



“The voice of crafts and SMEs in Europe”

Sales of goods: a missed opportunity

Proposal has reached reasonable solution for SMEs but missed the potential of full harmonisation

Brussels, 22/02/2018 – Today, after two years of debate, IMCO (European Parliament Internal Market and Consumer Protection Committee) voted its report on the proposal concerning contracts for the sales of goods. UEAPME acknowledges the Committee’s efforts to find a reasonable compromise for all parties and appreciates that provisions such as the lifespan guarantee have not been introduced. However, SMEs regret that the proposal, as it stands now, does not live up to the expected potential initially foreseen, notably establishing full harmonisation of guarantees and remedies at European level.

Today, after two years of discussion, IMCO adopted its report on the “Sales of Goods” proposal. UEAPME appreciates that the voice of European businesses has been heard in the European Parliament. SMEs acknowledge the efforts that all political groups have made to reach a reasonable compromise and make the proposal balanced for all parties. In particular, UEAPME welcomes that the lifespan guarantee principle did not appear in the final version of the compromise, that the minimum length of legal guarantee at European level has not been raised and that the burden of proof of one year has been proposed, a compromise between the current length and what was proposed by the European Commission.

However, **UEAPME Secretary General Véronique Willems**, commenting the vote, said: *“We cannot help but see a missed opportunity in today’s vote. We acknowledge the need for a compromise but we regret that the proposal, as it stands, does not live up to the potential which we initially thought it would. In other words, the proposal does not establish full harmonisation of guarantees and remedies at European level. We can see that many exceptions are allowed for Member States.”*

UEAPME does not want to advocate for harmonisation at any costs and is aware that, given the political scenario and national status quo, the outcome reached in IMCO could have been worse for small businesses. But *“we must highlight that this proposal barely helps SMEs engage in cross-border activities. It keeps the legal situation as it is now, raising the burden of proof by an extra six months and still leaving Member States with many options to increase the level of consumer protection on some provisions. It is a missed chance”*, added Ms Willems.

Moreover, UEAPME remains highly concerned by some specific articles and provisions that will impose burdens for SMEs, such as the deadline for completing the repair or replacement, the renewal of guarantee period after replacement of spare parts, absence of notification obligations for consumers, or the penalisation of second-hand goods in online sale that will not favour nor the development of e-commerce nor the achievement of the circular economy. UEAPME will address these specific issues in the next steps of the legislative process.

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EDITORS’ NOTES: UEAPME is the employers’ organisation representing Crafts and SMEs from the EU and accession countries at European level. UEAPME has 64 member organisations covering about 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information please visit <http://www.ueapme.com/> or follow [@UEAPME](https://twitter.com/UEAPME) on Twitter.

FOR FURTHER INFORMATION PLEASE CONTACT:

Chiara Aprea, Adviser Legal Affairs and Enterprise Policy, Tel. +32 2 230 75 99, Email: c.aprea@ueapme.com
Jenny Manin, Press and Communications Officer, Tel. +32 496 52 03 29, Email: pressoffice@ueapme.com