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Ressort: Special interest

## EU adopts new rules on sales contracts

Brussels, 15.05.2019 [ENA]

The EU is introducing new rules to make it easier and safer for consumers to buy and companies to sell both goods and digital content cross-border.

The Council today adopted a package comprising a directive on contracts for the supply of digital content and services (Digital content directive), and a directive on contracts the sales of goods (Sales of goods directive). This formal adoption marks

the end of the legislative procedure.

The objective is to provide a high level of protection and legal certainty for European consumers, in particular when buying across borders as well as to make it easier for businesses, especially SMEs, to sell EU-wide.

The digital content directive introduces a high level of protection for consumers paying for a service but also for those providing data in exchange for such service.

"The European Union is boosting consumer rights for Europeans and creating new business opportunities for EU companies. Companies will be able to cut red tape when they want to expand and start selling across the Union. This will help in particular SMEs to extend their operations in other EU countries." by Nicolae Badalau, Minister of Economy of Romania.

"Consumers will benefit from a higher level of protection thanks to the EU. They will be entitled to remedies when they buy anything from clothes to complex goods, such as smart watches, or when they purchase cloud services, antivirus software or e-books." by Tudorel Toader, Minister of justice of Romania.

The new rules foresee in particular that, if it is not possible to fix defects within a reasonable amount of time, the consumer is entitled to a price reduction or full reimbursement. Moreover, the guarantee period cannot be shorter than two years.

The sale of goods directive will apply to all goods, including those products with a digital element (e.g. smart fridges). The new rules introduce a two years minimum guarantee period (from the time the consumer receives the good) and a one year period for the reversed burden of proof in favour of the

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consumer. Countries can go beyond those times to maintain their current level of consumer protection.

The "digital content directive" concerns the supply of digital content and covers: data produced and supplied in digital form (e.g. music, online video, etc.), services allowing for the creation, processing or storage of data in digital form (e.g. cloud storage), services allowing for the sharing of data (e.g. Facebook, YouTube, etc.) and any durable medium used exclusively as a carrier of digital content (e.g. DVDs).

'Over the top' interpersonal communication services (OTTs), bundle contracts and the processing of personal data are included within the scope of the DCD directive.

The "sales of goods directive" concerns all sales of goods, whether than happens physically (in shops), online or in any distance sale. Goods with a digital component (e.g. smart fridge or intelligent watch) are covered by this directive.

Both directives are based on the principle of maximum harmonisation, which means member states cannot deviate from the requirements. However, on some aspects, some room is foreseen for EU countries to go beyond the requirements in order in particular to maintain the level of consumer protection already applied at national level.

The texts will now be formally signed and publish in the Official journal. Member states will have two years to transpose the new rules into their national law.

[Bericht online lesen:](http://mgpresseonline.en-a.eu/special_interest/eu_adopts_new_rules_on_sales_contracts-74481/)

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