

Minister of Justice Félix Bolaños
Minister of Justice Paul Van Tigchelt

Stuttgart/Berlin, 5th December 2023

No real right to repair without an open repair market

Dear Minister Bolaños, dear Minister van Tigchelt,

The **individual freedom to choose the repair solution of one's choice** in the event of damage is essential for a genuine right to repair and an increase in repair rates. An open, monopoly-free repair market can guarantee this freedom and contribute to the development of a sustainable economy. A **liberalised spare parts and repair market** is a key factor in **reducing dependence on global commodity trends, thereby** strengthening the **resilience of our economy**. In addition, a free repair market supports local medium-sized service companies specialising in repairs and innovative business models with **significant employment potential**.

The trilogue negotiations on a European Right to Repair (Directive on the common promotion of the repair of goods) which start this week, provide an opportunity to **set the course for a competitive and sustainable repair and refurbishment market**. To this end, it is necessary to supplement the draft presented by the Commission.

The undersigned companies call on the representatives of the Council to support the following [positions](#) of the EU Parliament in the negotiations:

- **Article 5.3:** Access to all spare parts and diagnostic tools for independent repairers, refurbishers and consumers at reasonable and non-discriminatory prices. This is the prerequisite for a free repair market. Manufacturers must communicate repair and spare part prices transparently (Article 5.3a) and must not use software or hardware techniques that hinder repairs. The exchange of spare parts must not be blocked, even if they are third-party parts or 3D printed parts (Article 5.3b).
- **Article 9a:** Member States shall take appropriate measures to promote repairs, such as repair vouchers, national repair funds or other measures and incentives (Article 9a.1). In order to ensure the right to repair for consumers, Member States shall prohibit hardware or software techniques that could prevent or restrict repairs, as well as the refusal to repair a product that has previously been repaired by an independent repairer, a non-commercial repairer or an end-user (Article 9a.6b).

If repairs are to become mainstream, the implementation of these requirements is crucial.

Willingness to repair is often undermined by high spare part prices - this situation must be reversed through competition in pricing and additional incentives for consumers.

The Council's position of 22 November falls short of the Parliament's ambitions:

- The issue of spare parts is excluded by reference to the Ecodesign Directive. However, there is no binding horizontal regulation is foreseen in this Directive either. Without ensuring that **spare parts are made available to everyone and at a non-discriminatory price**, the right to repair will have little impact. In order not to slow down the potential of the law, the Council must advocate a spare parts price regulation and an open spare parts market.

- An intelligently designed right to repair can help to reduce the amount of waste generated by electrical and electronic equipment. Electrical waste is the fastest growing waste stream in the European Union, with insufficient recycling options. It is therefore important to take measures as soon as possible to extend the useful life of purchased appliances. An **implementation phase** of 30 months, as proposed by the Council, is too long. 18 months, as proposed by the Parliament, is sufficient to prepare manufacturers for their obligations.

The signatories of this letter represent over 1600 companies operating in Germany and internationally and ask you to support a directive that makes a manufacturer-independent right to repair a reality.

We remain at your disposal for dialogue.

Yours sincerely



asgoodasnew Back«Market



Initiated by:

