



C/2023/1087

15.12.2023

P9_TA(2023)0201

Empowering consumers for the green transition

Amendments adopted by the European Parliament on 11 May 2023 on the proposal for a directive of the European Parliament and of the Council on amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information (COM(2022)0143 — C9-0128/2022 — 2022/0092(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(C/2023/1087)

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) In order to tackle unfair commercial practices **which prevent** consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims ('greenwashing'), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

(1) In order to tackle unfair commercial practices **that deceive** consumers **and prevent them** from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading **or false** environmental claims ('greenwashing'), non-transparent, **non-certified** and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are **reliable, clear, understandable and** fair, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment. **Companies also have a role to play in promoting a green transition and greater sustainability of the products they produce and sell on the internal market.**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0099/2023).

Amendment 2
Proposal for a directive
Recital 3

Text proposed by the Commission

- (3) In order to deter traders from deceiving consumers as regards the environmental or social impact, durability or reparability of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact, durability and reparability of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. Information provided by traders on the social sustainability of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either.

Amendment

- (3) In order to deter traders from deceiving consumers as regards the environmental or social impact, durability or reparability of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact, durability, **reusability, recyclability** and reparability of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. Information provided by traders on the social sustainability of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either.

Amendment 3
Proposal for a directive
Recital 4

Text proposed by the Commission

- (4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective and verifiable commitments and targets given by the trader. **Such** claims should also be supported by an independent monitoring system to monitor the progress of the **trader with regard to the** commitments and targets.

Amendment

- (4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are **based solely on carbon offsetting schemes or are** not supported by clear, objective, **quantified, science-based** and verifiable commitments and targets given by the trader, **including a detailed and realistic implementation plan to achieve this future environmental performance. That plan should include concrete targets consistent with achieving the trader's long-term commitment, underpinned by a sufficient budget and allocation of sufficient resources.** Claims should also be supported by an independent monitoring system to monitor the progress of the **implementation plan, the trader's** commitments and targets.

Amendment 4
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) Comparing products based on their environmental or social aspects, including through the use of sustainability information tools, is an increasingly common marketing technique. In order to ensure that such comparisons do not mislead consumers, Article 7 of Directive 2005/29/EC should be amended to require that the consumer is provided with information about the method of the comparison, the products which are the object of comparison and the suppliers of those products, and the measures to keep information up to date. This should ensure that consumers make better informed transactional decisions when using such services. The comparison should be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and verifiable features of the products being compared.

Amendment

- (6) Comparing products based on their environmental or social aspects, including through the use of sustainability information tools, is an increasingly common marketing technique **that could be misleading to consumers, who are not always able to assess the reliability of that information**. In order to ensure that such comparisons do not mislead consumers, Article 7 of Directive 2005/29/EC should be amended to require that the consumer is provided with information about the method of the comparison, the products which are the object of comparison and the suppliers of those products, and the measures to keep information up to date. This should ensure that consumers make better informed transactional decisions when using such services. The comparison should be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and verifiable features of the products being compared.

Amendment 5
Proposal for a directive
Recital 7

Text proposed by the Commission

- (7) The displaying of sustainability labels which are not based on a certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil minimum transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

Amendment

- (7) The displaying of sustainability labels which are not based on a certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil minimum transparency and credibility conditions. **The monitoring of compliance of the certification scheme should be supported by methods that are proportionate and relevant to the nature of the products, processes and businesses that are subject to the scheme. It should be carried out by a third party whose competencies and independence, from both the scheme owner and the trader, have been verified by the Member States. Furthermore, certification schemes should include a complaints system that is available to consumers and other external stakeholders, focuses on non-compliance and ensures the withdrawal of the sustainability label** in

cases of non-compliance. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation. **Sustainability labels established by public authorities should be accessible at a reasonable cost to all businesses regardless of their size and financial capability. Certification schemes and sustainability labels that foster the incremental uptake of sustainable practices by small and medium enterprises should be encouraged.**

Amendment 6

Proposal for a directive

Recital 9

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without **recognised** excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', 'carbon friendly', **'carbon neutral', 'carbon positive'**, 'climate neutral', 'energy efficient', 'biodegradable', 'biobased' or similar statements, as well as broader statements such as 'conscious' or 'responsible' that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface. For example, the claim 'biodegradable', referring to a product, would be a generic claim, whilst claiming that 'the packaging is biodegradable through home composting in one month' would be a specific claim, which does not fall under this prohibition.

