Dear [Name]

Just to report back on yesterday’s very constructive exchange with [Name] and his team (JUST A2) on the right to repair.

In brief, JUST has received the mandate from CAB Reynders to accelerate the review of the SGD [Q4 2022] – despite the date of application being only from January 2023 – and to combine with a horizontal measure on repair, importantly not for every product but mirroring ecodesign. To this end, they will be launching a study (will consult us on ToR) shortly in the region of 600K.

Summary of the main points set out below.

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- In discussion in the most recent meeting with MS regarding the transposition of the SGD, most MS showed interest to do more on repair; there was interest for a right to repair against the producer but no clear indication of what exactly could be done (only justice ministries were present, not ministries for economy).
- JUST has been directed to explore options for a package of two proposals, to be presented in Q4 2022:
  - A Review of the SGD – 6 different elements were presented to Reynders, including new remedies for the consumer against the seller; these would be limited to the scope of SGD, which covers defects that are present at the moment of delivery that manifest themselves within the 2 years.
  - A possible Right to Repair against the producer, for a fee and a specific time duration. This would be outside the SGD scope, for defects that arise from misuse or that manifest themselves after the two years.
- Commissioner Reynders seems to have a preference for measures that nudge/incentivise repair rather than legislative requirements on manufacturers, but this will be decided after the IA.
- JUST prefers a horizontal R2R rather than a vertical one for electronics; CNECT wants to make sure any R2R reflects upstream/supply-side Ecodesign measures, as well as plug any gaps in the existing consumer aquis (eg. repair of damage by use/misuse; obsolescence only detectable after legal liability period).
- JUST is finalising the ToR for a large-scale study to support the above package, focussing primarily on the elements needed for an impact assessment. Budget is EUR 650K and to be launched as soon as possible. Partner DGs including CNECT will be (closely) involved.
- Timing is realistic in view of CNECT study timing (final report planned for same time that JUST intends to submit proposal to RSB – mid-2022).
- CNECT also highlighted:
  - the R2R should be designed to cover obsolescence.
  - a lot of mobile devices have (critical) elements made by other suppliers. R2R would need to apply to those parties/regarding those elements as well
  - costing could be based on measure of proportionality + reasonable profit (albeit this itself could be uncertain for litigious purposes)

Next steps:
- Ensure alignment of Decide fiche for JUST’s R2R with the CEI Communication (for example, certain elements on the right to repair should remain generic at this stage eg costing).
- JUST will consult CNECT on the ToR of their study.
- CNECT will organise a second inter-service Directors meeting in the second half of May (potentially in the week of 17 to 21 May).