

Research Briefing

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By Lorraine Conway

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Right to Repair Regulations

The UK Government has introduced new ecodesign and labelling requirements for specified electrical products sold in Great Britain. The [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) (SI 2021 No. 745), sometimes referred to as the “Right to Repair Regulations”, were made on 18 June 2021, accompanied by [Explanatory Memorandum](#). Most of the provisions came into force on 1 July 2021.

The Regulations aim to increase producer responsibility, reduce energy usage and electrical waste, and enable consumers to identify the most energy efficient products on the market. Following the UK leaving the EU, the UK chose to mirror requirements in equivalent EU regulations.

The ‘right to repair’ provides ‘professional repairers’ with access to spare parts and technical information from July 2021, but manufacturers have a grace period of up to 2 years to make spare parts available.

The Regulations apply to Great Britain (GB). Northern Ireland continues to be subject to EU ecodesign and energy labelling requirements under the Northern Ireland Protocol.

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Background

Increasingly, the environmental impact of the manufacture, use, and end of life disposal of products is under scrutiny. The EU and UK are both implementing new ecodesign and energy labelling requirements to increase producer responsibility and reduce energy usage and electrical waste.

The UK Government's new [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) originate from EU proposals made prior to the UK leaving the EU.

1.1

EU Circular Economy Action Plan (CEAP)

1 EU Circular Economy Action Plan

The European Commission describes the Action Plan as follows:

“The Circular Economy Action Plan provides a future-oriented agenda for achieving a cleaner and more competitive Europe in co-creation with economic actors, consumers, citizens and civil society organisations. It aims at accelerating the transformational change required by the European Green Deal, while building on circular economy actions implemented since 2015. This plan will ensure that the regulatory framework is streamlined and made fit for a sustainable future, that the new opportunities from the transition are maximised, while minimising burdens on people and businesses.

The plan presents a set of interrelated initiatives to establish a strong and coherent product policy framework that will make sustainable products, services and business models the norm and transform consumption patterns so that no waste is produced in the first place. This product policy framework will be progressively rolled out, while key product value chains will be addressed as a matter of priority. Further measures will be put in place to reduce waste and ensure that the EU has a well-functioning internal market for high quality secondary raw materials. The capacity of the EU to take responsibility for its waste will be also strengthened.”

[European Commission, [Circular Economy Plan – For a cleaner and more competitive Europe](#), 2020]

The European Commission adopted the new [Circular Economy Action Plan \(CEAP\)](#) in March 2020. It is one of the main building blocks of the [European Green Deal](#), Europe's new agenda for sustainable growth. It is hoped that the EU's transition to a circular economy will “reduce pressure on natural

resources and will create sustainable growth and jobs” (see **Box 1**).¹ It is also “a prerequisite to achieve the EU’s 2050 climate neutrality target and to halt biodiversity loss”.²

The new Action Plan includes initiatives along the entire life cycle of products. For example, it targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented, with valuable resources kept in the EU economy for as long as possible. The Action Plan also includes a “right to repair” initiative, designed to tackle “built-in obsolescence” where manufacturers deliberately build appliances to break down after a certain period to encourage consumers to buy new ones.

In March 2021, the EU introduced new [Right to repair standards](#). Under these new EU standards, manufacturers will have to supply spare parts for certain household appliances for up to 10 years, although only professional repairers will be supported by manufacturers to carry out the repairs. Currently, the standards only apply to certain household appliances (e.g., washing machines/washer dryers, refrigerators, dishwashers, and televisions). However, the EU is currently considering expanding this right to repair to more appliances, including laptops and smartphones. **UK firms wishing to sell to the EU market must conform to the new EU standards.**

1.2

UK Government policy on new ecodesign and energy labelling requirements

The Department for Business, Energy and Industrial Strategy (BEIS) has described “Ecodesign” and “energy labelling” as follows:

Ecodesign aims to phase out the least efficient energy-related products from the market through minimum energy performance standards. Ecodesign requirements can also facilitate progress towards a more circular economy through setting requirements with regards to resource efficiency. This includes material consumption, emissions, pollution and waste generation, durability, repairability, recyclability and ease of material recovery.