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without **providing evidence of the** excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', **'natural', 'animal-friendly', 'cruelty-free', 'sustainable'**, 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', **'deforestation-free'**, 'carbon friendly', 'climate neutral', 'energy efficient', 'biodegradable', **'plastic neutral', 'plastic-free'**, 'biobased' or similar statements, as well as broader statements such as 'conscious' or 'responsible' that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever **they are based on offsetting of environmental impacts, such as purchasing of carbon credits, or whenever** there is no excellent environmental performance demonstrated **or scientific evidence to it**, or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface. For example, the claim 'biodegradable',

Text proposed by the Commission

Amendment

referring to a product, would be a generic claim, whilst claiming that 'the packaging is biodegradable through home composting in one month' would be a specific claim, which does not fall under this prohibition. **In cases where it cannot be substantiated by scientific evidence, it is particularly important to prohibit claims suggesting, based on carbon offsetting, that a product or service has a neutral, reduced, compensated or positive carbon emissions' impact on the environment as it can mislead consumers by making them believe that the product they buy or the trader's business has no impact on the environment. This should not prevent companies from advertising their investments in environmental initiatives as long as such advertising does not claim that such investments or initiatives compensate, neutralise, or render positive the impact of the product or the impact of the trader's business on the environment.**

Amendment 7

Proposal for a directive

Recital 14

Text proposed by the Commission

Amendment

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices are also likely to reduce the amount of waste, contributing to a more sustainable consumption.

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. **Engaging in practices that lead to the shortening of a product's lifespan or** purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices, are also likely to reduce the amount of waste, contributing to a more sustainable consumption.

Amendment 8
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) It should also be prohibited to **omit to inform the consumer about the existence of** a feature of the good **introduced to limit** its durability. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition **of omitting to inform consumers of** such features of the goods **complements and** does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council⁽²⁶⁾. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

⁽²⁶⁾ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Amendment

- (16) It should also be prohibited to **introduce** a feature of the good **that limits** its durability. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition **to introduce** such features of the goods does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council⁽²⁶⁾. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

⁽²⁶⁾ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Amendment 9
Proposal for a directive
Recital 17

Text proposed by the Commission

- (17) Another practice which should be prohibited under Annex I to Directive 2005/29/EC is the practice of claiming that a good has a certain durability when it does not. That would be the case, for instance, when a trader informs consumers that a washing machine is expected to last a certain number of washing cycles, while the actual use of washing machine shows this is not the case.

Amendment

- (17) Another practice which should be prohibited under Annex I to Directive 2005/29/EC is the practice of claiming that a good has a certain durability when it does not. That would be the case, for instance, when a trader informs consumers that a washing machine is expected to last a certain number of washing cycles **in accordance with normal expected use in accordance with the instructions** while the actual use of washing machine shows this is not the case.

Amendment 10
Proposal for a directive
Recital 18

Text proposed by the Commission

- (18) Similarly, Annex I to Directive 2005/29/EC should also be amended to prohibit **presenting products as allowing repair when such repair is not possible, as well as omitting to inform consumers that it is not possible to repair goods** in accordance with legal requirements.

Amendment

- (18) Similarly, Annex I to Directive 2005/29/EC should also be amended to prohibit **marketing a good which does not allow** repair in accordance with legal requirements **or failing to inform the consumer that a good is unrepairable. In addition, Annex I to Directive 2005/29/EC should also be amended to ensure that the consumer is always informed of repair restrictions such as the unavailability of repair services, the unavailability of spare parts or the refusal to repair in the event that the product has been repaired by an independent professional, a non-professional or a user.**

Amendment 11
Proposal for a directive
Recital 20

Text proposed by the Commission

- (20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is **inducing the consumer into** replacing the consumables **of a product** earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading **them** to purchase more consumables than necessary. For example, **the practice of urging the consumer, via the settings of the printer, to replace the printer ink cartridges before they are actually empty in order to stimulate the purchase of additional ink cartridges would be prohibited.**

Amendment

- (20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is **marketing goods that require** replacing the consumables earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading **consumers** to purchase more consumables than necessary. For example, **marketing a printer that requires consumers** to replace the printer ink cartridges before they are actually empty in order to stimulate the purchase of additional ink cartridges would be prohibited.

Amendment 12
Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit **omitting to inform the consumer that the good is** designed **to limit its** functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer **without disclosing this information to the consumer** would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer **without disclosing this information to the consumer** would be prohibited as well.

Amendment

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit **marketing goods that are** designed **in a way that limits their** functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer would be prohibited as well.

Amendment 13
Proposal for a directive
Recital 22

Text proposed by the Commission

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council⁽²⁷⁾ should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882⁽²⁸⁾. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770⁽²⁹⁾ and (EU) 2019/771⁽³⁰⁾ of the European Parliament and of the Council.

