

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1990/0308(COD) Procedure lapsed or withdrawn
Protection of consumers: liability of suppliers of services	
Subject 4.60.08 Safety of products and services, product liability	

Key players	
European Parliament	
Council of the European Union	

Key events			
25/01/1991	Committee referral announced in Parliament, 1st reading		
03/12/1992	Vote in committee, 1st reading		Summary
02/12/1992	Committee report tabled for plenary, 1st reading	A3-0420/1992	
18/01/1993	Decision by Parliament, 1st reading	COM(1990)0482	Summary
01/05/1994	End of procedure in Parliament		
21/07/1994	End of procedure in Parliament		

Technical information	
Procedure reference	1990/0308(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/3/02555

Documentation gateway					
Legislative proposal		COM(1990)0482 OJ C 012 18.01.1991, p. 0008	20/12/1990	EC	Summary
Economic and Social Committee: opinion, report		CES0873/1991 OJ C 269 14.10.1991, p. 0040	03/07/1991	ESC	Summary

Committee report tabled for plenary, 1st reading/single reading	A3-0420/1992 OJ C 021 25.01.1993, p. 0119	03/12/1992	EP	
Reconsultation	COM(1993)0570	10/11/1993	EC	
Document attached to the procedure	COM(1994)0260	23/06/1994	EC	

Additional information

European Commission

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Protection of consumers: liability of suppliers of services

PROPOSAL FOR A COUNCIL DIRECTIVE ON THE LIABILITY OF SUPPLIERS OF SERVICES - COM (90) 482 - 20 DECEMBER 1990 This proposal for a Directive would make providers of services liable for damages caused by them or their products to the health and physical well-being of the consumer or his property. It lays down similar rules to those applying to the manufacturers of defective products - the Product Liability Directive. The Directive would reverse the notion of the burden of proof in favour of the victim and, instead, the provider of the services would have to prove that he has not committed an offence. All services that may give rise to damages to the health or well-being of the individual and private property, with the exception of public safety services that are already included in specific EC rules or that are covered by international convention, would fall within the scope of the Directive.?

Protection of consumers: liability of suppliers of services

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Protection of consumers: liability of suppliers of services

FOLLOWING THE VOTE IN COMMITTEE, THE RAPPORTEUR HAD DECIDED NOT TO PRESENT HIS REPORT. By 11 votes to 4 with 1 abstention, the Committee on Legal Affairs had adopted a report that made substantial amendments to the proposal for a directive on the liability of suppliers of services. Disagreeing with the line taken by the majority in the Committee on Legal Affairs, the rapporteur, Mr Alvarez de Paz (SOC-E), had decided not to present his report in the plenary. As a result, this text would be presented in the plenary by the acting President, Marie-Claude Vayssade. The Committee on Legal Affairs proposed that the following be excluded from the scope of the directive: - public services intended to maintain public safety, - package travel and waste services (which were already the subject of specific Community legislation), - damage already covered by liability schemes governed by international conventions ratified by the Member States, - services relating to the design and construction of immovable property, - services performed by the professions. [?] supplier of the service. By reason of any deficiency in the service supplied, the supplier would be liable for damage to the physical integrity of persons or to moveable or immovable property under the following conditions: - where the supplier of the service undertook to use appropriate means to permit the creditor to achieve the desired result, he was liable for damage caused by his negligence, - where the supplier of the service undertook to achieve a precise result for the creditor, he was liable for damage caused as a result of failure to achieve that result. Change of legal base: in a very tight vote, the Committee on Legal Affairs also adopted an amendment to change the legal base proposed by the Commission (Article 100a, cooperation procedure) to Article 235 EECT (consultation).?