

UNOFFICIAL TRANSLATION

Option - Article of the Directive	Belgian legislator's choice
<p>Article 3.4: Member States may decide not to apply this Directive to contracts for which the payment to be made by the consumer does not exceed €50.</p>	<p>Belgium has made use of this option to a limited extent: only to exclude off-premises contracts that have an exclusively humanitarian purpose: see Article VI.66,3.</p> <p><i>'[The following do not fall under the scope of application of this chapter:] 3° sales organised as part of events of a non-commercial nature and with an exclusively humanitarian purpose, under the conditions as set out in the Act of 25 June 1993 on the carrying-out of itinerant activities and the organisation of public markets, and in so far as the sale price does not exceed €50. The King may adjust this amount in so far it does not exceed €50.'</i></p>
<p>Article 5.3: Member States may exclude day-to-day transactions from the duty to provide information prior to the conclusion of the contract.</p>	<p>Belgium has not made use of this option.</p>
<p>Article 5.4: the Member States may adopt or maintain additional general pre-contractual information requirements.</p>	<p>Belgium has made use of this possibility and added that information must also be provided on the sale conditions: see Article VI.2,7°</p> <p><i>'[Prior to the consumer being bound by a contract other than a distance or off-premises contract or by a contract within the meaning of Article VI. 66, the company shall provide the consumer with information in a clear and understandable manner where the information is not already clear from the context:] 7° if necessary, the sale conditions, taking into account the need expressed by the consumer for information and the use communicated by the consumer or which can reasonably be foreseen'</i></p>
<p>Article 6.7: the Member States may introduce language requirements regarding the contractual information</p>	<p>Belgium has not made use of this option.</p>
<p>Article 7.4: Member States may introduce a lighter arrangement for providing information in the case of urgent repairs or maintenance.</p>	<p>Belgium has made use of this option but it is the King who has the possibility of introducing a lighter arrangement for providing information: see Article VI.64, § 7.</p> <p><i>'The King may provide for an exemption from the duty to provide information referred to in</i></p>

	<p><i>paragraph 1 with respect to contracts where the consumer has explicitly requested the services of the company for the purpose of carrying out repairs or maintenance for which the trader and the consumer immediately perform their contractual obligations and where the payment to be made by the consumer does not exceed €200.'</i></p>
<p>Article 8.6: for distance contracts to be concluded over the phone, Member States may require that traders confirm the offer to the consumer.</p>	<p>Belgium has made use of this option but it is the King who has the possibility of designating sectors to which the requirement will apply: see Article VI.46, § 6.</p> <p><i>'For the sectors of professional activity or for the categories of products he designates, the King may determine that when a contract is to be concluded over the phone, the company must confirm the offer to the consumer who is bound only once he has signed the offer or has sent his written consent. Such confirmation may, if necessary, be made on a durable medium.'</i></p>
<p>Article 9.3: Member States may maintain existing national legislation prohibiting the trader from collecting the payment from the consumer during a given period after the conclusion of the contract.</p>	<p>Belgium has made use of this option for off-premises contracts: see Article VI.67, § 2, last paragraph.</p> <p><i>'On no pretext can any advance or payment, in whatever form, be demanded or received from the consumer prior to the end of a period of seven working days from the day following the signature of the contract. This paragraph does not apply to off-premises contracts concluded in shows, fairs and exhibitions.'</i></p>