⁽²⁷⁾ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

⁽²⁸⁾ Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

⁽²⁹⁾ Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

⁽³⁰⁾ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Amendment

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available **in accordance with requirements under Union or national law, which covers as a minimum, the period as specified in Union law and its voluntary extension, where the producer makes such information available.** Therefore, Directive 2011/83/EU of the European Parliament and of the Council⁽²⁷⁾ should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers, **including in an official language or in official languages of the Member State where the good is offered**, in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882⁽²⁸⁾. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770⁽²⁹⁾, (EU) 2019/771⁽³⁰⁾ **and (EU) 2011/83** of the European Parliament and of the Council.

⁽²⁷⁾ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

⁽²⁸⁾ Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

⁽²⁹⁾ Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

⁽³⁰⁾ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Amendment 14
Proposal for a directive
Recital 23

Text proposed by the Commission

- (23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be amended to specifically require traders **selling goods to inform consumers about the existence** of the **producer's** commercial guarantee of durability **for all types of goods, where the producer makes this information available**.

Amendment

- (23) A good indicator of a good's durability is the **duration of the legal guarantee of conformity, as well as its voluntary extension in the form of the equivalent** producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771, **covering the entire good and provided without an additional cost**. Therefore, Directive 2011/83/EU should be amended to specifically require traders **to provide, before the conclusion of the contract, a label indicating, as a minimum, a reminder of the legal guarantee of conformity, and if relevant, its voluntary extension in the form of a** commercial guarantee of durability.

Amendment 15
Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

- (23a) **When the goods are made available to consumers and other end-users, the label should be displayed prominently and in a clearly legible way.**

Amendment

- (23a) **When the goods are made available to consumers and other end-users, the label should be displayed prominently and in a clearly legible way.**

Amendment 16
Proposal for a directive
Recital 24

Text proposed by the Commission

- (24) **The problem of limited durability contrary to consumer expectations is most relevant for energy-using goods, which are goods that function from an external energy source. Consumers are also most interested in receiving information about the expected durability of this category of goods. For these reasons, only for this category of goods, consumers should be made aware that the information about the existence of a producer's commercial guarantee of durability of more than two years has not been provided by the producer.**

Amendment

- deleted**

Amendment 17
Proposal for a directive
Recital 25

Text proposed by the Commission

Amendment

- (25) *Goods containing energy-using components, where those components are mere accessories and do not contribute to the main function of those goods, such as decorative lighting for clothing or footwear or electric light for a bicycle, should not be classified as energy-using goods.*

deleted

Amendment 18
Proposal for a directive
Recital 26

Text proposed by the Commission

Amendment

- (26) *In view of the established minimum duration of two years of the seller's liability for lack of conformity in accordance with Directive (EU) 2019/771 and the fact that many product failures occur after two years, the trader's obligation to inform consumers about the existence and duration of the producer's commercial guarantee of durability should apply to guarantees that are of more than two years.*

deleted

Amendment 19
Proposal for a directive
Recital 27

Text proposed by the Commission

Amendment

- (27) *In order to make it easier for consumers to take an informed transactional decision when comparing goods before concluding a contract, traders should inform consumers about the existence and duration, of the producer's commercial guarantee of durability for the entire good and not for specific components of the good.*

deleted

Amendment 20
Proposal for a directive
Recital 28

Text proposed by the Commission

- (28) The producer and the seller should remain free to offer other types of commercial guarantees and after-sales services of any duration. However, the information provided to the consumer about such other commercial guarantees or services should not confuse the consumer **with regard to the existence and duration of the producer's commercial guarantee of durability that covers the entire good and has a duration of more than two years.**

Amendment

- (28) The producer and the seller should remain free to offer other types of commercial guarantees and after-sales services of any duration. However, the information provided to the consumer about such other commercial guarantees or services should not confuse the consumer.

Amendment 21
Proposal for a directive
Recital 29

Text proposed by the Commission

- (29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer **commits to** provide software updates for such goods. **However, to avoid overloading consumers with information, such information should only be provided when this period is longer than the period of the producer's commercial guarantee of durability, as that guarantee entails the provision of updates, including security updates, that are necessary to maintain the required functions and performance of goods with digital elements. Furthermore, information about the producer's commitment to provide software updates is relevant only where the sales contract regarding goods with digital elements provides for a single act of supply of the digital content or digital service in respect of which Article 7(3), point (a), of Directive (EU) 2019/771 applies. In contrast, there should be no new obligation to provide that information where the sales contract provides for a continuous supply of the digital content or digital service over a period of time, since for those contracts Article 7(3), point (b), of Directive (EU) 2019/771 specifies, by reference to Article 10 (2) or (5), the period of time during which the seller is to ensure that the consumer is informed of and supplied with updates.**

Amendment

- (29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer **will** provide software updates for such goods **including, as a minimum, the period provided for in Union law and its voluntary extension where the producer makes such information available;** information should only be provided when this period is longer than the period of the producer's commercial guarantee.

