

Protection of consumers: distance contracts

1992/0411(COD) - 16/01/1997 - Text adopted by Parliament, 3rd reading

In adopting the report by Mrs Ria OOMEN-RUIJTEN (PPE, NL), Parliament approved the joint text for a Directive designed to give the consumer better protection against the possible abuses of distance contracts. Improvements resulting from the compromise between the Council and Parliament within the Conciliation Committee include: - telephone calls: the identity of the supplier and the commercial purpose of the call must be made clear at the beginning of any conversation with the consumer, in order that the latter may have the requisite information at the outset to hang up if he or she so wishes. - Where a supplier uses distance selling techniques involving an advance payment, he must furnish not only his name but also his address. - Right of withdrawal: the consumer will have a period of not less than seven working days in which to withdraw from the contract without penalty and without giving any reason. The only costs payable are the cost of returning the goods, i.e. the postal charges. - Information: the consumer should be informed 'in a clear and comprehensible manner' (i.e. not in small print) of the possibility for the supplier to provide the consumer with goods or services of equivalent quality and price (e.g. red pullovers instead of green pullovers). - Penalties: if the supplier has failed to fulfil the obligations inherent in the contract, the consumer should be reimbursed as soon as possible. Contracts for the supply of foodstuffs, beverages or other goods intended for current consumption supplied to the consumer's home, residence or workplace are included in this provision of the Regulation. The same applies to contracts for the provision of services, at a later date, with respect to accommodation, transport and catering. Finally, the Regulation lays down that Member States should take the necessary measures to protect consumers against contracts providing for certain means of communication for contacting them. Member States should, for example, act to protect consumers who do not wish to receive intrusive advertising.