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EU Parliament approves new EU consumer guarantee rights

Today the European Parliament voted in favour of an EU reform of consumer guarantee rights.

For the first time the EU provides guarantee rights for consumers of digital content and services like software, streaming or video games. It means that if a consumer purchases access to a streaming service or downloads a film but the product is faulty, consumers will be able to ask for a fix or a replacement. The deal also gives rights to users if they provide personal data instead of money to access the service or the software.

The reform also modernises rules on physical goods, including for goods that function with software or which connect to the internet like smartphones or smart TVs. Shoppers will be entitled to receive software updates to keep their devices functioning and cybersecure. A right to repair or replacement if something goes wrong is obligatory for a two-year period.

Monique Goyens, Director General of The European Consumer Organisation (BEUC), said:

“Consumers are currently not well protected when a piece of software is faulty or a download they paid for does not work. The EU has greatly improved that, by providing a right to a fix or replacement if the consumer isn’t provided what they were promised.

“Manufacturers of smart goods like mobile phones or laptops must provide software updates after the product was bought. This is important because consumers sometimes find themselves with a device that works in the beginning, but without the updates necessary to keep it secure and functioning properly.”

Importantly, for all types of goods, it will now be up to the seller to prove that the product was not faulty when it was sold for at least the first year after purchase. To date the biggest hurdle for consumers to claim their guarantee rights is that they cannot easily prove the defect. Now it will be the trader who carries this burden for at least one year. Some countries like France or Portugal will be able to retain their two-year period, which is already the case in their national law.

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