

Consumers' protection: sale of consumer goods and associated guarantees

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A recommendation for the second reading of a Commission proposal to harmonize Member State laws on statutory guarantees for consumers was adopted by an overwhelming majority in the Committee on the Environment, Public Health and Consumer Protection. The aim of the proposal, which was called for by Parliament in its resolution on an earlier Commission Green Paper, is to ensure that wherever consumers shop in the European Union they will enjoy the same minimum level of guarantees and be able to seek redress in their home country. Parliament's rapporteur, Mrs Annemarie KUHN (PES, D), welcomed the proposal as an important step towards completion of an internal market for the Union's 375 million consumers. The common position received from Council on the proposal rejected 22 of Parliament's previous first reading amendments and accepted others only in part. As a result, the committee adopted 28 amendments to the common position. However, the committee is at one with the Council in wanting a Union-wide two-year minimum guarantee period for goods and in accepting that any defect apparent within six months of the delivery of goods shall be presumed to have existed at the time of delivery. Besides, the committee deleted Council provisions obliging the consumer to inform the seller of a defect within two months of detecting it. It also deleted provisions that would exclude defects from the scope of the directive if, at the time the contract was concluded, the buyer could not reasonably be unaware of them or if circumstances showed that the buyer did not rely on the explanations of the seller. The committee also refused to accept that a seller would not be bound by statements in advertising or on labels if he could show either that by the time the contract was concluded those statements had been corrected or that the decision to buy the goods could not have been influenced by them. Another amendment gives the right of redress in the event of the incorrect installation of goods by a consumer given faulty installation instructions. The costs of remedying defects, should be borne by the seller. Installment payments might be suspended until the defects were put right. The committee insisted that manufacturers of consumer goods sold in several Member States must enclose a list indicating at least one claims office in these Member States. The committee also added Article 129a (consumer protection) to the proposed legal base of Article 100a (internal market).