

## **Unofficial English translation**

### **Germany**

#### **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**

Germany has exercised the option in Article 7(1) of Directive 1999/44/EC in the case of second-hand goods to allow the parties to agree that the seller is liable for defects for less than two years. The limitation for second-hand goods may not be reduced by agreement to less than one year (Article 475(2) BGB).

#### **Civil Code ((*Bürgerliches Gesetzbuch*))**

##### **Section 475**

###### **Deviating agreements**

(1) If an agreement is entered into before a defect is notified to the entrepreneur and deviates, to the disadvantage of the consumer, from sections 433 to 435, 437, 439 to 443 and from the provisions of this subtitle, the entrepreneur may not invoke it. The provisions referred to in sentence 1 apply even if circumvented by other constructions.

(2) The limitation of the claims cited in section 437 may not be alleviated by an agreement reached before a defect is notified to an entrepreneur if the agreement means that there is a limitation period of less than two years from the statutory beginning of limitation or, in the case of second-hand things, of less than one year.

(3) Notwithstanding sections 307 to 309, subsections (1) and (2) above do not apply to the exclusion or restriction of the claim to damages.