

**Contact:** Andrew Canning: [press@beuc.eu](mailto:press@beuc.eu)  
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### **Nintendo commits to EU-wide remedy for consumers following a BEUC action**

Following a [complaint](#) by BEUC and its members<sup>1</sup> against Nintendo for premature obsolescence, the company has committed to lifelong free repairs of Nintendo Switch game consoles suffering from 'Joy Con Drift'. This is according to an [announcement](#) from the European Commission today.

This complaint was filed by consumer organisations who were inundated with almost 25,000 complaints about the so-called 'Joy Con Drift' issue. This meant that controllers began to swerve players' characters across the screen uncontrollably. According to consumer testimonies, in [88% of cases](#) the controllers of what is one of the most popular games consoles on the market broke within the first two years of use. This left consumers out of pocket to pay for new ones.

Consumer groups suspected this defect to be a case of premature obsolescence. Today's announcement marks the closure of the complaint, two years after it was first launched. Although it is encouraging that the complaint has led Nintendo to accept to repair the design defect at the consumer's request, the game is not over from a sustainable consumption and production perspective. In practice, it means that a product with an existing design issue leading to its early failure will still be allowed on the market – a practice which BEUC hopes could soon be banned in Europe.<sup>2</sup>

#### **BEUC Deputy Director General Ursula Pachl commented:**

"This is good news. It's a tangible win for consumers, many of whom have had to pay for expensive repairs or replacements on a product that they would have reasonably expected to last for a number of years. However, this is only a short-term fix that will allow consumers to have their defective products repaired for free. Yet Nintendo can still sell the console with the potential bug.

"Other companies should take note. Premature obsolescence in consumer goods is unacceptable – it contributes to the growing mountains of e-waste and costs consumers money. So, product manufacturers must ensure that their products are more durable. We now hope that this coordinated enforcement action and upcoming changes to EU law will tackle premature obsolescence more effectively in the future, by preventing it in the first place."

#### **Read more**

[Letter](#) from BEUC to the European Commission about the complaint (January 2021)

<sup>[1]</sup> On the initiative of UFC-Que Choisir (France), BEUC and its members Testachats (Belgium), KEPKA, EKPIZO (Greece), Consumatori Italiani per l'Europa (Italy), Consumentenbond (the Netherlands), Forbrukerrådet (Norway), DECO (Portugal), Spoločnosti ochrany spotrebiteľov (Slovakia), Zveza Potrošnikov Slovenije – ZPS (Slovenia) took this action.

<sup>[2]</sup> The European Parliament's IMCO Committee adopted in March 2023 an amendment to the European Commission's 'Empowering Consumers in the Green Transition' proposal. This would ban the marketing of goods without fixing a design issue that leads to early failure, within a reasonable time after it became known. This will now need to be agreed with EU Member States before it can become law.