



The Consumer Voice in Europe

# Durable goods: More sustainable products, better consumer rights

**Consumer expectations from the EU's resource efficiency and circular economy agenda**

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## Summary

In February 2015, the European Commission officially repealed the circular economy package, which had been proposed by the previous Commission but announced to come back with a new and more ambitious proposal by the end of 2015. The EU institutions are currently gathering ideas on what mix of policy instruments should be proposed to put a resource efficient circular economy in place.

In this debate, BEUC sees an important need to ensure that the useful lifetime of consumer products is prolonged through design for durability, possibility to repair, upgrade, disassemble and recycle products. Reliable and durable products provide value for money to consumers and prevent overuse of resources and waste.

Enhancing the reliability of products will not only provide economic benefits to consumers but also to companies and to the overall economy. For instance, greater reliability will reduce product returns due to failure which currently costs retailers and brands a lot of money.

In this policy paper BEUC makes concrete policy suggestions on what should be done to put the above mentioned goals into practice. We suggest in particular to:

- Improve the implementation of existing legislation such as the Ecodesign Directive as criteria for durability, upgradeability and reparability should be set systematically for all product groups.
- Better inform consumers about the expected lifetime of products to allow them to take meaningful purchase decisions. We discuss in particular the benefits of testing this approach in the context of the EU Energy Label as it would allow a focus on the most important product groups and provide for mandatory information in a standardised manner.
- Improve the Consumer Sales Directive through making the rights it grants on legal guarantees better enforceable and to prolong the period within which these rights can be claimed.
- Make spare parts and digital support (software) available for a minimum period or for a period that reflects the normal life time of the product where cost-effective for consumers. Availability of spare parts should continue after the last product has been placed on the market.

This policy paper will also be the basis for BEUC's input to the public consultation on circular economy which has been launched in spring 2015.

## Introduction

In industrialised economies as the EU, current consumption patterns follow widely a “produce-use-dispose” path. This unsustainable consumption reality puts a strain on resources and results in huge waste streams. The impact on society and the environment within and outside the EU is devastating. Under the previous European Commission, an ambitious process had been launched to create an innovative circular, “zero waste” economy where we *do more with less* while ensuring that we will retain a high quality of life.

From 2012 to 2014 BEUC has been a member the [EU High Level Platform on Resource Efficiency](#) (EREP) which had called on industry, policy makers and civil society to support policy measures that allow for a transformation to a circular economy and society. This would be also a path out of the current crisis towards a reindustrialisation of the European economy on the basis of resource-efficient growth that will last. One specific recommendation has been to create “better market conditions for products and services that have lower impacts across their life-cycles, and that are durable, repairable and recyclable” and to progressively take “the worst performing products off the market” to inspire sustainable life-styles by informing and incentivising consumers” through “using the latest insights into behavioural economics and information technology, and encouraging sustainable sourcing, new business models and the use of waste as raw materials.”<sup>i</sup>

This important recommendation has been taken up and developed further through the Commission’s circular economy package which had been published on 2 July 2014 and which included a Commission [Communication called “Towards a circular economy: a zero waste programme for Europe”](#).

Under the new Commission, the circular economy package has been repealed in early 2015 against the will of many members of the European Parliament and many Member States. The Commission committed however to propose something “more ambitious” by the end of 2015<sup>ii</sup>.

In this debate on a circular economy, BEUC sees an important need to ensure that the lifetime of consumer products is prolonged through a design for durability, possibility to repair, upgrade, disassemble and recycle products in an effort to reduce resources depletion, prevent waste and mitigate the associated societal impacts.

In this policy paper BEUC makes suggestions on what the European Commission services, Member States and the European Parliament should include in a future roadmap and possible legislation on circular economy to ensure that consumers will be enabled to choose from a wide range of sustainable and durable products.

## **Short living goods – increasing costs for consumers and the environment**

Current consumption patterns are marked by two trends: Consumers own more products than in the past and partly they are only used shortly. Shorter use times and quicker replacement rates lead to increasing pressure on resources.

Studies which analyse the use times of products find that they are declining in recent years. However, the motivations for consumers to replace products more frequently than in the past are not yet fully clear. It might be linked to changing consumer preferences or to early failing products.

Remarkably, despite the fact that some products are replaced after a short time of use, several studies indicate that consumers would wish products to last considerably longer<sup>iii</sup> and that information concerning the durability of products matters to them<sup>iv</sup>. Moreover, many consumers are frustrated in case the products they purchased do not live up to their expectations<sup>v</sup>. Too often commodities which are needed for a convenient lifestyle such as washing machines<sup>vi</sup>, electric toothbrushes<sup>vii</sup>, TVs<sup>viii</sup>, printers and smartphones<sup>ix</sup> break shortly after the end of the guarantee period<sup>x</sup> and cannot be repaired which is putting increasing pressure on consumers' budgets and the environment, in particular when taking into account that early failure occurs for different product groups and may lead to combined effects<sup>xi</sup>. The nuisance for consumers came clearly across in a survey with consumers carried out in 2013 by our Austrian member VKI: 55% of around 800 respondents said that they believe the artificial shortening of product's lifetimes is done intentionally and systematically by manufacturers<sup>xii</sup>.

BEUC's member organisations across Europe have therefore started to investigate what are the reasons for short living consumer products, what are the expectations of consumers and what could be done to make sure that products will become more durable. First results of BEUC members' activities have been presented at a public conference in November 2014 which had been organised by BEUC and which had been held at the European Economic and Social Committee.

At the conference, practitioners from repair centers, researchers, manufacturers, policy makers and experts from consumer organisations and environmental NGOs discussed evidence for and remedies against planned wear and tear of consumer products. The phenomenon of early breaking products which often cannot be repaired is often referred to as "planned obsolescence".

"Planned obsolescence" refers to a wide range of techniques that certain manufacturers might use to shorten the functional lifespan of products and force consumers to make premature replacements in order to continue selling in saturated markets. While deliberate acts to limit the lifetime – which do exist<sup>xiii</sup> – may in many cases be difficult to prove, certain manufacturers seem also to knowingly accept that their poor quality products fail early as this saves them in production costs<sup>xiv</sup>. Strategies may include:

- Design features which do not allow repair<sup>xv</sup>, upgradeability and interoperability with other devices<sup>xvi</sup>;
- Programmed failure of a device after limited usage<sup>xvii</sup>;
- Unavailability of spare parts and high costs of repair<sup>xviii</sup>;
- Marketing strategies that suggest to consumers that in order to stay trendy they should buy new products and replace existing ones very quickly even though the "old" ones are still fully functional<sup>xix</sup>.

An area of special concern related to short lasting electronic devices are smart phones which are often used only between one to less than three years. Consumers experience frequent problems related to early failures of devices such as breaking screens and USB-ports or non-durable components such as batteries. Moreover, there are considerable differences between the times for which software updates are being made available posing a risk to consumers that mobile phones are no longer upgradeable and become incompatible with other devices. For instance, the Dutch Consumentenbond found that 84% of all Android-smartphones that the consumer organisation had tested within the last two years can already not rely on the latest software. It has to be underlined that there are striking differences between different phones and the time for which software updates are made available but the consumer does not receive any information about the time length for which updates will be made available at the moment when he purchases the phone. Hence, Consumentenbond started giving this information as part of the comparative tests to increase transparency for consumers and to put pressure on manufacturers to make updates available for a longer time.

In addition, there are considerable differences between the reparability of mobile phones. While for certain models the consumer can replace a non-functional battery in less than 30 seconds himself, other models require consulting a professional repair service which needs more than 40 minutes to open the housing and replacing the battery which makes this option very costly and time consuming for the consumers. Moreover, certain housings can only be opened with special tools and there is sometimes no guarantee for the consumer that the repair can be carried out successfully without breaking crucial components because of glued parts. Price differences seem not to matter when it comes to the question whether or not mobile phones are designed for repair<sup>xx</sup>.

Such problems can also be observed for similar products such as tablets and PCs, e.g. where higher versions of software programmes cannot run on an older device. Hence, making a prolonged use and refurbishing those products for the second hand market unattractive.

