

**Case law****Case Details**

**National ID:** AP de Alicante (Sección 5ª) Sentencia no. 27/2010 de 27 de enero

**Member State:** Spain

**Common Name:** link

**Decision type:** Court decision in appeal

**Decision date:** 27/01/2010

**Court:** Provincial Court of Alicante

**Subject:**

**Plaintiff:** Unknown

**Defendant:** SOCIEDAD ANÓNIMA DE PROMOCIONES Y EDICIONES, S.A.

**Keywords:** evidence, prior information, right of withdrawal

**Directive Articles**

Distance Selling Directive, [Article 4](#)

**Headnote**

(1) The seller is required to provide the legally mandatory prior information/ documentation in writing before or at the time of execution of the contract.

(2) The contract becomes null and void as a result of the seller's failure to fulfill the legal requirements on prior information and withdrawal right documentation required according to law.

**Facts**

The plaintiff acquired a tax training course remotely and refused to pay the full price for it.

**Legal issue**

As a result of the defendant being unable to provide evidence that it fulfil the prior information/ documentation requirements set forth in the applicable consumer protection regulations, the court declares the distance contract executed with the plaintiff null and void, and repeals the order awarded in first instance under which the plaintiff was required to pay 900 Euros (plus delay interest) to the defendant.

**Decision**

(1) Do distance contracts require fulfilment of a number of prior information/ documentation requirements?

(2) Does failing to fulfil these requirements render the contract null and void?

Full text: [Full text](#)

**Related Cases**

No results available

**Legal Literature**

No results available

**Result**

Appeal decision repealing the first instance ruling ordering the plaintiff to pay 900 Euros (plus delay interest) to the defendant.