

## **THE CONSUMER RIGHTS DIRECTIVE**

Britain is now a nation of online shoppers who spend twice as much money a year online than any other European country, in fact the growth in internet shopping has been at its fastest in the last 2 years.

Members of the European Parliament have recently voted on amendments to a new Directive on EU wide consumer protection law which may have far reaching consequences for anybody doing business online.

The Consumer Rights Directive aims to clarify consumer rights with a view to harmonising protection across the EU and encouraging cross-boarder shopping.

### The scope of the new Directive

The Directive will only concern contracts for the sale of goods and services from businesses to consumers. Key elements will include:-

- Information – there will be a requirement to give consumers clear key information prior to the conclusion of the sale, including the main characteristics of the product, the geographical address and identity of the trader, the price inclusive of taxes and details of an additional delivery or postage charge.
- Delivery – goods or services ordered will need to be delivered within 30 days and the trader will be responsible for the cost or deterioration or loss of the goods until received by the consumer.
- Cooling off period – consumers will have a 14 day cooling off period to change their mind regarding the purchase of goods.
- Returns – where consumers wish to withdraw within the 14 days, they have to pay for returning the goods except where the goods are worth over a certain sum when it would be the responsibility of the seller to pay.

Under the new Directive retailers will also be obliged to make their goods available to all EU member states.

The Directive is currently in the stages of being negotiated between the European Parliament, the Council and the Commission. If an agreement is reached, the legislation could be approved in July of this year with the Directive coming into force as early as 2012.

Companies need to ensure that they are currently up to date with the current consumer protection legislation and to consider what changes they are going to have to make when the new Directive comes into force which could as early as next year.

**Please contact Amy Kerr in Poole on 01202 725400 and Darrell Stuart-Smith in Dorchester on 01305 251007.**