

Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees

*Article 1*

**Scope and definitions**

1 The purpose of this Directive is the approximation of the laws, regulations and administrative provisions of the Member States on certain aspects of the sale of consumer goods and associated guarantees in order to ensure a uniform minimum level of consumer protection in the context of the internal market.

2 For the purposes of this Directive:

- a *consumer*: shall mean any natural person who, in the contracts covered by this Directive, is acting for purposes which are not related to his trade, business or profession;
- b *consumer goods*: shall mean any tangible movable item, with the exception of:
  - goods sold by way of execution or otherwise by authority of law,
  - water and gas where they are not put up for sale in a limited volume or set quantity,
  - electricity;
- c *seller*: shall mean any natural or legal person who, under a contract, sells consumer goods in the course of his trade, business or profession;
- d *producer*: shall mean the manufacturer of consumer goods, the importer of consumer goods into the territory of the Community or any person purporting to be a producer by placing his name, trade mark or other distinctive sign on the consumer goods;
- e *guarantee*: shall mean any undertaking by a seller or producer to the consumer, given without extra charge, to reimburse the price paid or to replace, repair or handle consumer goods in any way if they do not meet the specifications set out in the guarantee statement or in the relevant advertising;
- f *repair*: shall mean, in the event of lack of conformity, bringing consumer goods into conformity with the contract of sale.

3 Member States may provide that the expression ‘consumer goods’ does not cover second-hand goods sold at public auction where consumers have the opportunity of attending the sale in person.

4 Contracts for the supply of consumer goods to be manufactured or produced shall also be deemed contracts of sale for the purpose of this Directive.