Energy labelling aims to drive the uptake of the most energy efficient products by providing consumers with information on the energy

¹ European Commission website, “[Circular Economy Action Plan – The EU’s new circular action plan paves the way for a cleaner and more competitive Europe](#)”

² Ibid

performance of products they are interested in buying at the point of sale.³

In winter 2018/2019, while still an EU Member State, the UK voted in favour of new ecodesign and energy labelling requirements for a package of energy-related products. Some of these requirements took effect before the end of the transition period (31 December 2020), so continue to apply in the UK (as part of the body of retained EU law).⁴ Other requirements took effect in the EU during 2021 (i.e., after the transition period), so do not apply to Great Britain. However, the Government made a commitment to introduce domestic legislation to give effect to similar requirements in Great Britain, to “realise the associated carbon and costs savings.”⁵

UK consultation

On 12 June 2020, BEIS issued a [call for evidence](#) on the UK’s ecodesign and energy labelling policies. Specifically, how these policies could achieve greater carbon savings and support the UK’s transition to net zero by 2050.

On 30 September 2020, BEIS published a [consultation document](#) with [draft Ecodesign and Energy Labelling Regulations 2021](#) on its proposal to implement new requirements for seven product categories.⁶ The consultation proposals reflected the product-specific requirements that the UK previously voted for at EU-level in 2018/19 and were supported by a consultation-stage Impact Assessment for each product category. The product categories were:

- electric motors,
- electronic displays,
- household washing-machines/washer dryers, dishwashers, and fridges,
- commercial refrigeration,
- and welding equipment.

In addition, regulations were proposed to introduce energy labelling requirements for commercial refrigeration in GB for the first time.

The proposed ecodesign requirements included, among other things, improved minimum energy performance and material efficiency standards and a “right to repair”. To facilitate repairs, manufacturers would be

³ Department for Business, Energy and Industrial Strategy (BEIS), [Draft Ecodesign and Energy Labelling Regulations 2021: Government Response](#), March 2021, page 5

⁴ On 30 July 2020, the UK Government published a [policy paper statement](#) in which it set out its approach to transposing the EU CEAP measures into domestic law

⁵ Department for Business, Energy and Industrial Strategy (BEIS), [Draft Ecodesign and Energy Labelling Regulations 2021: Government Response](#), March 2021

⁶ Department for Business, Energy and Industrial Strategy (BEIS), [“A Consultation: Draft Ecodesign and Energy Labelling Regulations for 2021”](#), September 2020

required to make available spare parts and maintenance information. The closing date for the consultation was 11 November 2020.

On 10 March 2021, BEIS published a summary of responses to the consultation and the [Government's response](#), in which it confirmed its intention to implement the new ecodesign requirements in Great Britain by the summer of 2021.⁷ Aware that the equivalent EU regulations were being amended to clarify and correct a range of technical issues, the Government said it would implement equivalent amendments in the GB Regulations where relevant and incorporate these amendments into the draft regulations before laying them in Parliament.⁸

The Government described its policy objectives and outcomes as follows:

In implementing these Regulations, we will ensure that GB maintains product standards which benefit the environment and contribute to greater energy, carbon and bill savings. These benefits will help us on our way towards the UK's Carbon Budget and Net Zero targets. As a result of these Regulations, we expect around 21.5 TWh of energy savings by 2050 across all sectors; this will result in around 1.7 MtCO₂ of Carbon Savings for the same period.⁹

There is also a detailed [Impact Assessment](#) (2021 No. 25).

New UK Regulations introduced

Draft regulations were laid in April 2021. As this [timeline](#) shows, they were subject to scrutiny by the Delegated Legislation Committee (DLC) on 8 June 2021, the [debate](#) can be read online. The draft regulations were also considered in Grand Committee on 8 June 2021, this [debate](#) can also be read online. There was broad support for the intent behind the regulations.

Speaking in Grand Committee, Lord Callanan, the Parliamentary Under-Secretary of State (BEIS), said feedback on the consultation proposals showed:

“[...] significant support among the respective manufacturing bases for the affected products and among environmental campaign groups for implementing these new requirements in Great Britain”.¹⁰

⁷ Department for Business, Energy and Industrial Strategy (BEIS), [Draft Ecodesign and Energy Labelling Regulations 2021: Government Response](#), March 2021

⁸ Ibid, page 7

⁹ Ibid, page 3

¹⁰ [HL Deb 8 June 2021 c.266GC](#)

The [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) (SI 2021 No. 745) were made on 18 June 2021 and took effect on 1st July 2021.¹¹

2 The Regulations

2.1 Overview

The [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) provide ecodesign and energy labelling requirements for specified energy-related products that are placed on the market in Great Britain (GB). The Regulations mirror technical requirements in equivalent EU regulations. The [EU ecodesign and energy labelling regulations](#) continue to apply in Northern Ireland under the Northern Ireland Protocol.

