

Consumers' protection: sale of consumer goods and associated guarantees

1996/0161(COD) - 25/09/1998 - Commission communication on Council's position

The Commission has endorsed the political agreement, representing a global compromise on the part of the qualified majority of the Member States. Its decision on the common position is based on a comparison of the pros and cons of the text under discussion. The Commission lists as the main merits: - harmonisation of the concept of lack of conformity, - a practicable system of consumer rights attuned to existing commercial realities, - a single two-year guarantee period, - reversal of the burden of proof, - an incipient regulation of commercial guarantees providing for a certain degree of consumer protection as regards transparency. As a disadvantage it notes that Member States are still free to introduce a notification requirement that consumers must comply with if they want to avoid forfeiting their rights, a provision which is difficult to reconcile with the idea of a minimum standard of consumer rights. As the merits outweigh the disadvantages, the Commission endorses the common position.