



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
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**Brussels, 24 April 2023**

**WK 5295/2023 INIT**

**LIMITE**

**CONSOM**

**MI**

**COMPET**

**ENER**

**ENV**

**SUSTDEV**

**DIGIT**

**CODEC**

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**NOTE**

From:	Presidency
To:	Delegations
Subject:	Proposal for a Directive on Empowering consumers for the green transition - Presentation by the Presidency of the EP mandate

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# Welcome.

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Swedish Presidency  
of the Council of the  
European Union

# Working Party on Consumer Protection and Information 21 April 2023

## Empowering Consumers for the Green Transition (ECGT)

- The Presidency will present the EP Mandate (vote is expected to take place in plenary on the week starting with 8 May)
- In preparation of future trilogues delegates are invited to share their flexibilities, red lines and arguments on the EP mandate



# Main issues



- Definitions
- Misleading actions under the UCPD
- Annex I to the UCPD
- Information requirements for contracts under the CRD
- Transposition time etc.

# Unfair Commercial Practices Directive (UCPD)



- Definitions
- Article 6
- Annex I (blacklist)



# Definitions in the UCPD

- Certification scheme (*amendment 31*)
- Sustainability information tool (*amendment 32*)
- Software update, security update and functionality update (*amendments 33–35*)
- Carbon offsetting (*amendment 37*)



# Article 6 of the UCPSD

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- Dual quality (paragraph 2, point c, *amendment 39*)
- Carbon offsetting (paragraph 2, point d, *amendment 41*)
- Dark patterns (paragraph 2, point ea, *amendment 42*)

# Annex I to the UCPD (blacklist)

## Amendments 67–84

- Carbon offsetting (4ba)
- Unsubstantiated claims (4bb)
- Giving more prominence to certain choices (7a i)
- More burdensome to terminate a service than signing up (7a ii)
- Dual quality (13a)
- Not informing that a functionality update is not necessary to keep a product in conformity (23da)
- Ban on premature obsolescence (23e)
- Marketing without fixing a design issue (23ea)
- Marketing a good which does not allow repair and not informing that a good is not repairable (23g)
- Not informing on unavailability of spare parts and repair restrictions (23ga)
- Not informing that repair will be refused when previously repaired (23gb)
- Marketing goods that require replacing consumables earlier than necessary (23h)
- Offering the same product with different terms or guarantee in one or more Member States (23ia)
- Marketing a good not compliant with Union product legislation (23ib)



# Consumer Rights Directive (CRD)

A diagonal stamp with the word "PUBLIC" in a bold, sans-serif font, tilted at approximately 45 degrees.

- Definitions
- Article 5
- Article 6

# Definitions in the CRD

- Reparability score using a harmonised method (*amendment 44*)



# Article 5, paragraph 1, of the CRD

- Label set out in Annex Z with duration of legal guarantee and commercial guarantee (point ea, subparagraph 1 a and paragraph 1a, *amendments 47, 52, 53 and 66*)
- Information on software updates (points ec and ed, *amendments 49 and 50*)
- Price and availability of spare parts and accessories (point j, *amendment 51*)
- Obligation for a producer to make relevant information available to the trader (paragraph 1b, *amendment 54*)

# Article 6, paragraph 1, of the CRD

- Corresponding changes to Article 5
- Information on delivery options with less CO<sub>2</sub> emissions (revised point g, *amendment 55*)
- Address of available repair centres (point va, *amendment 62*)

# Final provisions and recitals

- Reporting by the Commission and review (*amendments 64 and 65*)
- Transposition: 18 months from adoption
- Apply provisions: 24 months from adoption
- Recitals







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