



## Extension rights in matters of Guarantees

The "Real Decreto Ley 7/2021", of 27<sup>th</sup> April transposes two EU directives that affect the General Law for the Defence of Consumers and Users, which extend rights regarding guarantees.

Article 16° of the "RDL 7/2021" makes a series of amendments to the current consumers and users' legislation, the General Law for the Defence of Consumers and Users, among which, **in relation to sale of goods contracts**, the following should be highlighted:

(i) Compliance with the contract is now determined by the fulfilment of **objective and subjective requirements**, including the installation. The consumer is able to demand compliance of the contract through repair or replacement, and if these remedies were not effective, a reduction of the price or termination of the contract shall proceed. In any of these cases, the consumer or user may also require, in addition, compensation for damages, if applicable.

(ii) The **legal warranty period is increased from 2 to 3 years** from the time of delivery of the goods.

In second-hand goods, the businessman and the consumer or user may agree on a shorter period, which may not be less than 1 year from delivery.

(iii) The presumption of **lack of conformity**, unless proven otherwise, is increased **from 6 months to 2 years** following delivery of the goods.

(iv) In the event of repair of the good due to lack of conformity, the businessman is liable for that repaired good during the year after the delivery of it.

(v) The **action to claim** compliance with non-conformities **is increased from 3 to 5 years** from the manifestation of the lack of conformity.

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(vi) The manufacturer must guarantee, in any case, the **existence of an adequate technical service, as well as for spare parts** for a minimum period of **10 years** from the date the good stops being manufactured. That means, it increases from 5 to 10 years.

These amendments **will enter into force on 1<sup>st</sup> January 2022**.

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