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Big step towards new rights for European consumers when shopping for digital products online

EU Member States want consumer protections such as guarantee rights to apply when consumers buy digital products and services. Following today's agreement¹, and once the European Parliament adopts its position, the legislator will work towards a final deal.

When adopted, this EU law would protect consumers when, for example, the eBook they bought online is faulty or if a software download doesn't function. Currently such guarantee rights only exist for tangible products, such as a pair of shoes or a washing machine. This draft law is therefore a major step forward for modern consumer protection in the Digital Single Market.

In what constitutes a novelty, these rights will also hold when consumers get access to a digital product or service in exchange for their data without paying money for it. Unfortunately, Member States were more reluctant than the initial European Commission plans by limiting the scope of the new protections to cases where personal data are provided, but not other data (e.g. anonymised usage data).

It is also regrettable that Member States agreed that the burden of proof for the cause of the defect should lie on the supplier only for the first year after purchase. After that, consumers would have to provide this proof themselves which is often impossible due to the complexity of these products (e.g. software). In practice, this limits the consumers' guarantee right to one year only.

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

"This law is important because it brings EU consumer purchase rights into the digital age. It is good news for consumers who urgently needed this change. When the antivirus software or music file you bought doesn't function you should have a right to return it to the seller to get it fixed.

"It happens all the time that we get access to a mobile app or online game without paying, but this doesn't mean these products are for free. When we use Facebook, Google or WhatsApp we pay for the service with our data. So it is only logical that consumer protection rules should also apply to these digital services."

ENDS

¹ <http://www.consilium.europa.eu/en/press/press-releases/2017/06/08-contracts-for-digital-content-supply/>