Despite missing data for the EU internal market, it is likely that consumers lose considerable amounts of money due to the need to continuously replace products with new ones earlier than necessary<sup>xxi</sup>. Moreover, environmental costs and resource use are tremendous<sup>xxii</sup>. Certain consumers like to change frequently their appliances such as their smart phones or TVs<sup>xxiii</sup>. However, the decision should be left to the consumers when and why to replace products. A defect and non-reparable should not be the primary reason because consumers are the owners of these products and could sell them on the second hand-market or give to other members of the family.

The need to continuously replace products sooner than expected with new ones leads to indirect price increases for consumers. For instance the costs of wash cycle dramatically increases if a washing machine of e.g. 500€ fails after 3 years rather than after 10 years. In addition, there are numerous non-direct economic losses for consumers, to which no clear "price-tag" can be attached such as frustration, waste of time to make claims, going to the store, staying at home waiting for a new product, hiring a specialist to install the product and likewise.

Negative impacts on the environment may not always be clear to consumers as prices for products do not communicate externalities to consumers such as the negative impact on the climate as well as local communities and the environment in producing countries. If such externalities are taken into account, the costs of repair would not seem to be that high.

The conference “Towards sustainable consumption – Durable goods and legal guarantees”<sup>xxiv</sup> was the kick-off event for a dedicated BEUC flagship campaign on durable goods. BEUC and its members joined forces to address this pressing problem for consumers through product testing, consumer information and our advocacy work to achieve changes in consumer relevant EU and national legislation.

### **Why are products not lasting as long as technically feasible and cost-effective for consumers?**

During their professional careers engineers seem often to be asked to design products at a specific cost as durable as needed and not as durable as possible<sup>xxv</sup>. The logic of such a linear economic model has been described by researchers from TU Delft as follows:

“...sooner or later successful markets will become saturated. When this happens, a limited lifespan becomes a necessity, because replacement purchases are all that remain. From then on, new and cheap will reign.”<sup>xxvi</sup>

The logic of reducing and externalising costs in traditional linear business and product development seems to be “design something, manufacture it at the lowest possible cost, sell it at the highest possible margin and forget it as soon as feasibly possible.”<sup>xxvii</sup>

As there are frequent examples of short living consumer goods<sup>xxviii</sup> it can be reasonably assumed that the problem is of large scale in our market economies and not limited to isolated cases of monopolistic markets. The number of publications about “planned obsolescence” has been rising sharply in the last five years and the subject has received increasing attention from the media, consumer organisations, researchers and policy makers in recent years.

University researchers and designers are engaging into this topic related to longer lifespans of products to train future designers and engineers<sup>xxix</sup>.

Furthermore, consumer organisations started to investigate products<sup>xxx</sup> and collect consumer complaints<sup>xxxi</sup>, which reveal that many consumers feel that products do not last as long as one could reasonably expect<sup>xxxii</sup>.

Ongoing research will bring further evidence. For instance, the German Federal Environment Agency released in February 2015 interim results of a study which aims to “establish a sound data basis for the description and assessment of the phenomenon obsolescence, average life-span and usage time, and, building upon that, to develop robust strategies against obsolescence.”<sup>xxxiii</sup> The first findings have shown that the number of consumer products which do not reach a life time of 5 years because of a defect has been increasing. Moreover, the live time of large household appliances has been decreasing and over 10% of washing machines lasted 5 years or less in 2013 compared to only 6% in 2004<sup>xxxiv</sup>.

### **The need for action to provide consumers with durable goods**

Whether or not manufacturers “programme” obsolescence purposeful or just accept premature failures due to the use of inferior materials because of cost pressure may be difficult to proof. However, whether early product failure is a fact or a myth and whether the phenomenon of non-durable products is due to intention or linked to other factors

such as wear and tear is irrelevant as far as the objectives of consumer protection and environmental preservation are concerned. The decisive point is that product lifetimes currently neither live up to what consumers expect nor to what technically is possible and feasible in a cost-effective manner for consumers.

Hence, we are convinced that it is high time for the Commission to act and we have many suggestions on what can be done and without any or any major changes to the EU's legislative framework to avoid obsolescence and to increase the lifespan of products through better design, useful consumer information, technical standardisation and better reparability in a cost-effective way. The EU has already many useful legal instruments in place which can be adapted to systematically incorporate lifetime extension strategies. In cases where additional instruments are needed we see an important role for the future roadmap on circular economy to establish an encompassing work programme of the European Commission to systematically close existing weaknesses and loopholes in our regulatory system.

However, we see an urgent need for policy makers to undertake a wide range of measures to ensure that consumers will receive more durable goods in the future. BEUC proposes the following measures:

## **1. Reforming key EU product legislation**

### **1.1 The EU Ecodesign Directive**

For ensuring that its citizens receive well designed products, the EU has a powerful legal instrument at hand: the EU Ecodesign Directive. The EU Ecodesign Directive aims at improving the environmental performance of products. Although measures have so far focused on reducing the use of energy, the Directive even now requires considering a product's environmental impact throughout its whole life cycle already at the design stage, including in terms of resource and material efficiency.

To date, due to requests from consumer organisations minimum durability criteria for lighting and vacuum cleaners have been included as mandatory requirements in the respective eco-design legislation for these two product categories. For lighting, the products have to be resistant to a pre-defined number of switching cycles and to function for a pre-determined number of burning hours. In the case of vacuum cleaners durability criteria will apply to the lifetime of the motor as well as to the hose. These EU Regulations set therefore a precedent for introducing minimum durability requirements which products have to fulfil when put on the market.

In order for consumers to fully benefit from such measures it is important that they are informed about these minimum durability requirements. While the number of burning hours has to be indicated on the package of light bulbs, no such information requirement is mandatory for vacuum cleaners. The fact that it is not explained to consumers what 500 hours of motor-lifetime means in terms of the product's life-time and consequently how many years a vacuum cleaner should last if used and maintained properly is a serious regulatory shortcoming. If consumers were properly informed about these requirements, they could use this information in case of a defect or non-conformity of the product to address the manufacturer /trader and/or to inform market surveillance authorities.



We recommend through a future legal reform to establish a clear link between the product specific ecodesign requirements and legal guarantees.

If the Ecodesign Directive will be revised in the future, requirements on product durability should be stated more clearly in the legal text as durability should be addressed systematically in all product groups. Even though the current Ecodesign Directive requires already resource and material efficiency to be considered, there are no specific provisions in the main body of the legal text which require the design of more durable products, with a longer lifecycle, which are robust and easy to repair, upgrade and recycle. In consequence, durability is not addressed systematically. With sufficient political will, the EU could however already take action now. As key product groups are currently under review, such as dishwashers, washing machines and fridges, the EU should not miss this important opportunity to improve the environmental design of those products including setting requirements on durability, reparability and the availability of spare parts.

Design experts point out that changing a product's design to prolong the lifespan may not necessarily increase the product costs. It can on the contrary even lead to cost savings<sup>xxxv</sup> and that a full range of new business models may emerge that can bring attractive revenue to companies<sup>xxxvi</sup> which will outweigh costs of implementing longer product lives. In addition, retailers can profit considerably from a lower rate of returning products and a lesser number of consumer requests for advice<sup>xxxvii</sup>.

For example, conventional halogen lamps have typically a lifespan of 2000 hours. These lightbulbs will be completely phased out and be replaced by LED lamps. LEDs are commercialized with 10 or 20 times higher burning hours than halogens. Will this signify the end of life of lighting industry? Predictions say the contrary. Longer product lifetimes are an opportunity to reconsider business and innovate. We acknowledge that moving away from well-established business models does not take place overnight but many firms are already considering ways to change<sup>xxxviii</sup>. This change could be accelerated, if regulators show willingness to act.

Some critics to the request for durable products could argue also that a product lifespan extension is not always the appropriate measure to lower the negative environmental impact of consumption throughout the lifecycle of goods because new products provide for technical improvements such as lower energy and water consumption during the use phase.

However, as through an ambitious Ecodesign process many products such as household appliances have already a lower energy and resource consumption compared to previous models, extending the lifespan becomes more and more interesting and cost saving to consumers. While there is a balance in time at which replacing makes sense, the optimum lifespan of many appliances is much longer than consumers are currently using the products. While the optimum lifespan for a fridge from an ecological point of view would be around 20 years<sup>xxxix</sup>, a UK survey from WRAP found that 50% of respondents said they had replaced their fridge with a new one within less than 8 years. Over three quarters indicated that the reason for this was because the previous product had broken down or was unreliable<sup>xl</sup>. This shows that the gap between optimal use and replacement is very large and that therefore the material throughput is far too high.



