

## **Unofficial English translation**

### **Italy**

#### **Notification Art. 33 CRD**

#### **National provisions going beyond Art. 5(1) to (3) and Art. 7(1) of Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees**

#### **Consumer Code**

##### Article 132 (Time limits)

1. The seller shall be held liable under Article 130 where the lack of conformity becomes apparent within two years as from delivery of the goods.
2. The consumer loses the rights provided for by Article 130 Paragraph 2 if he does not inform the seller of the lack of conformity by no later than two months after the date on which he discovered it. This notification shall not be required if the seller has acknowledged the existence of the lack of conformity, or has concealed it.
3. Except where proven otherwise, it shall be assumed that the defects arising by six months after the delivery of goods already existed on that date, unless this presumption is incompatible with the nature of the goods or the nature of the lack of conformity.
4. Actions intended to enforce the lack of conformity not hidden by the seller with fraud shall in any event lapse after twenty-six months from delivery of the goods. Consumers who have been summoned to perform the contract may in any event enforce their rights under Article 130, Paragraph 2, provided that the lack of conformity was notified within two months from discovery thereof, and prior to the expiry of the period referred to in the foregoing sentence.

##### Article 134 (Binding nature of provisions)

1. Any contractual term or agreement concluded with the seller before the lack of conformity is brought to the seller's attention which directly or indirectly waives or restricts the rights resulting from this Paragraph shall not be binding upon the consumer. Invalidity may only be enforced by the consumer and may also be established by the courts.
2. In the case of second-hand goods, the seller and consumer may limit the duration of liability pursuant to Article 132, Paragraph 1 to a period of time of no less than one year.

3. Any contractual term that provides for the legislation of a non-EU country to be applied to the contract shall have the effect of depriving the consumer of the protection granted under this Paragraph, if the contract has a close link with an EU Member State.