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### **National governments want strong consumer guarantee rights**

Member States have adopted their position on a proposal to reform the guarantee rights consumers enjoy when buying goods. National governments decided to modernise consumer rights whilst respecting specific national rules.

Monique Goyens, Director General of The European Consumer Organisation (BEUC), said: "When a consumer buys a product like a washing machine or a phone, they attach great importance to the guarantee rights they have. In case of a dispute because the product is faulty, the consumer needs to be properly protected. Member States have made the right call in not trying to weaken these consumer rights but to look for options in how to improve them.

"Ministers decided to make consumers' lives easier when they have a defective product. It should be up to the seller to prove that the product was not faulty when it was sold. Putting the burden of proof on the seller for either one or two years after purchase across the EU, at the choice of the Member State, is a key improvement in consumer rights. [1]"

Member States also agreed to include 'smart' goods under this directive which would be a major improvement compared to today's situation. This would mean consumers buying smartphones or TVs would be entitled to having the software updated during the legal guarantee period and a right to repair or replacement if something goes wrong.

Unfortunately, the position adopted today foresees a structure put in place of first, repair or replacement depending on what the consumer prefers, and only then a price reduction or termination of the contract, in case a product is faulty during the guarantee period. This means that countries offering a consumer choice of remedies, such as Greece, Portugal, or Slovenia, will have to lower their standards.

BEUC now hopes the negotiations can start quickly on the text between Member States, the Commission and the Parliament before the end of the current Commission and Parliament.

ENDS

[1] The choice of a two-year reversal of burden of proof is particularly important for France and Portugal where this rule is already in place.

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