

Consumers' protection: sale of consumer goods and associated guarantees

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PREVIOUS COMMUNITY LEGISLATION: Directive 85/374 concerning liability for defective products and 84/450 on misleading advertising. The Green Paper remarked on the reluctance of consumers to purchase goods on a systematic basis from another Member State and suggested legislation to give consumers the right to purchase goods from other Member States under the same conditions as residents. Areas underlined for action were the legal guarantee, the commercial guarantee and after-sales services. PREVIOUS POSITION OF EP: in its Resolution on the Commission Green Paper on guarantees for consumer goods and services (OJ C205 25.7.94 p562), Parliament called on the Commission to harmonize laws on retail sales in the EU to allow trouble-free shopping and prevent distortions of competition. On the three areas referred to in the Green Paper, Parliament made the following suggestions: Legal guarantees (the basic minimum provision, a contractual guarantee for the consumer) Parliament recognised that this is covered by private law in the Member States and seeks a minimum harmonization and a sectoral approach, stressing the joint liability of manufacturer and vendor and the binding nature of the legal guarantee. Parliament identified a need for clear legal terminology. Commercial guarantees (additional advantages for consumers), Parliament recognised that such a guarantee is not obligatory. Nevertheless, where such a commercial guarantee is provided, it should conform to a number of basic principles, based on sectoral self-regulation with the provision for specific information for the consumer and the possible use of a label to indicate the "European" nature of the guarantee. In addition, the right to invoke the guarantee (and after-sales service) in any Member State, from either manufacturer or from importer/vendor was suggested. After-sales service, Parliament considered that too little attention had been paid to this area and called on the Commission to re-examine it. Finally, Parliament stressed the need for more consumer information and advice centres, with basic information on statutory rights to be provided at border crossings.