We suggest that in the future, Ecodesign implementing measures model systematically replacement scenarios to calculate the optimal moment in time when replacements make sense from an environmental and cost perspective for consumers<sup>xli</sup>. During the time of optimal use, spare parts and compatible software need always to be available.

Finally, we call on the Commission to adopt an ambitious Ecodesign Working Plan for 2015-2017 which will not only envisage the review of existing Ecodesign measures but also include new consumer relevant product groups such as for instance mobile phones for which reparability should be a major goal.

To this end, the Commission should approve the final work plan study in a timely manner. It is important to bear in mind that this is only an indicative list of product groups, which will be later subjected to in depth analysis through the preparatory studies. It is also a unique opportunity of the European policy framework to offer widely to all consumers in the EU durable, upgradeable, repairable products.

## **1.2 Directive on Waste Electrical and Electronic Equipment**

The Directive on Waste Electrical and Electronic Equipment aims at design measures which promote design that facilitates re-use, dismantling and recovery of waste from electrical appliances. In addition the EU Directive on batteries and accumulators requires design which allows removal of waste batteries and accumulators or in case they are not removable, to inform the end consumer. However, just informing the consumer about the fact that the batteries are not removable is not sufficient because the consumer may not have a lot of options to choose a better device. As legal provisions which require an easy removal of batteries during the use-phase are currently missing there are plenty of consumer products on the market such as smart phones, tablets and electric toothbrushes where the rechargeable battery is not accessible to the consumer or it is incorporated in such a way that the consumer can harm the product by removing the battery (e.g. glued)<sup>xlii</sup>. All this leads to problems for consumers who is not enabled to replace the battery easily. We see a need to specify clearly that batteries in particular in devices which use rechargeable batteries have to be easily replaceable by the consumer without the need to involve costly repair services. This should be mandatory for all devices where replacing the battery can prolong the lifetime of the products in a cost effective manner for consumers. Where safety concerns exist, it must nonetheless being made possible that batteries can be replaced by professional repair services without any unnecessary difficulty for an independent professional. As the life-time of the battery usually does not coincide with the life-time of the appliance, this could save costs for consumers and tremendously prolong the life-time of many products we use every day<sup>xliii</sup>. The legal requirements could be clarified in WEEE and / or the batteries Directive. However, the more promising approach from our perspective would be to develop a horizontal measure under the Ecodesign Directive. Such a horizontal implementing measure should become a matter of priority under the new working plan for Ecodesign<sup>xliv</sup>.

## **1.3 The EU Ecolabel**

The EU Ecolabel is a label of environmental excellence which informs consumers about the most environmental friendly products on the market. As a voluntary label it sets criteria for certain product groups, such as computers, regarding durability testing, design for upgradeability and reparability (e.g. accessibility and exchangeability of key components, availability of spare parts, compatible software upgrades,...) and gives a guarantee longer than two years. Aspects which improve the durability of products should receive more attention under the EU Ecolabel in the future in particular since

Ecolabel criteria can be aligned with Ecodesign minimum requirements and therefore provide synergy effects of those two instruments. The EU Ecolabel should receive much more support from the EU Commission and Member States in order to market and promote the Ecolabel as a useful and important label to inform consumers about truly sustainable products.

At the beginning of 2015, Avfall Sverige, Sweden's waste management and recycling organisation, has launched the Miljönär label. This ecolabel will promote reuse and repair and aims at extending product life in order to reduce waste. The label will be awarded to businesses, such as shoe repair or second-hand shops, which re-use products by giving them a second life instead of selling new products<sup>xlv</sup>. This interesting approach could also be considered in the EU Ecolabel to ensure a focus on services which contribute to sustainable consumption.

## **2. Providing information about the life time and reparability of products to consumers**

When purchasing new products, consumers are not informed as to how long different products should last, if used and maintained properly. They also lack crucial information about reparability of goods as well as availability and costs of spare parts. Without such information consumers are not enabled to reward manufacturers who produce long lasting and repairable goods.

Moreover, in non-transparent markets high purchase prices are not always good indicators for the durability of products. To some extent there is a correlation between quality and purchase price, but a high price is not necessarily a good indicator of high product quality. Consumer organisations have for instance collected a number of examples of very expensive products that failed early after the end of the guarantee period and could not be repaired<sup>xlvi</sup>. Moreover, in many cases consumers do not consider repair/ maintenance as a viable option because the costs for the components such as smart phone batteries are so high that it is unlikely that consumers will seek a replacement.

Despite missing data for the EU internal market, it is likely that consumers lose considerable amounts of money due to the need to continuously replace products with new ones earlier than the consumer expects. Moreover, environmental costs and resource use are tremendous.

Past surveys show already that there is large interest from consumers to receive such information<sup>xlvii</sup>. For instance, in a Eurobarometer survey more than nine out of 10 respondents agreed that the lifespan of products available on the market should be indicated (92%)<sup>xlviii</sup>. BEUC is therefore convinced that consumers need to have at hand clear and easily accessible information about the average expected lifetime of the specific product; furthermore, information on repair and upgrade options of their products as well as the costs and availability of spare parts should be accessible. Consumers should be informed about how long a product can be expected to function properly according to their justified expectations. In certain cases it may not be sufficient to only provide information for the overall lifetime of a product but also related to decisive components and specific parts such as for batteries in laptops and electrical bicycles. While sometimes the product itself has not an acceptable and expected lifetime, also certain components do not live up to the expected lifetime. Such information is in particular useful for consumers where a market differentiation is possible and therefore might help consumers

to take informed purchase decisions for longer living products even though they come at a higher initial purchase price but nonetheless provide for a good quality for money. In addition to a legal requirement to inform consumers of the expected lifetime<sup>xlix</sup> of the product - which could be deduced from the current requirement to inform consumers about the essential features of the product as stipulated in the 2011 consumer right directive, the EU could as a first step and in order to test such a new approach introduce an explicit legal obligation to inform consumers about the expected life time of a product on the EU Energy Label.

### **The EU Energy Label as a starting point**

Even though consumers should receive life-time information in the long term for all products, starting with the Energy Label is recommended for the following reasons:

- The Energy Label is a very effective tool to inform consumers about key characteristics such as energy consumption and where relevant other product specific parameters such as water use, cleaning performance, size, noise and dust emissions. The Framework legislation will undergo revision very soon providing for a unique opportunity to establish new information requirements in a timely manner. Including new provisions on lifetime disclosure would fully be in line with the aims of this legislation. The current legal text states that: "The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products should influence the end-user's choice in favour of those products which consume or indirectly result in consuming less energy and other essential resources during use, thus prompting manufacturers to take steps to reduce the consumption of energy and other essential resources of the products which they manufacture. It should also, indirectly, encourage the efficient use of these products in order to contribute to the EU's 20 % energy efficiency target. In the absence of this information, the operation of market forces alone will fail to promote the rational use of energy and other essential resources for these products."<sup>li</sup>
- Consumer research has demonstrated that consumers make use of the information provided on the Energy Label when purchasing new appliances which is a very good precondition that also life time information will be noticed and considered by consumers in the future<sup>li</sup>.
- The Energy Label covers the most important product groups which come at a high cost to consumers when they fail prematurely. That is why it makes sense to prioritise these product groups which are already in the scope of the Energy Label such as dishwashers, refrigerators, washing machines, TVs, ovens, vacuum cleaners, heating and cooling appliances <sup>lii</sup>.
- As life time information needs to be based on standardised methods and durability testing, the Energy Label and Ecodesign are the right instruments to determine the technical criteria on what determines the lifetime of a product. Both instruments involve a technical preparatory study which investigates technical improvement options and what parameters need to be tested. Hence, the lifetime information parameter could be added to this technical criteria setting process.
- As the information on the Energy Label is standardised and its display mandatory for certain product groups, it will provide for a very high degree of market transparency and comparability among products of the same category provided technical standardisation will be able to provide the needed measurement standards in the coming years. Transparency and comparability is a crucial precondition for consumers to reward longer lasting products.

In early 2015, the European Economic and Social Committee launched a call for tender for a study which will be looking into “The potential effects on consumers of the real lifetime of products display”. The main hypothesis of this study is “that pointing out a product's lifespan can favour a better understanding of the importance of consuming sustainably and responsibly. It could also mean that less wealthy households would be inclined to pay more for a product that has better quality and that will last longer”<sup>liii</sup>.

Moreover, the University of Louvain is currently undertaking a pilot study on the labelling durability of a product on its packaging<sup>liv</sup>.

The results of both studies may bring important evidence on what information scheme about the lifetime of products could be most useful for consumers.

To prevent spreading of numerous unsubstantiated claims about the durability of products in the future, we recommend that the Commission gives the topic of misleading green claims and better enforcement under the Unfair Commercial Practices Directive special attention. While there is little evidence currently about the misuse of “durability claims”<sup>lv</sup> it can reasonably be assumed that they might increase in case there will be higher consumer demand for long living goods in the future. Therefore, the guidance document on green claims should consider this aspect.

However, information measures alone will not be sufficient to ensure that durable products are broadly available to consumers. Additional legal measures at EU level will be needed.

### **3. Improving guarantee rights and prolonging the legal guarantee period**

The EU 1999 Directive on Consumer Sales foresees a minimum legal guarantee period of two years combined with a six-month period for the reversal of the burden of proof for the defect. This means that only within the first 6 months after purchase it is presumed that the product was faulty from the start; afterwards the consumer who would have to prove that the defect was already inherent in the product when he/she bought it, which is most of the time not possible without an expert investigation due to the complexity of current products and the high costs implied in technical expertise to assess the defect. Only two countries, Portugal and France have expanded the period for the reversal of proof to two years and only a few countries have longer guarantee periods.

In this context we welcome that a revision of the EU rules on legal guarantee rights is currently underway. In order to ensure effective protection for consumers when purchasing goods across Europe, the Consumer Sales Directive should be improved for example in relation to facilitating the proof that the default was already inherent in the good when the consumer bought it and by extending the period within which the consumer can claim the guarantee rights.

In addition the criteria of “durability” should be included in the definition of “conformity” as stipulated currently in the 1999/44 consumer sales directive; the determination of the meaning of “durability” could be based on the expected lifespan: either as stipulated, for example in the eco-design directive for certain products, or as advertised or based on reasonable consumer expectations.

#### **4. Adopting rules on information about the availability of spare parts**

Consumers are often faced with the problem that spare parts are not made available by manufacturers or that costs for repair are far too high<sup>lvi</sup> because only complete modules are made available instead of single, cheap spare parts<sup>lvii</sup>. For instance, while earlier the sealing of a refrigerator could easily be replaced it is today often only possible to replace the whole door, what makes repair a financial non-option for consumers. Another example is sealed washing machine drums which make repairs often difficult or water tanks of coffee machines which are almost as expensive as purchasing a new one.

Moreover, it will be crucial that consumers will have access to single spare parts such as a door sealing or a door clip which will allow for minor maintenance works to be carried out by the consumers themselves. Such spare parts should be made available by the manufacturer/ trader to repair services but also directly to consumers in cases where maintenance and easy self-repair can safely be done by consumers.

Hence, we urgently need - as has been pointed out in the paragraph on Ecodesign and on smart phones - a better design for reparability.

One way to address this issue could be to assume that non-conformity can be established for cases where there are no spare parts available but the consumer could have expected this. In addition, the seller should be obliged to inform consumers whether spare parts are available and for how long spare parts will be available. In this respect, it should be noted that France has already introduced a legal requirement which requires information about the time for which spare parts will be available.

The experience with this French Law/ Decree no 2014-1482 which entered into force on 1 March 2015 could provide helpful inspiration.

With regard to goods, digital content or services which operate on the basis of software, such as smart phones, geographical localization appliances etc. information whether and for how long software upgrades will be available is essential. Moreover, it should be excluded that certain useful functions of the product are intentionally removed through software updates from the manufacturer.

From a consumer perspective it will be crucial that spare parts will be made available primarily for those products where a live-time expansion can be achieved in a cost-effective manner for product groups for which consumers expect or wish a longer lifetime.

#### **5. Considering durability systematically in technical standardization**

Technical standardization has a threefold role to play to improve durability of goods:

- First, standardisation can set product specific criteria which are suitable to extend the lifespan of products through design without limiting innovation. In this sense standardisation can be an effective deterrent against planned obsolescence as the standard would not tolerate certain design options which are known to lead to an early failure of the item.

- Second, it can contribute to a more standardised design of key components which are used in the interior of a product which would allow for better options for repair.
- Third, standardization would also have an important role to play in defining the measurement standards to determine the lifetime of products of which consumers need to be informed about. Such standards already exist for some product groups such as vacuum cleaners and light bulbs and a similar approach could be developed for more product groups.

Standardisation can for instance contribute to setting criteria for reparability. In Austria, a technical standard has been developed to set labelling criteria for durable, repair-friendly designed electrical and electronic appliances<sup>lviii</sup>. To obtain a label, key design criteria have to be met such as accessibility of components in a machine to allow for easy repair and use of standardised interfaces and marketing designs which simplifies repair and widens the range of spare parts.

We welcome that the EU Commission already requested to the European Standardisation Organisations to carry out work on standards concerning material efficiency aspects including durability in support of the implementation of the Ecodesign Directive<sup>lix</sup>. The initial request has not been accepted by the ESOs and we count on the Commission to come forward with a revised improved mandate which should clearly support the achievement of the following policy objectives:

- Extending the lifespan of consumer products through better design for long lasting products which provide reliable service during the use phase, which can easily be repaired and upgraded.
- Closing gaps in the circular economy through requiring easy re- and disassembling of products' components<sup>lx</sup> to become the norm.

While certain aspects may possibly be addressed through a horizontal standard to allow for a consistent approach across different product groups, it will be of utmost importance to come forward with a priority list of consumer products and key components for which a lifespan extension should be achieved and develop product specific requirements in standardisation. This work should be carried out in parallel and not being delayed until a horizontal standard will become available.

The standards development process needs to be inclusive and representative. It is crucial that all interested parties have an effective participation, particularly societal stakeholders – such as ANEC representing consumers – who are usually in a weaker position compared to business representatives.

## **6. Taking action for a new culture of reparability**

To promote durability of products, a new, reinforced culture in Europe for repair is key. If more products can be repaired, there will be more local, green jobs<sup>lxi</sup>. Societal repair networks as well as commercial high quality after sale services that provide repairs to consumers at attractive prices have also an important role to play to train workers and to provide interesting and stable jobs. Such jobs will be local jobs in Europe and in case they will be combined with innovative education programmes this can make a crucial contribution to bring people in permanent employments which currently lose out on the job market such as young people and the elderly.



In addition, a new culture of repairing items comes from an increasing number of NGOs such as RepairCafés. They provide consumers with knowledge and tools to self-repair their products. However, these organisations are facing tremendous obstacles from industries that change design with every new item: for instance Apple smart phones cannot be opened because each model has special screws. EU policy makers should actively support local repair initiatives as they also provide for local green jobs and provide a useful service to consumers. To facilitate their work, they would need for instance free access to repair manuals, diagnosis tools and access to replacement parts at reasonable costs. Manufacturers should be obliged to make clear repair instructions publicly available to enable non-destructive disassembly and replacement of key components or parts for upgrades or repairs.

A new culture for repair will also require that repairs will be made attractive to consumers. In this respect, it will be important to improve convenience for consumers and to minimise the period for which consumers do not have access to their products. Two proposals are important in this respect:

- The French legislation requires that spare parts need to be made available by manufacturers to repair services within 2 months after a request. While 2 months seems to be too long, we do agree that a time limit needs to be established to make spare parts available to repair services but also directly to individual consumers.
- Consumers cannot manage their daily needs without access to certain important products such as refrigerators, washing machines, phones and computers. It will be important that more service options will become available which include a replacement during the time of repair with a similar product.

## **7. Improving awareness for durable goods in the supply chain**

As the European Commission is also seeking to green the supply chain through the EU Retail Forum for sustainability<sup>lxii</sup> it would be useful to use this forum to make retailers aware of the need to include durability criteria into their purchase decisions. A practical way forward could be to develop certain specifications for key product groups that can easily be applied by retailers as a “checklist” in their procurement<sup>lxiii</sup>.

We recommend that the EU also launches a process to help businesses to move away from traditional linear economic models which are based on buy-use-dispose approaches by identifying the commercial opportunities offered by a more resource efficient circular economy.

## **8. Applying financial instruments**

Price signals are a key driver to steer consumer demand as well as economic operator’s behaviour. Thus, environmental tax measures should be used to promote durability and repair and to discourage placing on the market short living goods which cannot be repaired. Varying VAT rates and excise duties may be considered as possible measures<sup>1</sup>.

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<sup>1</sup> Our UK member Which? has contributed extensively to this paper and supports its ambition and direction. However, Which? does not support applying financial instruments in case this would lead to higher prices for consumers.



A major focus to allow for an increased choice of greener products should be given to lower VAT rates which could be applied to reused or refurbished goods and to products which contain higher levels of recycled material as reduced prices for such goods will benefit lower income consumers. It could also be an incentive for multiplying repair shops and thereby contributing to job creating in Europe.

Concerning ecotaxes qualified as excise duties, Member States have a margin for initiative if they do not introduce discrimination between national and imported goods. In this respect Belgium decided to penalise specific goods which have been defined as environmentally harmful which include some throw-away goods such as disposable cutlery.

Taxing environmentally harmful products and offering tax breaks for more environmentally friendly alternatives should further been investigated at Member State and EU level to improve resource efficiency.

## **9. Making progress on the EU's resource efficiency agenda**

The 7<sup>th</sup> Environment Action Programme "Living well, within the limits of our planet" and the Commission's communication on "Towards a circular economy: A zero waste programme for Europe emphasizes the importance of more sustainable production and consumption patterns. In particular, the 7<sup>th</sup> EAP urges the Union policy framework to ensure that priority products placed on the Union market are "eco-designed" in order to optimise resource and material efficiency:

*"Since 80 % of all environmental impacts of a product during its lifecycle originate in its design phase, the Union policy framework should ensure that priority products placed on the Union market are 'eco-designed' with a view to optimising resource and material efficiency. This should include addressing, inter alia, product durability, reparability, re-usability, recyclability, recycled content and product lifespan. Products should be sustainably sourced and designed for reuse and recycling. Those requirements will have to be implementable and enforceable. Efforts will be stepped up at Union and national level to remove barriers to eco innovation<sup>68</sup>, and to unlock the full potential of Europe's eco-industries, thereby generating benefits for green jobs and growth."<sup>xiv</sup>*

In this context, we emphasise that it is also very important to re-think already in the design-phase the use of chemicals as consumer products should not contain hazardous substances wherever safer alternatives are available. To the least consumers should not be directly exposed to such substances.

The new European Commission should urgently develop concrete proposals on how these goals can be put in practice by focusing on measures which are suitable to prolong the lifetime of products. BEUC does not believe that a "roadmap" which will only outline intentions but not contain concrete proposals for better legislation is the best way forward. Instead, the Commission should directly start working on modifying existing legislation and proposing new legislation in three areas:

- Durable design of products;
- Improving consumer information about the lifetime of products;
- Improving the functioning of legal guarantees.

## **10. Enforcement**

For the individual consumer, the interpretation of the terms "justified consumer expectations" and "conformity with the contract" in relation to early and unexpected failure of a product should be explored. The introduction of the criteria 'durability' into the definition of "conformity" as currently stipulated in the 1999/44 consumer sales directive would be necessary to facilitate triggering consumer remedies under the legal guarantee rights in such cases.

Moreover, new measurement methods will be needed to ensure that market surveillance authorities will be able to check conformity of durability requirements which may be introduced more widely under the EU Ecodesign Directive in the future.

**Appendix:** Overview of relevant research, testing, magazine and online articles and videos from consumer organisations

Name of consumer organisation	Title	Reference
Altroconsumo	<p>Inchiesta - Vecchi prima del tempo</p> <p>Video on short life time of mobile phone batteries and problems with guarantee rights</p> <p>L'obsolescenza programmata: un problema economico ed ambientale</p>	<p><a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/1014_Altroconsumo_Italy.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/1014_Altroconsumo_Italy.pdf</a></p> <p><a href="http://www.altroconsumo.it/hi-tech/cellulari/news/la-batteria-non-funziona-non-cambiare-telefono">http://www.altroconsumo.it/hi-tech/cellulari/news/la-batteria-non-funziona-non-cambiare-telefono</a></p> <p><a href="http://www.consumatoridirittimercato.it/ambiente-e-sostenibilita/lobsolescenza-programmata-un-problema-economico-ed-ambientale/">http://www.consumatoridirittimercato.it/ambiente-e-sostenibilita/lobsolescenza-programmata-un-problema-economico-ed-ambientale/</a></p>
Arbeiterkammer Wien	<p>Gekauft und schon kaputt. Leben in einer Wegwerfgesellschaft? Fachtagung, 12. Juni 2013, Tagungsband</p> <p>Obsoleszenz: „Eingebaute“ Mängel in Produkten</p> <p>The use-time and obsolescence of durable goods in the age of acceleration. An Empirical Investigation among Austrian Households.</p>	<p><a href="http://media.arbeiterkammer.at/PDF/Tagungsband_Obsoleszenz.pdf">http://media.arbeiterkammer.at/PDF/Tagungsband_Obsoleszenz.pdf</a></p> <p><a href="http://www.arbeiterkammer.at/service/presse/Obsoleszenz_.html">http://www.arbeiterkammer.at/service/presse/Obsoleszenz_.html</a></p> <p><a href="http://media.arbeiterkammer.at/wien/PDF/studien/Bericht_Produnkt_nutzungsdauer.pdf">http://media.arbeiterkammer.at/wien/PDF/studien/Bericht_Produnkt_nutzungsdauer.pdf</a></p> <p><b>English abstract:</b>  <a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0515_AK_Austria.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0515_AK_Austria.pdf</a></p>
Consumentenbond	<p>Action on Sony Xperia Z</p> <p>Android beperkt houdbaar</p>	<p><a href="http://www.consumentenbond.nl/campagnes/telecomplex/klachten-sony-xperia-z/?cid=ext_youtube_XaIOjQ7VBdE">http://www.consumentenbond.nl/campagnes/telecomplex/klachten-sony-xperia-z/?cid=ext_youtube_XaIOjQ7VBdE</a></p> <p><a href="http://www.youtube.com/watch?v=XaIOjQ7VBdE">http://www.youtube.com/watch?v=XaIOjQ7VBdE</a></p> <p>DigitalGids juli/augustus 2015</p>
DECO	<p>Reparadores ao domicílio – Setor avariado. Incompetência, desonestidade e preços elevados</p>	<p>Proteste 360, September 2014</p>

OCU	Si está roto, ¿por qué no arreglarlo?	<a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0112_OCU_Spain.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0112_OCU_Spain.pdf</a>
Que Choisir	<p>La garantie dure deux ans – Enquete fiabilité électroménager</p> <p>Obsolescence programmée - Trop de produits à durée de vie limitée</p> <p>Obsolescence programmée - Bientôt un délit ?</p> <p>Projet de loi conso - L'examen de l'UFC-Que Choisir</p> <p>Conçu pour ne pas durer? Editorial by Jean-Paul Geai, Rédacteur en chef</p> <p>Qualité des produits - La face cachée des pannes</p> <p>Smartphone en panne (infographie)</p>	<p>Que Choisir 519, November 2013, pp. 18 – 22</p> <p><a href="http://www.quechoisir.org/commerce/marketing-fidelisation/actualite-obsolescence-programmee-trop-de-produits-a-duree-de-vie-limitee">http://www.quechoisir.org/commerce/marketing-fidelisation/actualite-obsolescence-programmee-trop-de-produits-a-duree-de-vie-limitee</a></p> <p><a href="http://www.quechoisir.org/commerce/marketing-fidelisation/actualite-obsolescence-programmee-bientot-un-delit/">http://www.quechoisir.org/commerce/marketing-fidelisation/actualite-obsolescence-programmee-bientot-un-delit/</a></p> <p><a href="http://www.quechoisir.org/droits-justice/organismes-de-defense-des-consommateurs/actualite-projet-de-loi-conso-l-examen-de-l-ufc-que-choisir/">http://www.quechoisir.org/droits-justice/organismes-de-defense-des-consommateurs/actualite-projet-de-loi-conso-l-examen-de-l-ufc-que-choisir/</a></p> <p><a href="http://www.quechoisir.org/commerce/marketing-fidelisation/editorial-concu-pour-ne-pas-durer/">http://www.quechoisir.org/commerce/marketing-fidelisation/editorial-concu-pour-ne-pas-durer/</a></p> <p><a href="http://www.quechoisir.org/telecom-multimedia/actualite-qualite-des-produits-la-face-cachee-des-pannes/">http://www.quechoisir.org/telecom-multimedia/actualite-qualite-des-produits-la-face-cachee-des-pannes/</a></p> <p><a href="http://www.quechoisir.org/telecom-multimedia/telephonie/actualite-smartphone-en-panne-infographie-24-des-smartphones-sur-la-touche">http://www.quechoisir.org/telecom-multimedia/telephonie/actualite-smartphone-en-panne-infographie-24-des-smartphones-sur-la-touche</a></p>
Stiftung Warentest	<p>Schon kaputt?</p> <p>Geplante Obsoleszenz: „Tests zeigen keine Sollbruchstellen“</p>	<p><a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0913_Stiftung_Warentest_Germany.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0913_Stiftung_Warentest_Germany.pdf</a></p> <p><a href="http://www.test.de/Geplante-Obsoleszenz-Tests-zeigen-keine-Sollbruchstellen-4522633-0/">http://www.test.de/Geplante-Obsoleszenz-Tests-zeigen-keine-Sollbruchstellen-4522633-0/</a></p>

	<p>Chat Geräteverschleiß: Kaputt nach Plan?</p> <p>Hersteller planen die Lebensdauer von Produkten</p>	<p><a href="http://www.test.de/Chat-Geraeteverschleiss-Kaputt-nach-Plan-4589161-0/">http://www.test.de/Chat-Geraeteverschleiss-Kaputt-nach-Plan-4589161-0/</a></p> <p><a href="https://www.test.de/presse/press-emitteilungen/Geraeteverschleiss-Hersteller-planen-die-Lebensdauer-von-Produkten-4600498-0/">https://www.test.de/presse/press-emitteilungen/Geraeteverschleiss-Hersteller-planen-die-Lebensdauer-von-Produkten-4600498-0/</a></p>
Test Achats	Analyse - Obsolescence Programmée ce n'est pas nouveau	<a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013_Test_Achats_Belgium.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013_Test_Achats_Belgium.pdf</a>
VKI	<p>Obsoleszenz K(ein) Lebel lang</p> <p>Obsoleszenz: schneller alt, ..... rascher kaputt</p> <p>Geplante Schwachstellen: Umfrage - 55% meinen: "Das hat System"</p>	<p><a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0813_VKI_Austria.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0813_VKI_Austria.pdf</a></p> <p><a href="http://www.konsument.at/cs/Satellite?pagename=Konsument/MagazinArtikel/Detail&amp;cid=318886288514">http://www.konsument.at/cs/Satellite?pagename=Konsument/MagazinArtikel/Detail&amp;cid=318886288514</a></p> <p><a href="http://www.konsument.at/cs/Satellite?pagename=Konsument/MagazinArtikel/Detail&amp;cid=318885111129">http://www.konsument.at/cs/Satellite?pagename=Konsument/MagazinArtikel/Detail&amp;cid=318885111129</a></p>
ULC	Promouvoir la durabilité des biens de Consommation	<a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0115_ULC_Luxemburg.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0115_ULC_Luxemburg.pdf</a>
Which?	<p>Special Report: Commitment Issues - You've paid good money for a new tech product, so why should the company abandon support for its services after just a couple of years?</p> <p>Warranty warning</p> <p>Faulty advice on faulty goods</p> <p>Are modern washing machines built to fail?</p> <p>Which? Conversation: How long should your washing machine last?</p>	<p><a href="http://www.beuc.eu/documents/files/FC/durablegoods/articles/0614_Which_UK.pdf">http://www.beuc.eu/documents/files/FC/durablegoods/articles/0614_Which_UK.pdf</a></p> <p>Which? Magazine, December 2014</p> <p>Which? Magazine, January 2015</p> <p>Which? Magazine, July 2015</p> <p><a href="http://conversation.which.co.uk/energy-home/washing-machines-faulty-broken-lifespan-lifetime-warranty-guarantee/comment-page-1/#comments">http://conversation.which.co.uk/energy-home/washing-machines-faulty-broken-lifespan-lifetime-warranty-guarantee/comment-page-1/#comments</a></p>

## Endnotes

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- i [http://ec.europa.eu/environment/resource\\_efficiency/documents/erep\\_manifesto\\_and\\_policy\\_recommendations\\_31-03-2014.pdf](http://ec.europa.eu/environment/resource_efficiency/documents/erep_manifesto_and_policy_recommendations_31-03-2014.pdf)
  - ii EurActiv: Circular Economy package to be ditched and re-tabled <http://www.euractiv.com/sections/sustainable-dev/circular-economy-package-be-ditched-and-re-tabled-310866>, 16. 12. 2014.
  - iii Arbeiterkammer Wien: The use-time and obsolescence of durable goods in the age of acceleration. An Empirical Investigation among Austrian Households.
  - iv European Commission (2013): Flash Eurobarometer 367 – Attitudes of Europeans towards building the single markets for products indicated that “More than nine out of ten respondents agreed that the lifespan of products available on the market should be indicated (92%). [http://ec.europa.eu/public\\_opinion/flash/fl\\_367\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_367_en.pdf)
  - v Around a third of all washing machines and fridges, and a quarter of all the vacuum cleaners replaced in the UK each year failed to meet the average customer’s expectation for each product’s lifetime. See WRAP: Switched on to Value. Why extending appliance and consumer electronic product lifetimes and trading used products can benefit consumers, retailers, suppliers and the environment, <http://www.wrap.org.uk/content/switched-value>.  
In a survey of AK Wien with Austrian consumers 45% of respondents indicated to be satisfied with current product lifetimes but almost 30% said they are rather unsatisfied. [http://media.arbeiterkammer.at/wien/PDF/studien/Bericht\\_Produktnutzungsdauer.pdf](http://media.arbeiterkammer.at/wien/PDF/studien/Bericht_Produktnutzungsdauer.pdf)
  - vi [http://www.beuc.eu/documents/files/FC/durablegoods/articles/1014\\_DECO\\_Portugal.pdf](http://www.beuc.eu/documents/files/FC/durablegoods/articles/1014_DECO_Portugal.pdf)
  - vii [http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013\\_Test\\_Achats\\_Belgium.pdf](http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013_Test_Achats_Belgium.pdf)
  - viii [http://www.beuc.eu/documents/files/FC/durablegoods/articles/0913\\_Stiftung\\_Warentest\\_Germany.pdf](http://www.beuc.eu/documents/files/FC/durablegoods/articles/0913_Stiftung_Warentest_Germany.pdf)
  - ix [http://www.beuc.eu/documents/files/FC/durablegoods/conference/presentations/Gerjan\\_int\\_Veld.pdf](http://www.beuc.eu/documents/files/FC/durablegoods/conference/presentations/Gerjan_int_Veld.pdf)
  - x While no statistical data on breakdown rates exists for the whole EU, the German Federal Environment Agency is carrying out research on product lifetimes. Preliminary results suggest that the number of small appliances which is not achieving a life-time of 5 years is increasing and that the lifetime of large appliances – while still being above ten years – is declining. Moreover, over 10% of washing machines achieved in 2013 only 5 years lifetime or less compared to 6% in 2004.  
See: [http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte\\_10\\_2015\\_einfluss\\_d\\_er\\_nutzungsdauer\\_von\\_produkten\\_auf\\_ihre\\_umwelt\\_obsoleszenz\\_17.3.2015.pdf](http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_10_2015_einfluss_d_er_nutzungsdauer_von_produkten_auf_ihre_umwelt_obsoleszenz_17.3.2015.pdf)  
Prakash, Siddharth; Stamminger Rainer & Ines Oehme (2015): Faktencheck Obsoleszenz: Analyse der Entwicklung der Lebens- und Nutzungsdauer von ausgewählten Elektro- und elektronikgeräten. In: Brönneke, Tobias und Andrea Wechsler: Obsoleszenz interdisziplinär. Vorzeitiger Verschleiß aus Sicht von Wissenschaft und Praxis.
  - xi While EU wide data concerning the economic costs from early failing products for consumer budgets is missing, a calculation for Germany estimates based on GfK data that consumers could save 110€ every month. If “planned obsolescence” could be eliminated, this could provide 100 billion more purchase power to German households per annum. See: Christian Kreiß (2014): Geplanter Verschleiß, p. 63.
  - xii [http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013\\_Test\\_Achats\\_Belgium.pdf](http://www.beuc.eu/documents/files/FC/durablegoods/articles/1013_Test_Achats_Belgium.pdf)
  - xiii Certain deliberate acts to limit the lifetime have been investigated such as chips in printers which make the device stop working after a number of predefined numbers of copies. See: Jürgen Reuß/ Cosima Dannoritzer: Kaufen für die Müllhalde. Das Prinzip der geplanten Obsoleszenz, 2013.
  - xiv Stiftung Warentest : Geplante Obsoleszenz – Gerade gekauft und schon wieder hin ?, <https://www.test.de/Geplante-Obsoleszenz-Gerade-gekauft-und-schon-wieder-hin-4596260-0/>  
A survey of a range of standard electrical household products in the Netherlands between 2000 and 2005 showed a lifespan decrease in all but one. The lifespan of small consumer electronics decreased by 20%. Source: Conny Bakker; Marcel den Hollander; Ed van Hinter & Yvo Zijlstra (2014): Products that last. Product Design for circular business models, TU Delft, p. 31.
  - xv OCU Compra Maestra no 373: “La tecnología sin conciencia verde, September 2012, pp. 29-31”.  
Which? Often found problems with washing machine drums that are sealed.
  - xvi The UK consumer organization Which? investigated the problems of missing software support for older appliances such as smart phones, computers and internet TV in: Special Report: Commitment issues - You’ve paid good money for a new tech product, so why should the company abandon support for its services after just a couple of years? Which? Magazine, June 2014, pp. 4-7. Likewise the green alliance points out that devices with unsupported operating systems such as smart phones have limited to no resale value which presents an important barrier to reuse. Smart alliance (2015): A circular economy for smart devices. Opportunities in the US, UK and India. <http://www.green-alliance.org.uk/resources/A%20circular%20economy%20for%20smart%20devices.pdf>

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- xvii In case of printers a special chip called “EE-PROM” had been inserted into the circuit to count the number of print outs and when the foreseen number is reached, the chip makes sure the printer stops printing. Investigated by journalists Jürgen Reuß and Cosima Dannoritzer and explained in this video in the first minutes: <https://www.youtube.com/watch?v=zVFZ4Ocz4VA>
- xviii OCU Compra Maestra no 371: Repara en lugar de tirar, pp. 32-35.
- xix A short review of studies in consumption psychology can be found in the research report from AK Wien: timing of replacement purchases is also influenced by level of education and psychological factors such as items which help to express identity and receiving social recognition. [http://media.arbeiterkammer.at/wien/PDF/studien/Bericht\\_Produktnutzungsdauer.pdf](http://media.arbeiterkammer.at/wien/PDF/studien/Bericht_Produktnutzungsdauer.pdf), p. 27...
- xx The findings on mobile phones are based on consumer research from the consumer organisations Which?; Consumentenbond, OCU and Altroconsumo as well as on a “live” repair demonstration of mobile phones by IFIX It at the ECOS Annual Workshop “Developing standards to better reflect contemporary societal needs: How can standards support an energy efficient and circular economy? Brussels, 1 July 2015. On the different times of software support see in particular: Android: beperkt houdbaar\* - en ze vertellen vooraf niet eens hoe lang; digital Gids July/August 2015, pp. 28-31.
- xxi It is estimated that consumers in Germany lose 106 billion euros of purchase power per year related to planned obsolescence. This equals to 1325 Euros per person per year. See: Geplanter Verschleiss- Wie die Industrie uns zu immer mehr und immer schnellerem Konsum antreibt – und wie wir uns dagegen wehren können, pp. 114-115.
- xxii A recent UN report estimated that the world’s mountain of electrical and electronic waste reached a new peak in 2014: 42m tons. Topping the list for per-capita waste were European countries which usually are not seen as the environmental “laggards” such as Norway, Switzerland, Iceland, Denmark, Britain, the Netherlands, Sweden, France and Austria which shows that there is something wrong with material throughput in our societies. <http://i.unu.edu/media/unu.edu/news/52624/UNU-1stGlobal-E-Waste-Monitor-2014-small.pdf>
- xxiii Preliminary results of a study of the German Federal Environment Agency suggest that consumers today use certain products shorter than in the past. One of the motivations is to have a better appliance. See: Einfluss der Nutzungsdauer von Produkten auf ihre Umweltwirkung: Schaffung einer Informationsgrundlage und Entwicklung von Strategien gegen „Obsoleszenz“ ZWISCHENBERICHT: Analyse der Entwicklung der Lebens-, Nutzungs- und Verweildauer von ausgewählten Produktgruppen; [https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte\\_10\\_2015\\_einfluss\\_der\\_nutzungsdauer\\_von\\_produkten\\_auf\\_ihre\\_umwelt\\_obsoleszenz\\_17.3.2015.pdf](https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_10_2015_einfluss_der_nutzungsdauer_von_produkten_auf_ihre_umwelt_obsoleszenz_17.3.2015.pdf)
- xxiv The presentations of the conference are available at our Flagship campaign page: <http://www.beuc.eu/durable-goods>
- xxv See interview of Stiftung Warentest with Professor Albert Albers from Institute of Product Engineering at Karlsruhe Institute of Technology (KIT); cited in: test 9/2013, p. 60.
- xxvi Conny Bakker; Marcel den Hollander; Ed van Hinte & Yvo Zijlstra (2014): Products that last. Product Design for circular business models, TU Delft, p. 31.
- xxvii Ibidem.
- xxviii The Swiss Consumer Organisation SKS analysed 400 consumer complaints about early failing products. Frequently mentioned were for instance computers, printers, copy machines, household appliances, tools, furniture, shoes and textiles. [http://www.murks-nein-danke.de/blog/download/13\\_10\\_Dossier\\_geplante-Obsoleszenz.pdf](http://www.murks-nein-danke.de/blog/download/13_10_Dossier_geplante-Obsoleszenz.pdf).
- xxix The University of Bradford and Ellen MacArthur Foundation are developing an ambitious academic partnership to support and develop teaching and research programmes around the circular economy; [http://www.ellenmacarthurfoundation.org/higher\\_education/global\\_campus/p\\_and\\_n\\_universities/bradford.pdf](http://www.ellenmacarthurfoundation.org/higher_education/global_campus/p_and_n_universities/bradford.pdf).
- The TU Delft (Netherlands) hosted a Circular Product Design event on 6 November at the faculty of Industrial Design Engineering; <http://www.io.tudelft.nl/circularproductdesign>. Moreover a study team at Nottingham Trent University is working on product lifespans: [http://www.ntu.ac.uk/apps/staff\\_profiles/staff\\_directory/124788-1/26/tim\\_cooper.aspx](http://www.ntu.ac.uk/apps/staff_profiles/staff_directory/124788-1/26/tim_cooper.aspx)
- xxxi Deco Proteste, OCU, Altroconsumo and Test Achats published articles on planned obsolescence in their consumer magazines between October 2014 and February 2015.
- xxxii OCU launched in 2014 a special campaign related to the early failure of the smart phone Sony Experience Z in which they collected many consumer complaints via twitter. See: <http://www.ocu.org/tecnologia/telefono/noticias/mixperiaroto>
- See also WRAP: Switched on to value.
- xxxiii [http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte\\_10\\_2015\\_einfluss\\_der\\_nutzungsdauer\\_von\\_produkten\\_auf\\_ihre\\_umwelt\\_obsoleszenz\\_17.3.2015.pdf](http://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_10_2015_einfluss_der_nutzungsdauer_von_produkten_auf_ihre_umwelt_obsoleszenz_17.3.2015.pdf)
- xxxiv Prakash, Siddharth; Stamminger Rainer & Ines Oehme (2015): Faktencheck Obsoleszenz: Analyse der Entwicklung der Lebens- und Nutzungsdauer von ausgewählten Elektro- und elektronikgeräten. In: Brönneke, Tobias und Andrea Wechsler: Obsoleszenz interdisziplinär. Vorzeitiger Verschleiß aus Sicht von Wissenschaft und Praxis, pp. 98-99.



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- xxxv WRAP found that a longer product life does not always mean higher product cost. Expert reviews identified cost savings from design changes on 15 out of 16 products. The WRAP approach is about improving the design of critical components that fail, at low cost. See WRAP: Switched on to Value. Why extending appliance and consumer electronic product lifetimes and trading used products can benefit consumers, retailers, suppliers and the environment, <http://www.wrap.org.uk/content/switched-value>.
- xxxvi Conny Bakker; Marcel den Hollander; Ed van Hinter & Yvo Zijlstra (2014): Products that last. Product Design for circular business models, TU Delft.
- xxxvii "Greater reliability will reduce product returns due to failure, which currently cost UK retailers and brands up to £400 million every year". See: WRAP: Switched on to value.
- xxxviii [TU Delft- Circular product design conference- 6 November 2014/](#)
- xxxix Conny Bakker; Marcel den Hollander; Ed van Hinter & Yvo Zijlstra (2014): Products that last. Product Design for circular business models, TU Delft
- xl WRAP: Switched on to Value.
- xli When making this assessment, it has to be taken into account that electricity prices differ in the EU member states which could lead to different feasible replacement rates.
- xliv The green alliance underlines that screen and battery replacements are the most frequently needed repairs. According to WRAP, 73 per cent of tablets requiring repairs only need battery or screen replacements. Lack of battery life limits the attractiveness of phones, with 71 per cent of consumers putting a long lasting battery as the most important feature desired in a new phone, compared to internet access (57 per cent) and a high specification camera (41 per cent). Laptops are much less likely to need screen replacement but would benefit from an easily replaceable battery. See: green alliance (2015): A circular economy for smart devices. Opportunities in the US, UK and India, p. 12.
- xliii In cases where batteries are not replaceable, the manufacturer should have to prove that the battery has been designed to last for the life-span of the product and will still be easily removable for recycling purposes.
- xliv The study on the future work plan for Ecodesign analyses the loopholes in the WEEE directive and suggest a potential horizontal codesign measure on removability of rechargeable batteries.
- xlvi <http://www.wastecsmart.eu/en/news/innovative-ecolabel-inspiring-sustainable-consumption> and <http://miljönär.se/miljonarmarket/>
- xlvii The German Stiftung Warentest reported that a consumer purchased a Phillips TV for 2800€ which failed after 3.5 years and which could not be repaired for missing spare parts. The consumer has not received a replacement and the company asked initially the consumer to pay for destruction or sending back of the faulty TV. The company only refrained from these charges after intervention of the consumer organisation. See test 9/2013. See also report from the Swiss Consumer Organisation SKS on early failing products: [http://www.konsumentenschutz.ch/sks/content/uploads/2013/05/13\\_10\\_Dossier\\_geplante-Obsoleszenz.pdf](http://www.konsumentenschutz.ch/sks/content/uploads/2013/05/13_10_Dossier_geplante-Obsoleszenz.pdf)
- xlviii The UK consumer organisation Which? asked consumers "Do you think manufacturers should give minimum lifespans to their washing machines? 85% of over 2000 said "yes". See: <http://conversation.which.co.uk/energy-home/washing-machines-faulty-broken-lifespan-lifetime-warranty-guarantee/>
- WRAP pointed out that consumers would like to see information on product lifetimes such as evidence from product testing, third party seals of approval or product guarantees or warranties as this would be an indicator of a manufacturer's faith in his products. WRAP: Switched on to Value, p. 8.
- xlvi The Flash Eurobarometer 367 – Attitudes of Europeans towards building the single market for green products found that more than nine out of ten agreed that the lifespan of products available on the market should be indicated (92%). [http://ec.europa.eu/public\\_opinion/flash/fl\\_367\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_367_en.pdf)
- xliv The expected lifetime should be indicated based on standardised measurements and cover the time before repair is needed presumed the product has been properly maintained.
- i Directive 2010/30/EU on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, recital 5, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:153:0001:0012:EN:PDF>.
- ii A study of the Consumer Center Rhineland-Palatinate showed that energy efficiency and durability are the primary interest of consumers when purchasing new appliances. See: Comprehensibility of the EU Energy Label – Results of two focus groups and a representative consumer survey, <https://www.verbraucherzentrale-rlp.de/media231718A>.
- In addition, the Ecodesign preparatory studies for washing machines and dishwashers which have been discussed at a stakeholder meeting on 23 and 24 June 2015 showed research on consumer's preferences: "In your opinion, which of the following pieces of information are important to be indicated on a future energy label"? Responding to this question 43% asked for the expected lifetime to be declared on the Energy Label of washing machines and 45% asked for this information to be given on the energy label for dishwashers.
- iii For a full list of energy labelling measures consult [https://ec.europa.eu/energy/sites/ener/files/documents/list\\_of\\_energylabelling\\_measures.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/list_of_energylabelling_measures.pdf)
- liii <http://www.eesc.europa.eu/?i=portal.en.public-procurement-future-low&itemCode=34569>
- liv <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-planned-obsolence-rt-presentations.33441>

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- iv One example is the Sony Experia Z case investigated by Consumentenbond and OCU where the mobile phone was marketed with the claim "as hard as steel" even though hundreds of consumers complained that devices broke within a few months.
  - lvi Almost half of the respondents to a Eurobarometer survey said that they decided not to have a faulty product repaired in the past 12 months because the repair costs were too high (42%). See: Flash Eurobarometer 367 – Attitudes of Europeans towards building the single market for green products, [http://ec.europa.eu/public\\_opinion/flash/fl\\_367\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_367_en.pdf)
  - lvii Evidence about this development has for instance been collected by Repair- and Service Center R.U.S.Z. in Austria. A demonstration can be found in this video "RREUSE - Obstacles to Repair: Fridges, Washing Machines, Dishwashers": <https://www.youtube.com/watch?v=JAQlvBi1sKs>
  - lviii ONR 192191: 2014: Label of excellence for durable, repair-friendly designed electrical and electronic appliances. This standard replaces ONR 192192:2006.
  - lix A draft mandate from 2014 has so far not been successful but the EU Commission is
  - lx For policy demands according the same lines see also ECOS, EEB and UK SNS discussion paper on the draft standardisation request on material efficiency aspects for Ecodesign products, 12 February 2015, <http://ecostandard.org/wp-content/uploads/ECOS-EEB-UKSNS-Discussion-Paper-on-Material-Efficiency-Mandate.pdf>.
  - lxi While we have not found evidence for the whole EU, an analysis for the UK suggests that improving resource efficiency can have lasting beneficial effects on the British labour market. Keeping products and resources in use for as long as possible through recovery, reuse, repair, remanufacturing and recycling protects not only the environment but also offers substantial economic benefits. The specific added value of the study is that it goes beyond a mere number based calculation of number of jobs created and lost but puts the analysis in the context of the overall job market situation in the UK which allowed to make three distinct scenarios for the potential expansion of the circular economy by 2030. In all three scenarios there would be net benefits. See WRAP/ Green Alliance (2015): Employment and the circular economy. Job creation in a more resource efficient Britain, <http://www.wrap.org.uk/sites/files/wrap/Employment%20and%20the%20circular%20economy%20summary.pdf>.
  - lxii [http://ec.europa.eu/environment/industry/retail/index\\_en.htm](http://ec.europa.eu/environment/industry/retail/index_en.htm)
  - lxiii In the UK WRAP launched in 2014 the Electrical and Electronic Equipment Sustainability Action Plan (esap) which seeks to generate long lasting collaborative action, benefiting businesses, consumers and the environment to revolutionise how we design, manufacture, sell, repair, re-use, and recycle electrical and electronic products. One activity seeks to develop product specifications on how to improve durability of specific products which can be taken into account by manufacturers and retailers in their procurement. This seems to be a best-practice model which should be expanded throughout the EU.
  - lxiv See point 36 in the 7th EAP: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D1386&from=EN>