

Jurisprudence

Informations concernant l'affaire

ID national: 11/07174

État membre: France

Nom commun: N/A

Type de décision: Décision de justice faisant l'objet d'un recours

Date de la décision: 04/02/2013

Juridiction: Cour d'Appel de Douai

Objet:

Demandeur: Laurent Barre

Défendeur: SARL JCD AUTO

Mots clés: conformity with the contract, professional diligence

Articles de la directive

Consumer Sales and Guarantees Directive, [Article 5, 3](#).

Note introductive

In the absence of evidence to the contrary, any lack of conformity appearing within six months of delivery of a second-hand good by a professional seller to a consumer is presumed to have existed at the time of delivery.

Faits

The plaintiff bought a car from the defendant which later revealed to be non-conforming to the contract, as it appeared to suffer from permeability problems.

Question juridique

In which circumstances can the lack of conformity of a second-hand good be presumed to have existed at the time of delivery?

Décision

As the defendant is a professional seller, the lack of conformity having appeared under six month of the delivery of the good is presumed to have existed at the time of delivery.

Texte intégral: [Texte intégral](#)

Affaires liées

Aucun résultat disponible

Doctrine

Aucun résultat disponible

Résultat

Appeal upheld.