **regulatory oversight and cooperation between authorities targets also operators based in third countries who operate in the EU market**, particularly through e-commerce. This is essential for tackling unfair practices and detecting goods or products circulated by non-EU operators (including platforms) that do not respect the same standards in terms of consumer information, consumer rights, and safety.
- **The safety of consumers must be ensured both online and offline, through effective implementation of the existing EU law framework**; Recent EU laws in the digital field (e.g. DSA, DMA) should be properly enforced in order to tackle unethical techniques and unfair commercial practices online, especially concerning e-commerce platforms that operate in the EU but are based outside of it, to ensure a level-playing field for all actors and a fair online environment for consumers.

FACTS AND FIGURES

- **Online sales have increased** significantly in the EU in recent years, accelerated by the COVID-19 pandemic, which has affected the resources available to Market Surveillance Authorities and raised concerns over the safety of products sold via e-commerce, especially from third countries. **Traceability of products through complex supply chains is a major challenge, exacerbated by e-commerce**.[13]
- In EU Member States and the UK, the share of consumers who made **e-commerce purchases from Chinese sellers** is 40% or more.[14]

[11] Consumer Conditions Survey 2023 (see footnote 1) page 8.

[12] See Perceived independence of the national justice systems among the general public - June 2024 - - Eurobarometer survey (europa.eu).

[13] IMCO study, 'Market surveillance for effective consumer protection in the EU' available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2023/754190/IPOL_STU(2023)754190_EN.pdf, page 37.

[14] Łukasz Sarek and Foray China, 'Party-state Support for Chinese E-commerce Export Development', available at: https://eizba.pl/wp-content/uploads/2024/05/Foray-China-Report-on-China-Party-State-Support-for-Ecommerce-Export-Development-DOCX_REVISED.pdf.

- **E-shoppers in the European Union appear more likely to purchase from sellers from unknown countries in 2022** (compared to 2021). Importantly, the share of consumers purchasing from national sellers and sellers from other EU countries has remained constant, signifying that consumers are confident in their domestic markets, with 81% reported purchasing from national sellers in 2022.[15]
- According to recent Impact Assessments by the Commission, EU consumers waste €19.3 billion per year buying **dangerous products,** while injuries and deaths caused by these products could cost € 11.5 billion per year. **Around 75% of identified hazardous products are coming from outside the EU.**[16]

D. ON PRIVATE ENFORCEMENT: ADOPT NEW RULES ON THIRD-PARTY LITIGATION FUNDING (TPLF)

- In order to remain a competitive space where companies want to invest and are able to grow, **Europe must avoid becoming a litigation hub**. Justice systems are important for the economy and a justice environment that is prone to great mass litigation can harm prosperity and even drive up prices via the phenomenon of social inflation[17]. The last legislature has created numerous new substantive and procedural rights that will need to be implemented and exercised in a balanced way. Risks of frivolous litigation should be cut to a minimum as those can determine whether a company keeps investing or even stays in a market. Non-regulated Third-Party Litigation Funding is one of the risk factors that should be mitigated, as it could trigger abusive litigation.
- In recent years we have witnessed **the growing presence of litigation funders[18] in Europe, established in many parts of the world**. Although they serve the purpose of financing litigation for the benefit of consumers or even companies, it is problematic that they are currently operating in a total legal vacuum. This is unreasonable since Third-Party Litigation Funding is an activity closely linked to access to justice and financial services, areas highly regulated within the EU. If Europe continues to overlook the unregulated operation of these services, the consequences for the economy can be unforeseeable.
- **We call on third-party litigation funding to be covered by basic rules at EU level** with transparency being at the centre of priorities for regulation.

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[15] European E-Commerce Report 2023, available at: https://www.eurocommerce.eu/app/uploads/2023/11/2023-european-e-commerce-report-light-version-nov-update-v2.pdf, pages 12-13.

[16] See Enrico Letta Report: https://www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf, page 117.

[17] Swiss Re Institute, "Social inflation: litigation costs drive claims inflation", available at: https://www.swissre.com/institute/research/sigma-research/sigma-2024-04-social-inflation.html, p 29.

[18] For a Definition of litigation funders see Article 3(a) of the 2022 Resolution of the European Parliament on Responsible private funding of litigation:*'litigation funder' means any commercial undertaking that enters into a third-party funding agreement in relation to proceedings, even though it is neither a party to those proceedings, nor a lawyer nor other legal professional representing a party to such proceedings, nor a provider of regulated insurance services to a party in such proceedings, and which has the primary aim of receiving a return on an investment it makes by providing funding in relation to those proceedings or of obtaining a competitive advantage in a specific market;*