Amendment 22
Proposal for a directive
Recital 30

Text proposed by the Commission

- (30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period during which the provider of the digital content or digital service, where the provider is different from the trader, **commits to** provide software updates, including security updates, necessary to keep the digital content and digital services in conformity. Information **about the provider's commitment to provide software updates is relevant only where the contract provides for a single act of supply or a series of individual acts of supply in respect of which Article 8(2), point (b), of Directive 2019/770 applies. In contrast, there should be no new obligation to provide that information where the contract provides for a continuous supply over a period of time, since for these contracts Article 8(2), point (a) of Directive (EU) 2019/770 specifies the period of time during which the trader is to ensure that the consumer is informed of and supplied with updates.**

Amendment

- (30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period, **after the date of placement on the market**, during which the provider of the digital content or digital service, where the provider is different from the trader, **will** provide software updates, including security updates, necessary to keep the digital content and digital services in conformity. **This information should include, as a minimum, the period for which the updates have to be provided for in Union law. The provider will provide this information to the trader in all cases.**

Amendment 23
Proposal for a directive
Recital 31

Text proposed by the Commission

- (31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law.

Amendment

- (31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law **or national law.**

Amendment 24
Proposal for a directive
Recital 32

Text proposed by the Commission

- (32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services, **where such services are provided**. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established **in accordance with Union law**, traders should provide, for all types of goods, other relevant repair information **that is made available by the producer**, such as information about the availability **of** spare parts, **and** a user and repair manual.

Amendment

- (32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established, traders should provide, for all types of goods, other relevant repair information, such as information about the availability **and maximum price expected of the spare parts necessary to repair a good, including the minimum period after the purchase of the good during which spare parts and accessories are available, the procedure for ordering them, the availability of** a user and repair manual **as well as the availability of diagnosis and repair tools and services. This information should be provided to the respective traders by the producers of the goods.**

Amendment 25
Proposal for a directive
Recital 33

Text proposed by the Commission

- (33) Traders should provide consumers with information about the existence **and duration** of the **producer's commercial guarantee of durability**, the minimum period for updates and the repair information other than the reparability score, **where the producer or provider of the digital content or digital service, when different from the trader, makes the relevant information available**. In particular, as regards goods, the trader should convey to consumers the information that the producer has provided to the trader or has otherwise intended to make readily available to the consumer before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for such information from the producer, for example, on the product-specific websites.

Amendment

- (33) Traders should provide consumers with information about the existence of the **label**, the minimum period for updates and the repair information other than the reparability score. In particular, as regards goods, the trader should convey to consumers the information that the producer has provided to the trader or has otherwise intended to make readily available to the consumer before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for such information from the producer, for example, on the product-specific websites. **Where traders are not producers of goods, their influence on the design of the products and their input regarding any information accompanying the products might be limited. In that case, the producers should provide the relevant information to traders interacting with consumers. Furthermore, traders should be responsible for further passing on the information to consumers.**

Amendment 26
Proposal for a directive
Recital 36 a (new)

Text proposed by the Commission

Amendment

- (36a) *The Commission should present easy-to-understand guidelines for businesses with the requirements of this Directive. When developing such guidelines, the Commission should take into consideration the needs of SMEs in order to keep administrative and financial burdens to a minimum while facilitating their compliance with this Directive. The Commission should consult relevant stakeholders, with expertise in the field of marketing.*

Amendment 27
Proposal for a directive
Article 1 — paragraph 1 — point 1 — introductory part

Text proposed by the Commission

Amendment

(1) in Article 2, the following points (o) to **(y)** are added:

(1) in Article 2, the following points (o) to **(ya)** are added:

Amendment 28
Proposal for a directive
Article 1 — paragraph 1 — point 1
 Directive 2005/29/EC
 Article 2 — paragraph 1 — point o

Text proposed by the Commission

Amendment

(o) 'environmental claim' means any message or representation, which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication, which states or implies that a product or trader has a positive or no impact on the environment or is less damaging to the environment than other products or traders, respectively, or has improved their impact over time;

(o) 'environmental claim' means any message or representation which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication, **and** which states or implies that a product, **product category, brand** or trader has a positive or no impact on the environment or is less damaging to the environment than other products, **brands** or traders, respectively, or has improved their impact over time;

Amendment 29**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point p

*Text proposed by the Commission**Amendment*

(p) ‘**explicit environmental claim**’ means **an environmental claim that is in textual form or contained in a sustainability label;**

*deleted***Amendment 30****Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point q

*Text proposed by the Commission**Amendment*

(q) ‘generic environmental claim’ means **any explicit** environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

(q) ‘generic environmental claim’ means **an** environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

Amendment 31**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point s

*Text proposed by the Commission**Amendment*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to **all** traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, **and** for which the monitoring of compliance **is** objective, based on international, Union or national standards and procedures **and** carried **out** by a party **independent** from both the scheme owner and the trader;

