

Protection of consumers: distance contracts

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The report by Mrs Oomen-Ruijten (PPE, NL) adopted by the Committee on the Environment, Public Health and Consumer Protection, amended the Commission's proposal as regards the key question of the consumer's right of withdrawal from the contract (Article 11). The combined effects of the four amendments of this Article were as follows: 1. the rights of the consumer were fully upheld in the event of delivery of damaged products or goods or services not corresponding to the description provided at the time of offer; 2. the Member States, in conjunction with commercial and professional organisations, were to develop a system to guarantee reimbursement of consumers in the event of the supplier's bankruptcy or insolvency; 3. no payment could be requested from the consumer prior to the supply of the product or performance of the service; 4. in the case of contracts explicitly involving repeated service provision, the withdrawal period (seven working days) would apply after each new delivery of the product, provided that the latter could be returned in its initial state; 5. for credit sales, when the 'right of return' had been implemented by the consumer, the Member States would have to make it possible to withdraw from the contract if: - credit had been granted directly by the supplier of the product or the service; - credit had been granted by a loan company in accordance with a prior arrangement with the supplier.