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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC **(first reading)** - Adoption of the legislative act - Statement

Statement by the United Kingdom

We support the principle of harmonisation of remedies under the Sale of Goods and Digital Content Directives. However, the United Kingdom would like to clarify and state its interpretation of the Sale of Goods Directive regarding the regulation of remedies that are not specific to consumer law.

Consumers in the UK have access to non-statutory remedies (judge-made case law and 'equitable' remedies) that are not specific to consumer law, in addition to the statutory remedies that were introduced as a result of the Sales of Consumer Goods and Associated Guarantees Directive (1999/44/EC). UK non-statutory remedies pre-date the statutory remedies resulting from the current Directive. They serve an important function in complementing statutory remedies.

We acknowledge that there has been an active attempt to accommodate this within the text of the directive, particularly in reference to Recital 14 of the Sale of Goods Directive. These provisions indicate that there will be aspects of national law that Member States are free to regulate.

It is the view of the United Kingdom that non-statutory remedies that are aspects of national law, not specific to consumer law, when made available in addition to the statutory remedies required under this Directive, are compatible with the aims of the Directive. We would therefore like to reserve our position regarding the regulation of non-statutory remedies that are not specific to consumer law.