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#### **NOTE**

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



## 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 UCPD

- 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)

Definitions

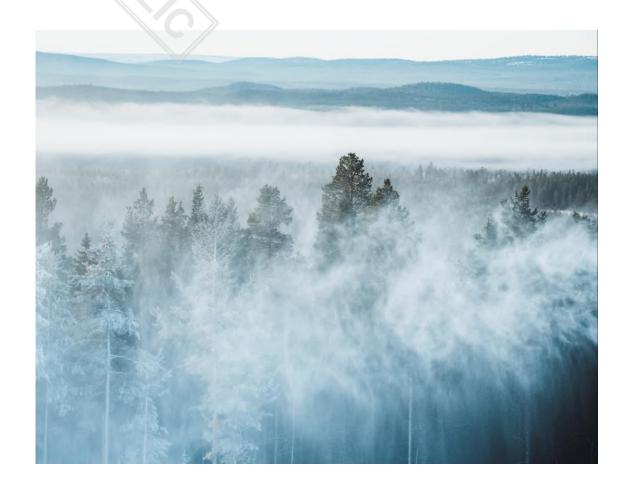
Article 5

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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Swedish Presidency of the Council of the European Union