(s) ‘certification scheme’ means a third-party verification scheme:

(i) that is open under **publicly available**, transparent, fair and non-discriminatory terms **and at a reasonable cost** to traders **and entities** willing and able to comply with the scheme’s requirements;

Text proposed by the Commission

Amendment

- (ii) that certifies that a product, **a process or a business** complies with certain **publicly available and independently developed** requirements;
- (iii) for which the monitoring of compliance **and the award of the certification are** objective, based on international, Union or national standards and procedures **taking into account the nature of the products, processes, or businesses concerned**;
- (iv) **that ensures that the monitoring of compliance referred to in point (iii) is** carried out by a **third** party, **whose competencies and independence**, from both the scheme owner and the trader, **have been verified by the Member States; and**
- (v) **that includes a complaints system that is available to consumers and other external stakeholders, focuses on non-compliance and ensures the withdrawal of the sustainability label in cases of non-compliance**;

Amendment 32

Proposal for a directive

Article 1 — paragraph 1 — point 1

Directive 2005/29/EC

Article 2 — paragraph 1 — point t

Text proposed by the Commission

Amendment

(t) 'sustainability information tool' means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects;

(t) 'sustainability information **and comparison** tool' means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects.

Amendment 33

Proposal for a directive

Article 1 — paragraph 1 — point 1

Directive 2005/29/EC

Article 2 — paragraph 1 — point w

Text proposed by the Commission

Amendment

(w) 'software update' means a free update, including a security update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771;

(w) 'software update' means a free update, including **either** a security **update or a functionality or feature** update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771 **or which improves or reduces their durability**;

Amendment 34**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point w a (new)

Text proposed by the Commission

Amendment

(wa) ‘security update’ means an operating system update, including security patches, if relevant for a given device, whose main purpose is to provide enhanced security for the device;

Amendment 35**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point w b (new)

Text proposed by the Commission

Amendment

(wb) ‘functionality update’ means an operating system update whose main purpose is to implement new functionalities;

Amendment 36**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point x

Text proposed by the Commission

Amendment

(x) ‘consumable’ means any component of a good that is used up recurrently and needs to be replaced for the good to function as intended;

(x) ‘consumable’ means any component of a good that is used up recurrently and needs to be replaced **or replenished** for the good to function as intended;

Amendment 37**Proposal for a directive****Article 1 — paragraph 1 — point 1**

Directive 2005/29/EC

Article 2 — paragraph 1 — point y a (new)

Text proposed by the Commission

Amendment

(ya) ‘carbon offsetting’ means the purchase of carbon credits or the provision of financial support for environmental projects, that aim to neutralise, reduce, compensate or inset the purchaser’s own environmental impact, or that of their goods or services.

Amendment 38**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point a**

Directive 2005/29/EC

Article 6 — paragraph 1 — point b

*Text proposed by the Commission**Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product;'

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, **reusability, recyclability**, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product;'

Amendment 39**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point a (new)**

Directive 2005/29/EC

Article 6 — paragraph 2 — point c

*Present text**Amendment*

(c) any marketing of a good, in one Member State, **as being** identical to **a** good marketed in other Member States, while that good **has significantly different** composition or characteristics, **unless justified by legitimate and objective factors**.

(c) any marketing of a good, in one Member State, **with seemingly identical presentation to another good, which is** marketed, in other Member States, **under the same brand, trademark or designation**, while that good **presents differences in** composition or characteristics, **including its sensory profile**;

Amendment 40**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point b — introductory part***Text proposed by the Commission**Amendment*

(b) in paragraph 2, the following points (d) **and (e)** are added:

(b) in paragraph 2, the following points (d) **to (ea)** are added:

Amendment 41**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point b**

Directive 2005/29/EC

Article 6 –paragraph 2 — point d

Text proposed by the Commission

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments **and** targets and without an independent monitoring system;

Amendment

(d) making an environmental claim related to future environmental performance **solely based on carbon offsetting schemes or** without clear, objective, **quantified, science-based** and verifiable commitments, **without a detailed and realistic implementation plan with reference to budgetary and technological commitments, without feasible** targets, and without an independent monitoring system **that is based on relevant data;**

Amendment 42**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point b**

Directive 2005/29/EC

Article 6 — paragraph 2 — point e a (new)

Text proposed by the Commission

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments **and** targets and without an independent monitoring system;

Amendment

(*ea*) **practices with the effect or likely effect of distorting or impairing the autonomy, decision-making or choice of the recipients of the service, on purpose or in effect, via the structure, design, or functionalities of an online interface or a part thereof.**

Amendment 43**Proposal for a directive****Article 2 — paragraph 1 — point 1 — point a**

