

Euralarm Position Paper

Euralarm position on European Commission proposal for a Directive on Right to Repair – 25 May 2023

1. Introduction

Euralarm, the European association representing the electronic fire safety and security industry, greatly appreciates the opportunity to comment on the proposed Right to Repair Directive [COM(2023) 155 final].

We recognise that the proposed Right to Repair Directive is not currently applicable to products within the professional alarm industry, but we also realise that there is a possibility for future delegated acts under Article 5(4) and Article 15, in areas which may affect such products in the future. Professional alarms are usually viewed as business-to-business equipment, however it is also the case that domestic/consumer installations can provide consumer financial benefits, such as reduced insurance costs, as well as significant personal safety and security improvements.

Professional alarm installations are usually accompanied by maintenance agreements which would include annual test/certification as well as either on-site repair or exchange and repair at a repair centre. To maintain the quality and performance of such installations it is normal for the technicians conducting those activities be both competent and trained on the specific types and manufacturers of the equipment concerned. Technicians may be from third party organisations but, because of this, there is usually a training/certification process before a manufacturer can authorise them to perform any maintenance or repair functions. We would anticipate that other industries providing key specialist equipment into domestic/consumer premises would have similar requirements.

2. Our particular comment

On that basis we would like to make the following comment:

1. Service and maintenance operations would likely be conducted with consideration of the Services Directive (Directive 2006/123/EC on services in the internal market). The Services Directive has a clause which allows other applicable legislation to take priority [Article 3(1)], but we believe it would be important to ensure that any new Delegated Act would take into account how that act would align with the requirements of the Services Directive so that the required maintenance and repair of equipment would be a seamless addition for manufacturers and service organisations, especially SMEs.
2. The replacement and/or repair of the equipment may have to be performed in association with local or centralised repair centres. This could be a possible conflict with the national legislations based on the WEEE Directive [Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)]. We believe it would be important that the proposed Right to Repair Directive and/or its delegated acts make it clear that equipment being returned to the repair facilities not be considered WEEE. This would also need to include the transportation of equipment for repair between sites to facilitate that repair and return. Of course, we recognise that a proportion of returned equipment may be found to be non-repairable; at which stage that equipment would become WEEE and then be subject to the requirements of waste handling, but not before. The equipment owner would make the final decision on the disposal of non-repairable equipment and the equipment would not be WEEE until that decision is made. It would be useful to have a clear statement to this effect in the proposed Right to Repair Directive and/or its implementation guide.
3. Recent enacted and proposed legislation in areas including Cyber-Security [the proposed CRA 2022/0272 (COD); and Delegated Regulation (EU) 2022/30], for example, are anticipating manufacturers to provide

software patches and upgrades for an extended period after supply of the equipment. This means that the equipment must remain capable of receiving and enacting such updates. Repairs must be made in such a way that the original performance specification is maintained, which would be a requirement on how the repair is carried out and underlines the necessity for repairers to be competent, trained, and authorised, for specialist equipment; even when supplied into the consumer market. We believe any delegated act should help ensure that the original manufacturer is not responsible if third party repairs have changed or restricted the performance of the equipment.

3. Conclusion

So, in summary, we would ask that due consideration be given to the coherence between the proposed Repair Directive and the Services Directive, the WEEE Directive (and the enacted national implementations), as well as to other various legislations, proposed or enacted, which require longer term updates of equipment from original manufacturers/producers.

About Euralarm

Euralarm represents the fire safety and security industry, providing leadership and expertise for industry, market, policy makers and standards bodies. Our members make society safer and secure through systems and services for fire detection and extinguishing, intrusion detection, access control, video monitoring, alarm transmission and alarm receiving centres. Founded in 1970, Euralarm represents over 5000 companies within the fire safety and security industry valued at 67 billion Euros. Euralarm members are national associations and individual companies from across Europe.

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Note: The English version of this document, GD-2023-010, is the approved Euralarm reference document.