

Protection of consumers: distance contracts

1992/0411(COD) - 21/11/1995

The Committee adopted the draft recommendation for second reading (rapporteur: Mrs Ria OOMEN-RUIJTEN (NL, EPP) on the Common Position of the Council on the proposal for a EP and Council Directive on the protection of consumers in respect of distance selling). Parliament delivered its opinion at first reading on 26 May 1993. Then, 35 amendments were adopted, of which 30 were taken over by the Commission and of which the Council incorporated, in substance or in part, some 20 amendments. Yesterday, 58 amendments were tabled. The rapporteur saw a great number of them adopted and came to the conclusion that, once again, the European Parliament is playing an important role as defender of the consumer's interests. The amendments: the most important amendments adopted yesterday: am 8: The Directive will also include the construction and sale of immovable property; am 15: For any distance contract the consumer shall have a period of not less than seven working days in which he may withdraw from the contract without payment of any costs and without giving any reason; am 59: Where the right of withdrawal has been exercised by the consumer, the supplier shall be obliged to reimburse the sums paid by the consumer free of charge, except for direct return charge where appropriate. Such reimbursement must be carried out within 15 days; am 18: The EP wishes to include in the Directive also the financial services; am 45: Together with trade and professional organisations the Member States shall draw up a guarantee scheme for the purpose of guaranteeing at all times, in the event of the insolvency or bankruptcy of the supplier, the reimbursement of any advances paid by the consumer when the supplier fails to carry out the contract; am 47: Member States must observe the provisions of Directive 89/552/EC concerning the pursuit of television activities; am 61: Any objection by the holder of a payment card in the event of fraudulent use shall render the transaction void where only the number of the card is noted but the card is not presented or electronically identified. In that case, the sum of the transaction shall be repaid to the holder's account as soon as possible, without prejudice of indemnification in the event of abuse of the possibility of lodging an objection; am 53: Member States shall take the necessary measures effectively to protect those consumers who have indicated that they do not wish to be solicited against such soliciting, without prejudice to the particular safeguards available to the consumer under EU legislation concerning the protection of personal data and privacy. Conclusions: Rapporteur OOMEN-RUIJTEN said that, as far as these new selling markets are concerned, the consumer should at least have the same rights as the supplier. This can only be achieved by EU legislation.