Directive 2011/83/EU

Article 2 — paragraph 1 — point 3a

Text proposed by the Commission

(a) **the following point (3a) is inserted:**

‘(3a) “energy-using good” means any good that depends on energy input (electricity, fossil fuels and renewable energy sources) to work as intended;’;

Amendment

deleted

Amendment 44**Proposal for a directive****Article 2 — paragraph 1 — point 1 — point b**

Directive 2011/83/EU

Article 2 — paragraph 1 — point 14d

*Text proposed by the Commission**Amendment*

(14d) ‘reparability score’ means a score expressing the capacity of a good to be repaired, based on a method established **in accordance with** Union law;

(14d) ‘reparability score’ means a score expressing the capacity of a good to be repaired, based on a **harmonised** method established **at** Union level;

Amendment 45**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a**

Directive 2011/83/EU

Article 5 — paragraph 1 — point -a (new)

*Text proposed by the Commission**Amendment*

(-a) point (e) is deleted;

Amendment 46**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a — introductory part***Text proposed by the Commission**Amendment*

(a) the following points (ea) to **(ed)** are inserted:

(a) the following points (ea) to **(ec)** are inserted:

Amendment 47**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a**

Directive 2011/83/EU

Article 5 — paragraph 1 — point ea

*Text proposed by the Commission**Amendment*

(ea) for all goods, **where the producer makes it available, information that the goods benefit from** a commercial guarantee of durability **and its duration in units of time, where that guarantee covers the entire good and has a duration of more than** two years;

(ea) **for all goods, a label as set out in Annex Z indicating the duration of the legal guarantee of conformity and, if relevant, its voluntary extension in the form of a commercial guarantee of durability;**

Amendment 48

Proposal for a directive

Article 2 — paragraph 1 — point 2 — point a

Directive 2011/83/EU

Article 5 — paragraph 1 — point eb

Text proposed by the Commission

Amendment

(eb) for energy-using goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);

deleted

Amendment 49

Proposal for a directive

Article 2 — paragraph 1 — point 2 — point a

Directive 2011/83/EU

Article 5 — paragraph 1 — point ec

Text proposed by the Commission

Amendment

(ec) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the **producer** provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;**

(ec) for goods with digital elements, the minimum period in units of time, **after the date of placement on the market**, during which the producer provides software updates, **which covers, as a minimum, the period as provided for in Union law and its voluntary extension, where the producer makes such information available for which the updates shall be provided;**

Amendment 50**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a**

Directive 2011/83/EU

Article 5 — paragraph 1 — point ed

Text proposed by the Commission

(ed) for digital content and digital services, where their provider is different from the trader **and makes such information available**, the minimum period in units of time during which the provider provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time**;

Amendment

(ed) for digital content and digital services, where their provider is different from the trader, the minimum period, **after the date of placement on the market**, in units of time during which the provider provides software updates, **which covers, as a minimum, the period during which updates shall be provided in accordance with the applicable Union law**;

Amendment 51**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point b**

Directive 2011/83/EU

Article 5 — paragraph 1 — point j

Text proposed by the Commission

(j) when point (i) is not applicable, information **made available** by the producer about the availability **of** spare parts, including the procedure of ordering them, and **about** the availability of a user and repair manual.;

Amendment

(j) when point (i) is not applicable, information **provided** by the producer about the availability **and maximum price expected of the** spare parts **necessary to repair goods**, including **the minimum period, after the purchase of the good, during which spare parts and accessories are available**, the procedure of ordering them, and the availability of a user and repair manual, **as well as the availability of diagnosis and repair tools and services**.;

Amendment 52**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a**

Directive 2011/83/EU

Article 5 — paragraph 1 — subparagraph 1 a (new)

*Text proposed by the Commission**Amendment*

Notwithstanding point (ea), when traders offer products in more than one Member State, they may opt to refer to the minimum Union period of two years of legal guarantee of conformity on the label referred to in Annex Z. Under this option, traders shall ensure that the label is accompanied by a statement that reads that ‘a consumer benefits from a minimum legal guarantee of two years, unless a guarantee of more than two years is provided for under the applicable national law’.

Amendment 53**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point b a (new)**

Directive 2011/83/EU

Article 5 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph 1 a is inserted:

‘1a. The Commission is empowered to adopt delegated acts in accordance with Article XXX in order to amend Annex Z by introducing, modifying, adding or removing any details in relation to the information or textual elements set out in this Article.’;

Amendment 54**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point b b (new)**

Directive 2011/83/EU

Article 5 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

(bb) the following paragraph 1b is inserted:

‘1b. The producer shall make all relevant information, including information listed in points ea, eb, ec, i and j, available to the trader, in order to ensure that the trader is able to comply with the relevant information obligations set out in paragraph 1.’

