

Consumers' protection: sale of consumer goods and associated guarantees

1996/0161(COD) - 31/03/1998 - Modified legislative proposal

The Commission amended proposal incorporates 26 amendments of the 40 adopted by Parliament at first reading. The amendments accepted by the Commission aim in particular to: - provide a more precise definition of the terms 'consumer', 'consumer goods' and 'manufacturer', - include a definition of the 'manufacturer's representative', - state that contracts for the delivery of goods to be manufactured or produced are to be equated with purchase contracts, - state that the quality and performance of goods must correspond to the consumer's expectations, - limit the exclusion of the seller's responsibility only to cases where the consumer was actually aware of the lack of conformity at the time of the sale, - provide that any lack of conformity resulting from incorrect installation of the goods by the consumer due to following incorrect instructions supplied by the seller is to be considered equivalent to lack of conformity of the goods with the contract, - provide for a single guarantee period of two years, - introduce a change with regard to the remedies available to sellers, who are authorised to take action against the persons liable for the defect, - with regard to commercial guarantees, provide more information to the consumer, particularly requiring that the guarantee documents state that the consumer has legal rights and that the guarantee does not affect those rights in any way, - include in the directive's field of application contracts to supply replacement goods of a different value to the purchase price. The Commission has also taken account of amendments concerning: - the hierarchy of consumer rights, - the seller's responsibility for any costs incurred as a result of defective goods (transport, travelling, labour or materials), - payment by instalments (payment suspended until the defect is remedied), - suspension of the guarantee period until the seller's obligations are fulfilled, - consumer information on the national law adopted to transpose the directive.