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From: The Irish Parliament
date of receipt: 28 February 2018
To: The President of the Council of the European Union

Subject: Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain aspects concerning contracts for the sales of goods, amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repealing Directive 1999/44/EC of the European Parliament and of the Council
[13927/17 - COM(2017) 637]
- Opinion on the application of the Principles of Subsidiarity and Proportionality¹

Delegations will find enclosed the opinion of the Irish Parliament on the above.

¹ The translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: <http://www.ipex.eu/IPEXL-WEB/dossier/document.do?code=COM&year=2017&number=637&extension=null>



**An Comhchoiste um
Ghnó, Fiontair agus
Nuálaíocht**

Teach Laighean
Baile Átha Cliath 2
D02 XR20

Teil: (01) 618 3929
Teil P.I.: (076) 100 1754
Ríomhphost:
jcbei@oireachtas.ie

**Joint Committee on
Business, Enterprise
and Innovation**

Leinster House
Dublin 2
D02 XR20

Tel: (01) 618 3929
I.P. Tel: (076) 100 1754

Email: jcbei@oireachtas.ie

□

28 February 2018

Mr Donald Tusk
President
European Council
Brussels

Political Contribution on Amended proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the sales of goods, amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repealing Directive 1999/44/EC of the European Parliament and of the Council

Dear President Tusk,

The Oireachtas Joint Committee on Business, Enterprise and Innovation has considered COM (2017) 637 and has agreed the attached report for consideration as part of the European Commission's political dialogue process with national parliaments.

Mary Butler T.D.
Chair
Joint Committee on Business, Enterprise and Innovation



**Tithe an
Oireachtais**
**Houses of the
Oireachtas**

An Comhchoiste um Ghnó, Fiontair agus Nuálaíocht

Cion Polaitiúil maidir le

Togra leasaithe le haghaidh Treoir ó Pharlaimint na hEorpa agus ón gComhairle maidir le gnéithe áirithe a bhaineann le conarthaí le haghaidh earraí a dhíol, lena leasaítear Rialachán (CE) Uimh. 2006/2004 ó Pharlaimint na hEorpa agus ón gComhairle agus Treoir 2009/22/CE ó Pharlaimint na hEorpa agus ón gComhairle agus lena n-aisghairtear Treoir 1999/44/CE ó Pharlaimint na hEorpa agus ón gComhairle (Téacs is iomchuí maidir le LEE)

Feabhra 2018

Joint Committee on Business, Enterprise and Innovation

Political Contribution on

Amended proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the sales of goods, amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repealing Directive 1999/44/EC of the European Parliament and of the Council

February 2018

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1. Introduction

- 1.1. The Oireachtas Joint Committee on Business, Enterprise and Innovation (“the Committee”), considers *COM(2017)637 Amended proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the sales of goods, amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council and Directive 2009/22/EC of the European Parliament and of the Council and repealing Directive 1999/44/EC of the European Parliament and of the Council* to be significantly important to Ireland and the EU.

2. Scrutiny by the Joint Committee on Business, Enterprise and Innovation

- 2.1. The Committee first considered the proposal at its meeting on 6 December 2017, when it was agreed to conduct further scrutiny. It was agreed to invite officials from the Department of Business, Enterprise and Innovation to brief the Committee in private session.
- 2.2. The Committee heard from the officials from the Department of Business, Enterprise and Innovation at its meeting on 13 February 2018. Following the discussion, the Committee agreed to draft a Political Contribution.

3. Decision of the Committee

- 3.1. On 27 February 2018 the Committee agreed to forward a copy of this Political Contribution to Ms Heather Humphreys T.D., Minister for Business, Enterprise and Innovation, Mr Jean Claude-Juncker, President of the European Commission, Mr Antonio Tajani MEP, President of the European Parliament, and Mr Donald Tusk, President of the European Council.
- 3.2. The Joint Committee further agreed that, in the interests of inter-parliamentary cooperation on EU matters, a copy of this report be forwarded to the appropriate Committee in the National Parliament of each EU Member State each of Ireland’s MEPs.

4. Opinion of the Committee

Having considered the proposal in detail, the Committee makes the following observations

- 4.1. The Committee notes:
 - a. that the amendments to the previous proposal, *COM(2016) 635*, have addressed the concerns surrounding the dual regime of online versus face-to-face sales;
 - b. and welcomes the two year period in which the lack of conformity with the contract is presumed to have existed at the time of acceptance of the good.

While details of the proposal remain to be teased out, the Committee wishes the following concerns to be taken into consideration as the proposal develops.

4.2. The Committee is concerned:

- a. that the proposal leads to a reduction in protection for Irish consumers. The Committee is particularly concerned at the provision in Article 14 for a period of two years for consumers to be entitled to a remedy for a lack of conformity. This is significantly below the current six year time frame provided for by Irish legislation;
- b. that Irish consumers will lose the right to request a refund as the first remedy, though the Committee is conscious that this is not an absolute right;
- c. that the increased protections in some instances provided for in the proposal do not offset the reductions in protection for the Irish consumers in other areas.

4.3. The Committee recommends:

- a. that a minimum harmonisation approach be adopted, especially in the case of the two year time limit for a remedy for a lack of conformity, as previously outlined;
- b. that different timeframes be introduced through product-specific legislation for products that should reasonably be expected to have a longer life span than two years;
- c. that every effort be made to avoid a reduction in existing consumer protections in Member States.

Appendix: Committee Membership

Deputies: Mary Butler (FF) [Chair]
Niall Collins (FF)
Stephen Donnelly (FF)
James Lawless (FF)
Tom Neville (FG)
Maurice Quinlivan (SF)
Noel Rock (FG)

Senators: Aidan Davitt (FF)
Paul Gavan (SF)
Kevin Humphreys (LAB)
James Reilly (FG)