Amendment 55**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point -a (new)**

Directive 2011/83/EU

Article 6 — paragraph 1 — point g

Text proposed by the Commission

Amendment

(-a) point (g) is replaced by the following:

‘(g) the arrangements for payment, delivery, performance, the time by which the trader undertakes to deliver the goods or to perform the services, and where applicable, the existence of delivery options that emit less CO₂, and, where applicable, the trader’s complaint handling policy.’;

Amendment 56**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point -aa (new)**

Text proposed by the Commission

Amendment

(-aa) points (l) and (m) are deleted;**Amendment 57****Proposal for a directive****Article 2 — paragraph 1 — point 3 — point a**

Directive 2011/83/EU

Article 6 — paragraph 1 — point ma

Text proposed by the Commission

Amendment

(ma) for all **types of** goods, **where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;**

(ma) for all goods **a label as set out in Annex Z indicating the duration of the legal guarantee of conformity and, if relevant, its voluntary extension in the form of a commercial guarantee of durability;**

Amendment 58**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point a**

Directive 2011/83/EU

Article 6 — paragraph 1 — point mb

Text proposed by the Commission

Amendment

(mb) for **energy-using** goods, where the producer **does not make available information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);**

deleted

Amendment 59

Proposal for a directive

Article 2 — paragraph 1 — point 3 — point a

Directive 2011/83/EU

Article 6 — paragraph 1 — point mc

Text proposed by the Commission

(mc) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the producer provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ma), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;**

Amendment

(mc) for goods with digital elements, the minimum period in units of time, **after the date of placement on the market**, during which the producer provides software updates, **which covers as a minimum, the period as provided for in Union law and its voluntary extension, where the producer makes such information available, for which the updates shall be provided;**

Amendment 60

Proposal for a directive

Article 2 — paragraph 1 — point 3 — point a

Directive 2011/83/EU

Article 6 — paragraph 1 — point md

Text proposed by the Commission

(md) for digital content and digital services, where their provider is different from the trader **and makes such information available**, the minimum period in units of time during which the provider provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time;**

Amendment

(md) for digital content and digital services, where their provider is different from the trader, the minimum period, **after the date of placement on the market**, in units of time during which the provider provides software updates, **which covers, as a minimum, the period during which updates shall be provided in accordance with the applicable Union law;**

Amendment 61**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point b**

Directive 2011/83/EU

Article 6 — paragraph 1 — point v

Text proposed by the Commission

(v) when point (u) is not applicable, information **made available** by the producer about the availability **of** spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

Amendment

(v) when point (u) is not applicable, information **provided** by the producer about the availability **and maximum price expected of the** spare parts **necessary to repair goods**, including **the minimum period, after the purchase of the good, during which spare parts and accessories are available**, the procedure of ordering them, and the availability of a user and repair manual, **as well as the availability of diagnosis and repair tools and services.**;

Amendment 62**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point b**

Directive 2011/83/EU

Article 6 — paragraph 1 — point v a (new)

*Text proposed by the Commission**Amendment*

(va) the address of the available repair centres where the goods shall be returned to by the consumer for the purpose of repair.

Amendment 63**Proposal for a directive****Article 2 — paragraph 1 — point 3 — point b b (new)**

Directive 2011/83/EU

Article 6 — paragraph 1 a (new)

*Text proposed by the Commission**Amendment*

(bb) the following paragraph 1a is inserted:

‘1a. The producer shall make all relevant information, including information listed in points ea, eb, ec, i and j of paragraph 1, available to the trader, in order to ensure that the trader is able to comply with the relevant information obligations set out in paragraph 1.’

Amendment 64
Proposal for a directive
Article 3 — paragraph 1

Text proposed by the Commission

By [5 years from adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.

Amendment

By [5 years from adoption], the Commission shall submit a report on the application of this Directive **and on the level of progress achieved** to the European Parliament and to the Council.

Amendment 65
Proposal for a directive
Article 3 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

That report shall contain an assessment regarding whether the Directive contributed to enhancing the protection of consumers against unfair commercial practices and misleading advertising of products advertised as sustainable as well as a summary of positive and negative effects on businesses, and in particular on small and medium-sized enterprises.

Amendment 66
Proposal for a directive
Annex Z

Text proposed by the Commission

Amendment

Annex Z

Content and format of the label

1. The label shall have the following format:

XX Years + YY Years

2. The letters ‘XX’ shall be replaced by the figure corresponding to the duration of the legal guarantee of conformity. The letters YY shall be replaced by the figure corresponding to the voluntary extension of the legal guarantee of conformity in the form of an equivalent commercial guarantee of durability.

