

**Question for written answer E-007234/2012  
to the Commission**

Rule 117

**Regina Bastos (PPE) and Carlos Coelho (PPE)**

Subject: Apple's failure to comply with European legislation as regards warranty periods for its products

In spite of the answer given by the Commission on 16 May 2012 to the question on Apple's violation of European consumers' rights, the company is, regrettably, continuing to provide European consumers with information contrary to European legislation, in particular Directive 1999/44/EC of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees, and to mislead them about the warranty periods for its products, thus causing them to incur economic losses, given that they are being made to pay for a guarantee to which they are entitled free of charge.

This situation can be illustrated by two examples:

When, not long ago, a consumer in Belgium bought an iPad 3 from CAMI S.A., Chaussée de Charleroi, he was told that the warranty period was one year and that if he wished to be covered for two years, he would have to pay EUR 79 for the 'Apple Care Protection Plan'. This is contrary to Directive 1999/44/EC, which requires guarantees free of charge to run for at least two years.

In Italy, Apple, having been fined EUR 900 000 by the authorities in December 2011, is still failing to comply with European legislation, which lays down a two-year warranty period. The Italian authorities are threatening to impose a further fine of EUR 300 000 and temporarily close down all Apple operations in Italy for 30 days. Apple gives to understand in other Member States, as well as in Italy, that its products are guaranteed for just one year, whereas the law requires at least two years; in other words, the information which Apple provides about the terms of its warranty leads consumers to purchase the corresponding service, instead of making it clear that the company has to offer a guarantee at no charge for two years.

Without prejudice to the powers of the Member States to enforce and oversee EU legislation, the Commission acts as 'guardian of the Treaties' and in that capacity can and must impose penalties on citizens and companies for breaking the law.

- Given Apple's repeated failure to comply with Directive 1999/44/EC, will the Commission finally exercise its responsibilities by opening a Europe-wide investigation into Apple's practices regarding the guarantees applying to its products?