

Consumers' protection: sale of consumer goods and associated guarantees

1996/0161(COD) - 20/01/1999 - Commission opinion on Parliament's position at 2nd reading

In presenting its amended proposal, the Commission has incorporated those of the European Parliament's amendments relating to the following: - adding a recital which recognises that the Community contributes to the protection of consumers' economic interests through the measures it adopts in the context of the internal market; - extending the provision that any lack of conformity resulting from incorrect installation of the goods shall be considered to be equivalent to lack of conformity of the goods with the contract to include cases where incorrect installation by the consumer is due to a lack of conformity in the written installation instructions; - with regard to the right of redress of the final seller against the person or persons liable in the contractual chain, deleting reference to the final seller's option to waive such a right; - making provision for measures to inform consumers of these new rights; - supplementing the Annex to Directive 98/27/EC on injunctions for the protection of consumers' interests to include a reference to this proposed Directive. The Commission rejected European Parliament amendments in the following areas: - supplementing the proposed directive's legal basis with Article 129a of the Treaty, in particular paragraph 1(a); - widening the scope of the proposed directive; - amendments (other than the one mentioned above) relating to the conformity of goods with the contract; - including a reference to the recital explaining the specific nature of second hand goods in Article 3 of the proposed directive; - making extra provision for bringing goods into conformity free of charge; - providing that, in the case of contracts for the sale of works of art, collectors' items or antiques, Member States may provide that the parties may contractually waive all liability on the seller's part; - amendments (other than the one mentioned above) relating to the producer's obligations; - amendments (other than those mentioned above) relating to final provisions.