

Case Details

Case Details

National ID	493/11.0T2AVR.C1
Member State	Portugal
Common Name	link
Decision type	Court decision in appeal
Decision date	18/09/2012
Court	Court of Appeal of Coimbra
Subject	
Plaintiff	A
Defendant	B
Keywords	guarantee, sales contract

Directive Articles

Consumer Sales and Guarantees Directive, [link](#)

Headnote

(1) The purchase of a building unit is governed by Decree-Law No. 67/2003 of 8 April 2003, implementing Directive 1999/44/CE of 25 May.

(2) A three-year deadline is granted to consumers for exercising the right to the repairment of defects. This deadline shall begin upon the complaint of the lack of conformity of the goods.

Facts

Following the sale of several building units by the defendant, defects were detected in the building units. The relevant owners of the building units, represented by the plaintiff, requested the repairment of the defects or, alternatively, the payment of compensation. The Defendant claimed that the right to the repairment had already expired by the time the action was brought.

Legal issue

The court has decided that Decree-Law No. 67/2003 of 8 April 2003 implementing Directive 1999/44/CE is applicable to a situation where building units were purchased for housing purposes. Consequently, a three-year deadline, counting from the submission of the relevant complaint of the lack of conformity of the goods, is granted to the plaintiff for exercising the right to the repairment of the defects.

Decision

(1) Should the purchase of a building unit be governed by Decree-Law No. 67/2003 of 8 April 2003, implementing Directive 1999/44/CE?

(2) What is the deadline for exercising the right to the repairment of defects and when does the deadline begin?

URL: <http://www.dgsi.pt/jtrc.nsf/c3fb530030ea1c61802568d9005cd5bb/0095682f25f3848c80257aa10038cc8b?OpenDocument>

Full Text: [Full Text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court upheld in part the first instance court's judgment.