3. The label shall be displayed prominently and in a way that is clearly legible to the consumer.

Amendment 67**Proposal for a directive****Annex I — paragraph 1 — point 2 — introductory part***Text proposed by the Commission**Amendment*(2) the following points 4a **and 4b** are inserted:(2) the following points 4a **to 4bb** are inserted:**Amendment 68****Proposal for a directive****Annex I — paragraph 1 — point 2**

Directive 2005/29/EC

Annex I — point 4a

*Text proposed by the Commission**Amendment*4a. Making a generic environmental claim for which the trader **is not able to demonstrate** recognised excellent environmental performance relevant to the claim.4a. Making a generic environmental claim for which the trader **does not provide evidence of the** recognised excellent environmental performance relevant to the claim.**Amendment 69****Proposal for a directive****Annex I — paragraph 1 — point 2**

Directive 2005/29/EC

Annex I — point 4b

*Text proposed by the Commission**Amendment*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

4b. Making an environmental claim about the entire product **or the trader's business** when it actually concerns only a certain aspect of the product **or of the trader's business**.**Amendment 70****Proposal for a directive****Annex I — paragraph 1 — point 2**

Directive 2005/29/EC

Annex I — point 4ba (new)

*Text proposed by the Commission**Amendment***4ba. Claiming, based on carbon offsetting, that a product has a neutral, reduced, compensated or positive greenhouse gas emissions' impact on the environment.**

Amendment 71**Proposal for a directive****Annex I — paragraph 1 — point 2**

Directive 2005/29/EC

Annex I — point 4bb (new)

Text proposed by the Commission

Amendment

4bb. Making an environmental claim which cannot be substantiated in accordance with legal requirements.

Amendment 72**Proposal for a directive****Annex I — paragraph 1 — point 2 a (new)**

Directive 2005/29/EC

Annex I — point 7a (new)

Text proposed by the Commission

Amendment

(2 a) the following point 7a inserted:

- ‘7a. (i) Giving more prominence to certain choices when asking the recipient of an online service for a decision.**
- (ii) Making the procedure of terminating a service significantly more burdensome than signing up to it.’**

Amendment 73**Proposal for a directive****Annex I — paragraph 1 — point 3 a (new)**

Directive 2005/29/EC

Annex I — point 13 a (new)

Text proposed by the Commission

Amendment

(3a) the following point 13a is inserted:

‘13a. Any marketing of a good as being identical or seemingly identical to the other good marketed in one or various Member States, while those goods have different composition or characteristics which have not been clearly marked on the packaging, so as to be visible to the consumer.’

Amendment 74**Proposal for a directive****Annex I — paragraph 1 — point 4 — introductory part**

Directive 2005/29/EC

Annex I — point 4

*Text proposed by the Commission**Amendment*(4) the following points 23d to **23i** are inserted:(4) the following points 23d to **23ib** are inserted:**Amendment 75****Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23d a (new)

*Text proposed by the Commission**Amendment***23da. Omitting to inform the consumer in a clear and understandable manner that the functionality update is not necessary to keep the product in conformity.****Amendment 76****Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23e

*Text proposed by the Commission**Amendment***23e. Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.****23e. Introducing** a feature to limit **the** durability **of a good**.**Amendment 77****Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23e a (new)

*Text proposed by the Commission**Amendment***23ea. Marketing a good without fixing a design issue, within a reasonable time after it became known, thus leading to the early failure of that good.**

Amendment 78**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23g

Text proposed by the Commission

Amendment

23g. **Presenting goods as allowing repair when they do not or omitting to inform the consumer that goods do** not allow repair in accordance with legal requirements.

23g. **Marketing a good which does** not allow repair in accordance with legal requirements **or failing to inform the consumer that a good is not repairable.**

Amendment 79**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23g a (new)

Text proposed by the Commission

Amendment

23ga. **Omitting to inform the consumer about the unavailability of spare parts and other repair restrictions.**

Amendment 80**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23g b (new)

Text proposed by the Commission

Amendment

23gb. **Omitting to inform the consumer that the trader will refuse to repair a product that has previously been repaired by an independent professional, a non-professional or a user.**

Amendment 81**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23h

Text proposed by the Commission

Amendment

23h. **Inducing the consumer into** replacing the consumables **of a good** earlier than for technical reasons **is necessary.**

23h. **Marketing a good that requires** replacing the consumables earlier than **necessary** for technical reasons.

Amendment 82**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23i

*Text proposed by the Commission**Amendment*

23i. **Omitting to inform that a good** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer..

23i. **Marketing a product that** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer.

Amendment 83**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23i a (new)

*Text proposed by the Commission**Amendment*

23ia. **The same producer or trader offering the same product with disadvantageous terms or a shorter period of commercial guarantee in one or more Member States resulting in a disadvantageous situation for consumers.**

Amendment 84**Proposal for a directive****Annex I — paragraph 1 — point 4**

Directive 2005/29/EC

Annex I — point 23i b (new)

*Text proposed by the Commission**Amendment*

23ib. **Marketing a good which is not compliant with the requirements under Union product legislation.**