- **Transparency** should cover not only the origin of funds, to showcase where the money supporting litigation and claims comes from, but also a system of registration of funders at the EU level, as well as basic rules covering disclosure of funding agreements.[19]
- We **support the adoption of further rules around Third-Party Litigation Funding** building on the European Parliament Resolution on "2022 Resolution of the European Parliament on Responsible private funding of litigation".
- We identify the following major **reasons justifying the regulation of TPLF at EU level**:
  - TPLF is currently a non-regulated financial service providing services to often vulnerable parties;
  - TPLF has a role in the justice system, just as lawyers, but now operating without regulation and transparency;
  - Abuses in litigation, for example via forum shopping and instrumentalization of access to justice for obscure objectives must be avoided;
  - Legal fragmentation in the internal market must be avoided;
  - Adequate protection against foreign interference via the judicial system is needed. The geopolitical implications of TPLF should not be underestimated, as third-party funding of claims from funders based outside the EU could be used to undermine the political stability and competitiveness climate within the EU.
- We consider the regulation of TPLF a crucial step towards creating a **safe investment climate in Europe** and effective justice systems that build trust and dissuade a culture of litigation. These are essential ingredients for the 'Justice for Growth' strategy embraced by the Commission. We must avoid a culture of excessive or abusive litigation that disincentivizes innovation, and ultimately reduces consumer choices and defeats the purpose of the Single Market.

FACTS AND FIGURES

- Litigation funders have settled in many European countries since the adoption of the Representative Actions Directive. **More than 100 funders** can be found in countries like the Netherlands and Germany.[20]
- **TPLF is a financial service that operates in a totally unregulated manner**, unlike all other financial services. This is a highly profitable business model that takes between 25-40% or higher of a consumer claim.[21]

[19] See for more analysis: Business Europe's 'Third Party Litigation Funding: contribution to the Commission' available at https://www.businesseurope.eu/sites/buseur/files/media/position_papers/legal/2024-09-02_commission_study_third_party_litigation_funding.pdf, page 9 and further.

[20] For a list of Litigation Funders operating in EU countries see the Business Europe's 'Third Party Litigation Funding: contribution to the Commission' available at https://www.businesseurope.eu/sites/buseur/files/media/position_papers/legal/2024-09-02_commission_study_third_party_litigation_funding.pdf, page 3.

[21] See http://disputeresolutionblog.practicallaw.com/funders-pricing-and-the-real-value-of-litigation-risks/. For an example of litigation funders receiving higher percentages of compensation, see *Bates v Post Office Ltd* [2019] EWHC 871 (QB), aka the Post Office Group Litigation.

- Abusive and excessive litigation can drive up the costs in the Economy and trigger what is called **social inflation**.[22]
- Litigation funders sometimes proclaim that they facilitate "access to justice". At the same time, they have **industry trends that lead to the rejection of 96,5% of funding requests** that come to them and thus they retain the upper hand in the screening of cases.[23] It is clear that Private TPLF is not a public service, and that even meritorious cases may be rejected by funders if they do not offer sufficient financial return.

E. ALTERNATIVE DISPUTE RESOLUTION TOOLS (ADRS) ARE CREDIBLE "ALTERNATIVES" TO BRING COST-EFFECTIVE SOLUTIONS TO BUSINESSES AND CONSUMERS

- The EU should **continue to promote out-of-court means of redress**, such as Alternative Dispute Resolution (ADRs), which are faster, more effective, and less costly than court proceedings.
- The **ongoing adjustment to the ADR Directive should preserve the nature of the ADR entities and should not extend the scope of the framework.** These focal points are and should remain able to resolve disputes, amicably and swiftly, rather than becoming "delegated authorities". Performing tasks usually attributed to authorities would not encourage more efficiency within the ADR community.

FACTS AND FIGURES

- In 2023, almost half (45%) of the consumers in the Commission's Consumer Conditions Survey agreed that it is easy to settle disputes with retailers and service providers through an out-of-court body, whilst only a third (34%) believed that it is easy to do so through the courts.
- At the same time, significant **delays** are being noted in consumer protection **judicial (court) reviews**, with four European countries experiencing delays, on average, up to 4 years to reach a first-instance judgment in 2022. In the majority of EU countries, cases took up to 500 days (1,5 years) to reach a first-instance decision in 2022.[24]

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[22] See Swiss Re Institute, "Social inflation: litigation costs drive claims inflation", available at:https://www.swissre.com/institute/research/sigma-research/sigma-2024-04-social-inflation.html, pages 5, 6, 26, 29, etc.

[23] We may see an example of such a statement of funding only a small percentage of claims that reach litigation funder in *"A Practical Guide to Litigation Funding"* of the British funder Woodsford, available at: https://woodsford.com/wp-content/uploads/2021/01/Woodford-White-Paper-A-Practical-Guide-Lit-Fund-NLogo.pdf. It can be seen in the Guide (page 8) that Woodsford only funds 3.5% of the cases that are submitted to them with a funding application. Woodsford is also active across the EU in countries such as The Netherlands and France.

[24] More precisely, see the European Commission's (DJ Justice and Consumers) 2024 EU Justice Scoreboard, Figure 20, page 18.

- **Delays are also noted in the average length of administrative decisions by consumer protection authorities** in 16 EU countries, being approximately 6 months (half a year) in 2022. Not all EU countries can provide relevant data for each year, and significant discrepancies exist between EU countries, ranging from 20 days to 2 years to reach a first administrative decision.[25]
- Furthermore, in 2023, court fees to start judicial proceedings in low-value claims[26] could range from 5% to 60% of the value of the claim in certain EU countries.[27]

[25] See above, 2024 EU Justice Scoreboard, Figure 21, page 18.

