

Protection of consumers: distance contracts

1992/0411(COD) - 11/12/1995

The rapporteur, Mrs OOMEN-RUIJTEN (EPP, NL), wanted to determine the guarantees for the protection of consumers in cross-border distance contracts. She was worried about the gaps in the Directive on this matter and quoted as an example the distance selling of organised travel. After a television advertisement, consumers knew which agency was organising the travel and the price, but there could be fraudulent use of their payment cards. She also hoped that Amendment No 15 would be taken over as it enabled consumers to withdraw from a contract within seven working days without penalty and without giving any reason. Finally, with regard to financial services, Mrs Oomen-Ruijten called on Parliament to support Amendment No 7 in order to include financial services in the scope of the Directive. The Commissioner, Mrs BONINO, stated that the Commission could take over 25 of the 44 amendments tabled. Firstly, with regard to financial services (Amendment No 7), the Commission would present a communication accompanied by an action plan, and perhaps a proposal for a directive, in February. She also agreed to include in the scope of the Directive contracts concluded for the construction and sale of immovable property, except for rental (Amendment No 8), and tourist services (Amendment No 9). However, she rejected Amendments Nos 6 and 10 on the definition and on the address of the supplier. She also rejected Amendment No 11 and hoped that the Member States' jurisdiction alone would be responsible for 'those who are unable to give their consent'. She did not agree with Amendment No 13 on the durable medium, which gave rise to the somewhat delicate problem of whether or not the information stored in a computer memory was equivalent to that transmitted in writing. However, Mrs Bonino supported the procedure of customers giving their consent prior to being contacted by telephone or electronic mail. In her view, this would provide a fair balance between the needs of businesses and the rights of consumers. Finally, she agreed with the amendments aimed at enabling public bodies and consumer organisations to take legal action (Amendment No 30), and concerning the burden of proof of the supplier (Amendment No 31). She also took over the following amendments: 1, 3 to 5, 12, 15 to 17, 23 and 24, 32, 33, 35 and 36 (the last two with improved wording).