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***“COMMERCIAL LAW FROM A  
EUROPEAN PERSPECTIVE:  
BETWEEN OVERREGULATION AND DEREGULATION,  
MANDATORY RULES AND PRIVATE ORDERING,  
HARMONIZATION AND FLEXIBILITY”***

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**The EU Harmonization of Product Repair under a Commercial Law Perspective**

ABSTRACT:

In the context of the new EU model of circular economy, product repair has regained importance.

This explains the decision to approach the issue from a systematic perspective. More specifically, the usual subjective approach in terms of consumer's rights cannot exhaust the relevance of product repair, because of the supra-individual dimension that characterizes its impact on the productive system.

From this point of view, Commercial Law offers a privileged perspective, by virtue of its typically business- and market-oriented approach, which, as such, is capable of embracing the economic reality as a whole.

Therefore, following such a Commercial Law approach, the aim is to carry out a systematic reconstruction which, by reviewing the various reforms that have recently characterized the EU legislative agenda in the field of product repair, can establish some reference points and elaborate further elements for reflection.

In particular, two main aspects will be highlighted. First, product repair goes beyond consumer law to stand as proper market regulation. Second, such a dimension implies a competitive market model, where the economic activity of independent professional repairers can support on a larger scale the individual impulse in demanding the repair of products by consumers themselves.

Only from this perspective can the real scope of the EU policy on repair in the context of the circular economy be adequately assessed. Even more, it is only from the systematic perspective typical of Commercial Law that the importance of appropriate regulatory coordination between individual rights, business obligations and competitive freedoms can be appreciated for the effective pursuit of the declared sustainability objectives.