

16.3.2011

A7-0038/260

Amendment 260

Robert Rochefort

on behalf of the ALDE Group

Report

A7-0038/2011

Andreas Schwab

Consumer rights

COM(2008)0614 – C6-0349/2008 – 2008/0196(COD)

Proposal for a directive

Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

General information requirements

1. Prior to the conclusion of any sales or service contract, the trader shall provide the consumer with the following information, if not already apparent from the context:

(a) the main characteristics of the product, to an extent appropriate to the medium and the product;

(b) the geographical address and the identity of the trader, such as his trading name and, where applicable, the geographical address and the identity of the trader on whose behalf he is acting;

(c) the price inclusive of taxes, or where the nature of the product means that the price cannot reasonably be calculated in advance, the manner in which the price is calculated, as well as, where appropriate, all additional freight, delivery or postal charges or, where these charges cannot reasonably be calculated in advance, the fact that such additional charges may be payable;

(d) the arrangements for payment, delivery, performance and the complaint handling policy, if they depart from the requirements of professional diligence;

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(e) the existence of a right of withdrawal, where applicable;

(f) the existence and the conditions of after-sales services and commercial guarantees, where applicable;

(g) the duration of the contract where applicable or if the contract is open-ended, the conditions for terminating the contract;

(h) the minimum duration of the consumer's obligations under the contract, where applicable;

(i) the existence and the conditions of deposits or other financial guarantees to be paid or provided by the consumer at the request of the trader.

2. In the case of a public auction, the information in paragraph 1(b) may be replaced by the geographical address and the identity of the auctioneer.

3. The information referred to in paragraph 1 shall form an integral part of the sales or service contract.

Or. en

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A7-0038/261

Amendment 261

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A7-0038/2011

Andreas Schwab

Consumer rights

COM(2008)0614 – C6-0349/2008 – 2008/0196(COD)

Proposal for a directive

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Failure to provide information

1. If the trader has not complied with the information requirements on additional charges as referred to in Article 5(1)(c), the consumer shall not pay these additional charges.

2. Without prejudice to Articles 7(2), 13 and 42, the consequences of any breach of Article 5, shall be determined in accordance with the applicable national law. Member States shall provide in their national laws for effective contract law remedies for any breach of Article 5.

Or. en

16.3.2011

A7-0038/262

Amendment 262

Robert Rochefort

on behalf of the ALDE Group

Report

A7-0038/2011

Andreas Schwab

Consumer rights

COM(2008)0614 – C6-0349/2008 – 2008/0196(COD)

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) The field harmonised by this Directive should cover certain aspects of business to consumer contracts. These are rules on information to be provided before conclusion and during performance *of the contract*, the right of withdrawal for distance and off-premises contracts, consumer rights specific to contracts of sale and unfair contract terms in consumer contracts.

(9) The field harmonised by this Directive should cover certain aspects of business to consumer contracts. These are rules on information to be provided before conclusion and during performance *as well as* the right of withdrawal for distance and off-premises contracts, consumer rights specific to contracts of sale and unfair contract terms in consumer contracts.

Or. en

16.3.2011

A7-0038/263

Amendment 263

Robert Rochefort

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A7-0038/2011

Andreas Schwab

Consumer rights

COM(2008)0614 – C6-0349/2008 – 2008/0196(COD)

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Digital content, such as computer programs, games or music that is not burned on a tangible medium, is not considered as a tangible item. It should thus not be considered as a good within the meaning of this Directive. On the contrary, media containing digital content such as CDs and DVDs are tangible items and should thus be considered as goods within the meaning of this Directive. The downloading of digital content by a consumer from the Internet should be regarded, for the purpose of this Directive, as a contract which falls within the scope of this Directive, but without a right of withdrawal where performance of the contract has already begun with consumer's prior consent. The Commission should examine the need for harmonised detailed provisions in this respect and submit, if necessary, a proposal to address this matter.

Or. en

16.3.2011

A7-0038/264

Amendment 264

Robert Rochefort

on behalf of the ALDE Group

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A7-0038/2011

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Consumer rights

COM(2008)0614 – C6-0349/2008 – 2008/0196(COD)

Proposal for a directive

Article 2 - point 2 a (new)

Text proposed by the Commission

Amendment

(2a) 'goods' means any tangible movable item, with the exception of goods sold by way of execution or otherwise by authority of law. Water, gas and electricity shall be considered as 'goods' within the meaning of this Directive where they are put up for sale in a limited volume or set quantity;

Or. en