



Association For Consumer Rights (Malta)

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Consumers and the Green Transition

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Current situation and issues to be addressed

The Association for Consumer Rights Malta (ACR) welcomes the European Commission (EC)'s proposal to empower consumers to act in support of the green transition. The European Commission needs to maintain a high level of ambition, as this is a project with a positive economic, social and environmental impact.

Summary

The Association for Consumer Rights Malta urges government to put in place this directive which aims to address and improve consumer rights in Malta, aiming to strengthen consumer rights by amending two directives that protect consumers' interests at EU level: Directive 2005/29/EC on unfair commercial practices and Directive 2011/83/EU on consumer rights.

The proposal aims to:

- contribute to a circular, clean and green EU economy by enabling consumers to take informed purchasing decisions and
- therefore contribute to more sustainable consumption.
- It also targets unfair commercial practices that mislead consumers away from sustainable consumption choices.

The proposal includes a whole series of measures to update existing consumer law to ensure consumers are protected and can actively contribute to the green transition. The Consumer Rights Directive currently requires traders to provide consumers with information on the main characteristics of goods or services.

- **The proposal was one of the initiatives set out in the New Consumer Agenda and the Circular Economy Action Plan and follows up on the European Green Deal.**
- **For a number of years, the Association for Consumer Rights Malta has been calling on the European Commission to seriously address the following key areas which Maltese consumers are facing.**

- There is the need to make every effort to ensure that the information concerned is systematically made available to consumers, **in particular the information on spare parts and repair manuals, as well as on planned software updates.**
- ACR urges government to legally ensure that relevant consumer authorities **put into practice the principle of a reparability score for brown and white goods.** This score's level of ambition must meet consumer expectations on both the variety of products covered and the criteria taken into account.
- In addition to the reparability of these products, **the principle of simple and common labelling as a legal obligation** showing the durability of products in the coming years which should also be clear and visible
- **Training new repairers and upgrading the skills of current operators** should also be encouraged, as this is essential to develop repairing, which is a major source of jobs for our continent.

The ACR fully supports the EESC for **Europe to reduce its dependence on raw materials** in order to boost its ability to repair and equip itself with spare parts. **Similarly, Europe needs a serious and effective reindustrialisation policy.** The recent crises have revealed weaknesses that should be seen as opportunities for recovery, which should be addressed by the Maltese government and other relevant authorities

In addition to the need to enforce displaying the length of the legal guarantee, **consumers must be better protected by law against confusion between legal and commercial guarantees.** In terms of guarantees, **the primacy of repair over replacement with a new product** should also be promoted but without limiting the consumer's free choice of remedy.

In order to encourage longer product lifespans, **the addition of new commercial practices should be included to the list of actions considered misleading.** However, on three points, ACR urges government to go further than the obligation to provide legal safeguards for the following :

- **the techniques introduced to shorten the lifespan of a product:** these practices should be included as misleading commercial practices, in addition to the mere absence of information;
- **the irreparability of certain goods:** here too, intentional barriers to repair, and not merely the lack of information on the matter, could be regarded as misleading commercial practices;
- **updates likely to cause malfunctions:** it should be a requirement to make updates reversible.

ACR urges government to ensure these moves to empower consumers go hand in hand with better protection against misleading advertising. In this regard, the legal framework for advertising must better integrate the aims of sustainable development. Advertising must prohibit any unsubstantiated claim, such as

- claims often seen in relation to carbon neutrality, and

- any mention or representation of behaviour contrary to the protection of the environment and the preservation of natural resources.
- Greater powers to verify environmental claims are also needed.

In order to avoid confusion and in view of the proliferation of environmental labels that are often self-proclaimed, ACR urges government **to put greater emphasis on the European eco-label and the need for certification procedures for labelling.**

Malta needs to legally strengthen protection for whistleblowers on the environmental characteristics of products, in order to raise the alarm over misleading commercial practices.

Finally, ACR urges government and relevant authorities to promote strong consumer awareness of the issues related to responsible consumption.

Sources: EESC/ SOC Section/Consumers and Environment Category

**Grace Attard - General Secretary
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