



**COUNCIL OF
THE EUROPEAN UNION**



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PRESSE 354

Better protection of consumer rights in distance (including on-line) and off-premises purchases

The Council today¹ adopted a directive aimed at increasing the consumer protection across the European Union. The adoption follows a first-reading agreement with the European Parliament ([26/11](#) and [14701/11 ADD1](#)).

The new directive fully harmonises the list of information to be given to consumers and the right of withdrawal for distance and off-premises purchases. Subject to certain exceptions, the consumer will have the right to withdraw from a distance or off-premises contract within a period of fourteen days without giving any reason and without any costs. For that purpose, he may make use of a standard withdrawal form that he will receive from the trader.

In the case of off-premises contracts, EU member states may maintain existing national legislation prohibiting the trader from collecting the payment during the withdrawal period after the conclusion of the contract.

In addition, the directive provides for the list of minimal information the consumer shall receive when buying on-premises. Member states will be able to add supplementary information requirements depending on national circumstances.

¹ The decision was taken without discussion at a Council meeting on environment.

P R E S S

On delivery: the trader will in principle deliver the goods to the consumer as soon as possible and not later than 30 days from the conclusion of the contract. If the trader has failed to deliver and subject to specific conditions, the consumer will be entitled to terminate the contract and the trader will reimburse all sums paid under the contract.

On payment means: when a given means of payment is used, traders will be prohibited from charging consumers fees that exceed the cost borne by the trader for the use of such means.

On additional payments: before the consumer is bound, the trader will seek the express consent of the consumer to such payment; if the trader has not obtained the express consent, the consumer will be entitled to reimbursement of the payment.

On communication by phone: if the trader operates a telephone line, the consumer does not have to pay more than the basic rate when he contacts the trader, taking account of the right of telecommunication services providers to charge for such calls.

Entry into effect

Member states will have to incorporate the new rules into their domestic legislation within a period of two years, at the latest, after the entry into force of the directive.

The directive will enter into force after publication in the EU's Official Journal.
