

Implementation of the EC Directive on Unfair Terms in Consumer Contracts (93/13/EEC) - a consultation document.

Consumer Affairs Division, Department of Trade and Industry - Implementation of the Directive 1999/44/EC on ce



Description: -

- European Community.Implementation of the EC Directive on Unfair Terms in Consumer Contracts (93/13/EEC) - a consultation document.

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Notes: Includes text of Directive with commentary.

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Consultation Document Definition

However, most of these gaps were subsequently filled by the courts.

Consumer rights directive

At this initial meeting the group discussed the round table's objectives and the methodology to be used to achieve its goals. The second contains additional information on the studies carried out by the Commission and the actions it has funded.

EC Directive Definition

In relation to transport of goods and car rental which are services, consumers should benefit from the protection afforded by this Directive, with the exception of the right of withdrawal. The Barcelona Provincial Court referred the question to the EC. Indeed Article 5 provides that in such cases the interpretation most favourable to the consumer shall prevail, so that the contractual term may be maintained despite its irregularities.

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However the force of res judicata of a decision enjoining the elimination of an unfair term is limited to the term itself, to its actual wording. The definition of these two terms corresponds to criteria which have already been very clearly enshrined in the field of consumer protection policy.

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That said, as a starting point this novel interpretation of Aziz is self-evidently a much-restricted reading of that case, narrowing the scope of

protection to consumers. Indeed, following the negotiations, a genuine sector-specific complaints bureau is being put in place and will be entitled to handle disputes concerning the conclusion and performance of consumer contracts in the economic sector in question. Subsequently a number of firms reacted and agreed to sign agreements with the associations with a view to modifying the offending terms in 1998.

Annexes to COM(2000)248

Once this period has expired, i.

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