

## Legal Literature

### Legal Literature Details

**Member State:** Greece

**Title:** The “beneficial” repair

**Subtitle:**

**Type:** article

**URL:**

**Author:** CHELIDONIS, A.

**Reference:** Αρμενόπουλος, τεύχος 11, σελ. 1781 – περιοδικό (Armenopoulos, v. 11, p. 1781 - magazine)

**Publication Year:** 2011

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### Directive Articles

Consumer Sales and Guarantees Directive, [Article 3, 1](#). Consumer Sales and Guarantees Directive, [Article 3, 2](#). Consumer Sales and Guarantees Directive, [Article 3, 3](#). Consumer Sales and Guarantees Directive, [Article 3, 3](#). Consumer Sales and Guarantees Directive, [Article 5, 1](#). Consumer Sales and Guarantees Directive, [Article 8, 2](#).

### Headnote

The article contains an analysis regarding the nature of the right of repair in a sale contract. The author examines whether there should be a balance between the loss and the gain when claiming for repair. On the one hand, it is argued that the repair means the satisfaction of the claim so that the buyer won't have to pay any extra charges. Yet on the other hand, it is argued that the physical restoration of the damage should apply proportionally; therefore both loss due to the defect and gain from the restoration should be assessed. The author goes further to express his personal opinion by stating that the repair means literally restitution. Therefore, the seller is obliged to provide the spare part even if that spare part is at the time of repair more expensive than when the good was bought. So this is considered as a necessary means for the repair and not as gain for the buyer (as long as the repair cost is not disproportionate). So according to the author's view, the seller bears the burden even of a beneficial repair further to the restitution principle.

### General Note

### Related Cases

No results available