



TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

More sustainable consumption and new obligations for stakeholders

EU Directive 2024/1799

1. Introduction

EU Directive 2024/1799 (“Directive”) on common rules to promote the repair of goods was published on 13 June 2024. This new Directive amends Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828.

This Directive reflects the European Union’s ongoing efforts to promote sustainable consumption and a circular economy. It also aims to ensure a high level of consumer protection while protecting the environment.

The main objective of this Directive is to promote alternatives that can extend the life cycle of some consumer goods by encouraging the repair of goods rather than their replacement or the purchase of new goods that serve the same purpose.

The Directive lays down rules that strengthen the provisions on the repair of goods, even when the legal guarantee period has expired. These rules in turn increase the producer’s obligation to repair once the requirements have been met.

The Directive lays down rules that strengthen the provisions on the repair of goods, even when the legal guarantee period for the goods in question has expired

2. What is the scope of the Directive and its repair and information obligations?

The Directive will not apply to all consumer products. Therefore, its scope is different from that of Decree-Law 84/2021 of 18 October, which transposes Directives (EU) 2019/771 and (EU) 2019/770 and regulates consumer rights in the purchase and sale of any consumer digital goods, content or services.

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While the objective scope of the Directive is **limited in time**, it is also **limited in substance**:

- i) **Time limitation:** The Directive only covers the repair of goods purchased by consumers when a defect occurs or when there is a defect in the product for which the seller is not responsible and the non-conformity manifests itself after the period of three (3) years from the date of delivery of the product¹; and
- ii) **Substantive limitation:** The repair obligation and the related information obligation only apply to the purchase of certain goods for which repairability requirements are laid down in the Union instruments listed in Annex II to the Directive, i.e. mobile telephones, electronic displays, goods incorporated in batteries of light means of transport, etc. (“Goods”).²

In cases where repair is not possible, the producer can provide the consumer with a refurbished product.

3. What changes for suppliers, importers and distributors?

These are the highlights of the measures being introduced:

- i) **New obligation on producers to repair outside the legal guarantee.** At the consumer’s request, producers are obliged to repair the goods free of charge or at a reasonable price. This obligation excludes cases where repair is not possible. This obligation is extended to (i) importers, if there is no representative of the producer in the European Union, and (ii) distributors, if there is no importer. When repair is possible, producers, their representatives, importers and distributors (where applicable) may subcontract the repair.
- ii) **Loan of a temporary replacement product:** The Directive provides that producers may lend the consumer a replacement product free of charge or for a reasonable fee during the repair period. This obligation is also extended to importers and distributors as described above.
- iii) **Provision of a refurbished product:** In cases where repair is not possible, the producer can provide the consumer with a refurbished product. Like the obligations listed above, this is also extended to importers and distributors under the terms described above.

1 The Portuguese legislature has chosen to introduce a longer period than the 2 (two) years provided for in Article 10(1) of Directive 2019/771 of the European Parliament and of the Council of 20 May 2019, as follows from Article 12 of Decree-Law 84/2021 of 18 October.

2 This list includes (i) household washing machines and combined household washing and drying machines, Commission Regulation (EU) 2019/2023, (ii) household dishwashers, Commission Regulation (EU) 2019/2022, (iii) refrigerators, Commission Regulation (EU) 2019/2019, (iv) electronic displays, Commission Regulation (EU) 2019/2021. (v) welding equipment, Commission Regulation (EU) 2019/1784; (vi) vacuum cleaners, Commission Regulation (EU) No 666/2013; (vii) servers and data storage products, Commission Regulation (EU) 2019/424; (viii) smartphones, mobile telephones other than smartphones, cordless phones and tablets, Commission Regulation (EU) 2023/1670; (ix) household tumble dryers, Commission Regulation (EU) 2023/2533; (x) Regulation (EU) 2023/1542 of the European Parliament (EU Regulation).

A European platform will be set up to help consumers find repairers, sellers of refurbished goods, buyers of defective goods for refurbishment and community-led repair initiatives.

- iv) **Provision of spare parts and tools at reasonable prices:** Producers who provide spare parts and tools for goods must make them available at a reasonable price which does not discourage repair. Furthermore, the producer should not be able to refuse repair for purely economic reasons, such as the cost of spare parts, or simply because a previous repair has been carried out by other repairers or, where appropriate, by consumers themselves.
- v) **New information obligations:** Repairers, including producers and sellers offering repair services, must provide consumers with information on their websites about their repair services and the indicative prices they charge for the normal repair of goods. This information must be provided free of charge and must be easily accessible, clear and comprehensive.
- vi) **Creation of a European online repair platform:** A European platform will be set up to help consumers find repairers, sellers of refurbished goods, buyers of defective goods for refurbishment and community-led repair initiatives.

Finally, the Directive provides for amendments to Directive (EU) 2019/771, transposed into the Portuguese legal system by Decree-Law 84/2021. In particular, the Directive clarifies that consumers who decide to have the goods repaired during the legal guarantee period will benefit from an extension of the guarantee period by 12 (twelve) months, to be added to the remaining guarantee period. This extension can only be applied once and Member States have been given the possibility to provide for a longer extension period when transposing the Directive.

4. Conclusion

The Directive entered into force on 30 July and Member States have until 31 July 2026 to incorporate it into national law. The strengthening of consumer rights and environmental protection is evident, but the full implementation and success of this directive depends on the joint cooperation of all stakeholders, including manufacturers, distributors, repairers and even consumers themselves. ■