

Consumers' protection: sale of consumer goods and associated guarantees

1996/0161(COD) - 10/03/1998 - Text adopted by Parliament, 1st reading/single reading

By 320 votes to 128, with 59 abstentions, the European Parliament amended the report by Mrs Annemarie KUHN (PSE, D) on the proposal for a Directive on the sale of consumer goods and associated guarantees. Parliament deleted part of the amendment requiring the vendor to inform the consumer if he was unable to provide adequate after-sales service. It also rejected the amendments tabled by the rapporteur and the Environment Committee which had the purpose of: - reinstating the obligation on the consumer to notify the seller of any lack of conformity within a period of one month from the date on which he detected it; - requiring sellers, if they are unable to provide appropriate after-sales service, to inform consumers accordingly before the conclusion of the contract. Parliament's amendments to the proposal: - specified the rights of the consumer when the seller is informed of a lack of conformity: the consumer is not obliged to accept an offer of repair if it would entail a reduction in the value of the goods; moreover, if the fault is not repaired, the consumer has the right to demand a reduction in the sales price or rescission of the sales contract; - stated what information must be provided to the consumer where goods are sold in several Member States: in this case, the producer must provide a contact address in each Member State that can provide consumers with relevant information for asserting their claims when they have notified a lack of conformity; - gave the consumer the right to suspend payment, where payment is by instalments, until the lack of conformity is remedied. Parliament also called for: - Member States to take measures to inform consumers about the national provisions adopted to transpose the Directive; - the Commission to report to the European Parliament and the Council on the application of the Directive two years after the deadline for transposition; - the Member States, in cooperation with consumer associations and industrial and professional organizations, to devise complaints systems which guarantee the independent, impartial and effective processing of complaints. As regards the legal basis, Parliament wished the Directive to be based on Articles 100a and 129a of the EC Treaty.