Protection of consumers: liability of suppliers of services

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FOLLOWING THE VOTE IN COMMITTEE, THE RAPPORTEUR HAD DECIDED NOT TO PRESENT HIS REPORT. By 11 votes to 4 with 1 abstention, the Committee on Legal Affairs had adopted a report that made substantial amendments to the proposal for a directive on the liability of suppliers of services. Disagreeing with the line taken by the majority in the Committee on Legal Affairs, the rapporteur, Mr Alvarez de Paz (SOC-E), had decided not to present his report in the plenary. As a result, this text would be presented in the plenary by the acting President, Marie-Claude Vayssade. The Committee on Legal Affairs proposed that the following be excluded from the scope of the directive: - public services intended to maintain public safety, - package travel and waste services (which were already the subject of specific Community legislation), - damage already covered by liability schemes governed by international conventions ratified by the Member States, - services relating to the design and construction of immoveable property, - services performed by the professions. [?] supplier of the service. By reason of any deficiency in the service supplied, the supplier would be liable for damage to the physical integrity of persons or to moveable or immoveable property under the following conditions: - where the supplier of the service undertook to use appropriate means to permit the creditor to achieve the desired result, he was liable for damage caused by his negligence, - where the supplier of the service undertook to achieve a precise result for the creditor, he was liable for damage caused as a result of failure to achieve that result. Change of legal base: in a very tight vote, the Committee on Legal Affairs also adopted an amendment to change the legal base proposed by the Commission (Article 100a, cooperation procedure) to Article 235 EECT (consultation).