[26] Low-value claims are based on the Eurostat at-risk-of-poverty threshold for each Member State.

[27] See above (footnote 18), 2024 EU Justice Scoreboard, Figure 25, page 23.

3 SUSTAINABLE CONSUMPTION

In order to enable companies to continue to innovate, engage in circular business models and sectors (e.g. rental or use of refurbished goods), and bring new sustainable choices to the market that consumers feel compelled to opt for[28], the legal environment must provide the necessary tools to encourage this process. Soon businesses will be faced with **numerous new (recently adopted) consumer rules related to the green transition**, while new heavy and complex requirements are being discussed by co-legislators around environmental claims.[29] These developments should enable, and not deter, European companies to contribute towards sustainable consumption and making sustainable solutions more attractive to consumers.

A. ON ENVIRONMENTAL CLAIMS AND TACKLING GREENWASHING

- **We also agree with the objectives of tackling greenwashing,** as misleading environmental claims affect both consumers (in their decision-making at the point of purchase) and companies (faced with unfair competition).
- However, a **balanced approach to consumer information requirements should be adopted to avoid information overload** that hinders rather than enables consumers to grasp the business's or product's sustainability profile.
- Additionally, the focus should be on **streamlining existing obligations on businesses and manufacturers, rather than on imposing new** complicated legal obligations that cannot be absorbed by companies.
- During the trilogue negotiations on **the Environmental Claims Directive Proposal, the focus should also be on legal certainty and proportionality**. Any changes to labelling requirements, including environmental claims, need sufficiently long transition periods to be implemented properly.
- **Aligning transposition times between similar initiatives** (Green Claims and Empowering Consumers Directive) remains crucial to allow enough time for companies to adapt their practices and to ensure legal certainty.

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[28] In certain countries (e.g. Italy) an increasingly important factor in e-commerce, is that while consumers expect retailers to adopt sustainable practices, they are not willing to pay a significantly higher price for sustainable products. See, European E-Commerce Report 2023, available at: https://www.eurocommerce.eu/app/uploads/2023/11/2023-european-e-commerce-report-light-version-nov-update-v2.pdf, page 89.

[29] Requirements under the Right to Repair Directive include: (1) requiring manufacturers to offer repair of products that are technically repairable under EU law and are outside the legal guarantee; (2) requiring sellers to offer free repair within the legal guarantee period, except under certain circumstances; (3) Extension of the legal guarantee by 12 months if consumers opt for repair; (4) availability of a voluntary repair form with clear information about the repair process (deadlines, prices, etc.); (5) disclosure of technical information by producers to enable repairability indicative prices of the most common repairs; (6) informing consumers on the durability of products - when this information is made available by the producer -; (7) repairability score to be provided when available under EU law; (8) a new EU harmonised label and notice for the provision of basic consumer rights information.

- Ensuring a **balanced transition system** that gives sufficient time for transposition and allows companies to continue to use existing claims/labels which broadly fulfil the new requirements.
- As proposed, the current legal framework on **Green Claims** is based on minimum harmonisation, which risks creating fragmentation due to differing national transposition measures that will follow. **Further harmonisation of elements such as ex-ante verification and certification process of green claims** is needed to avoid creating diverging approval systems across member states, and thus higher regulatory burdens for companies. This is essential to prevent inconsistencies in national laws and to ensure a level playing field for all businesses operating within the Single Market, as well as reliable green claims for consumers.
- Simultaneously, **inconsistencies must be avoided** between the upcoming Green Claims Directive and the soon-to-be-transposed Empowering Consumers Directive.

B. ON THE TRANSPOSITION OF THE NEWLY ADOPTED EMPOWERING CONSUMERS AND RIGHT TO REPAIR (R2R) RULES

- We call for **uniform** and proportionate **transposition of these new rules**. For example, **discrepancies in the transposition of new information requirements** imposed on companies should be reduced to a minimum.
- **Guidance and secondary legislation by the Commission** must not overlap with obligations under separate instruments to provide information on different characteristics of products and services.[30]
- The **right to repair should not be considered as an absolute right**. If not feasible, safe, or disproportionate, other options need to be considered; for certain products or devices that involve electricity or chemicals, or for dangerous goods, repairs should be performed by properly trained and equipped professionals.[31]
- There should be **no extension in the categories of products where the producer needs to provide repair** beyond the legal guarantee (the current scope is linked to the Eco-design Regulation categories of products).
- **Avoid inconsistencie**s between R2R and Empowering consumers with other existing rules (e.g. Eco-design Regulation) **during implementation**.

[30] For example: Alignment of sustainable consumption and the future Digital Product Passport model must be ensured.

[31] For example: If a repair is not properly handled it can be fatal. Freon (from an air conditioning unit) poisoning can even be fatal after 72 hours of prolonged exposure to high amounts of the chemical. Repairing an electric device without the necessary tools or knowledge can bring risks of electric shock, burns from contact with live parts, and starting a fire or explosion.

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