The 2021 Regulations amend the [Ecodesign for Energy-Related Products Regulations 2010](#) (SI 2010/2617) and the [Energy Information Regulations 2011](#) (SI 2011/1524) to:

- Update existing ecodesign requirements for electric motors, household washing machines/ washer dryers, dishwashers, household refrigeration and electronic displays. The new requirements include measures to increase minimum energy performance standards and material efficiency.
- Introduce ecodesign requirements for welding equipment and commercial refrigeration that set minimum energy performance and material efficiency standards.
- Introduce energy labelling requirements for commercial refrigeration for the first time.

The ecodesign requirements include higher minimum energy performance standards, new material efficiency and information requirements. There are also measures regarding the availability of spare parts and maintenance information to facilitate repairs (see below).

Section 51 of the 2021 Regulations requires the Secretary of State (at various specified dates) to evaluate the Regulations, taking into account the speed of technological progress, and publish a report stating whether the Regulations should be amended. For household washing machines/washer dryers, dishwashers and refrigerators, the regulations must be reviewed no later

¹¹ [Explanatory Notes](#) accompanied the Regulations

than 7 years from the date they apply, for electronic displays the review must be no later than 3 years. The Government is not prevented from reviewing the Regulations earlier than this if there is evidence to suggest it would be beneficial.

2.2 Right to repair requirement

A primary concern of the [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) is to protect the environment and reduce the amount of electrical waste the UK produces each year. However, the Regulations also impact on consumers rights in terms of the “right to repair” requirement for certain household goods.

An important aim of the new Regulations is to extend the life of certain categories of products (household washing machines/washer driers, dishwashers, refrigerators, and electronic displays) by making manufacturers, authorised representatives, and importers legally obliged to make available to professional repairers and/or end-users, spare parts for their products. These spare parts to be made available for minimum periods ranging from 7 to 10 years after the last unit of the model has been placed on the market. Repairs must be possible using commonly available tools, and there is also an obligation to make maintenance and repair information available to professional repairers. The Regulations apply to products bought from **1st July 2021**, but manufacturers have a grace period of up to **2 years** to make spare parts available.

It is hoped that prolonging the life of certain household appliances and delaying the need to buy expensive replacements will prevent unnecessary electrical waste. New rights to spare parts and maintenance information should enable consumers to repair appliances when they break down and so continue using them even when their statutory rights to have them repaired or replaced under the [Consumer Rights Act 2015](#) have expired.

Commenting on this new right to repair, Kwasi Kwarteng, Secretary of State at BEIS, said:

Our plans to tighten product standards will ensure more of our electrical goods can be fixed rather than thrown on the scrap heap, putting more money back in the pockets of consumers whilst protecting the environment.

Going forward, our upcoming energy efficiency framework will push electrical products to use even less energy and material resources,

saving people money on their bills and reducing carbon emissions as we work to reach net zero by 2050.¹²

However, it is not exactly accurate to say the [Ecodesign for Energy-Related Products and Energy Information Regulations 2021](#) create a “legal right to repair” for UK consumers. The spare parts and reliability criteria are only directed at “professional” repairers, not at the people who own the products. In addition, the right to repair will depend on other factors including the cost and the accessibility of spare parts that are made available.

Various consumer groups, for example [Which?](#)¹³ and the [Green Alliance](#),¹⁴ are calling on the government to go further and bring other appliances within scope of the new right to repair regulations. Laptops and smartphones are at the top of their list.

¹² Department for Business, Energy and Industrial Strategy (BEIS) press release, “[New tighter rules for how much energy white goods like washing machines and fridges use will help save British consumers £75 a year on their energy bills](#)”, 10 March 2021

¹³ “[New ‘right to repair’ laws introduced: what do they actually mean for you? Easier repairs and increased product lifespans, helping you and the planet. But we want the government to go further](#)”, Which? News, 11 June 2021

¹⁴ “[The UK’s new ‘right to repair’ is not a right to repair](#)”, Insidetrack, a blog on environmental policy and politics hosted by Green Alliance, 6 July 2021

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