

Consumers' protection: sale of consumer goods and associated guarantees

1996/0161(COD) - 17/12/1998 - Text adopted by Parliament, 2nd reading

In adopting the recommendation of Ms. Annemarie KUHN (D, PES) for the second reading, the European Parliament approved, with some amendments, the Commission's proposal for a Directive on certain aspects of the sale of consumer goods and associated guarantees. The Parliament and the Council agree on a Union-wide minimum guarantee period for goods and in accepting that any defect apparent within six months of the delivery of goods should be presumed to have existed at the time of delivery. In the amendments, Council provisions obliging the consumer to inform the seller of a defect within two months of detecting it were deleted. Also deleted were provisions that would exclude defects from the scope of the directive if, at the time the contract was concluded, the buyer could not reasonably be unaware of them or if the circumstances showed that the buyer did not rely on the explanations of the seller. The Parliament also sought the right of redress in the event of the incorrect installation of goods by a consumer given faulty instructions and insisted that manufacturers of consumer goods sold in several Member States must enclose a list indicating at least one claims office in those countries. There were also several amendments adopted designed to strengthen consumer rights (improved information and legal remedies). Lastly, the Parliament called for the proposal be based on both Articles 100 A and 129 A of the EC Treaty (instead of simply on Art. 100 A).