

## Online Shopping & Shipping Holiday Presents

by Joerg Modellmog

The holiday season is upon us and that means shopping. Some of the best deals are available online. However, when you order presents online, you cannot verify their quality and condition right away, and you have to allow time for them to be shipped to you. That's when a seemingly easy process can become much more complicated.

Almost all goods for private use that are ordered online within the European Union (EU) are subject to EU Directive 97/7/EC on the protection of consumers in respect of distance contracts (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1997:144:0019:0027:EN:PDF>). This directive requires the seller to describe the offered product and imposes a duty to inform the consumer about the main characteristics of the deal, to include the full and actual price (*i.e.*, no hidden fees).

The EU distance contract directive also gives consumers the right to cancel what they order online. This is an important right, because without it, the seller would be entitled to recover his lost profits on the sale. The EU directive grants consumers the right to cancel the transaction for no reason within at least seven working days, starting generally from the date of delivery (if goods are concerned) or the date of the conclusion of the contract (if services are concerned). German law is even more favorable: it allows consumers 14 days to cancel. But there are exceptions to the rule; for example, under the EU directive no cancellation right exists if the consumer unseals audio or video recordings or computer software. Break the plastic wrap and you're stuck with it!

Once you have placed an order for the desired goods, the seller will ask for a shipping address. Either for reasons of convenience or simply because the commercial carrier only delivers to a street address, you might provide your local German residential address rather than an APO address. If you shop within the EU, there should be no problems having the items delivered to your home address. However, whenever a non-APO address is used and the goods are to be delivered from a country outside the EU (the USA comes to mind), the goods will be routed through German customs and the commercial carrier will have to pay customs fees before the goods can be released for delivery. In such a case, the carrier will seek reimbursement of the customs fees from you. The only way to avoid becoming responsible for the fees (and to preserve your privilege of being exempt from these fees, codified in Article 66 of the Supplementary Agreement to the NATO SOFA), is to promptly submit AE Form 550-175A, enabling a reimbursement of any such fees paid. In fact, you may want to contact the carrier in advance to arrange for the AE Form 550-175A in order to avoid the reimbursement process. AE Form 550-175A can be obtained at the Customs Office located in Room 215 of Building 3245 on Kleber Kaserne.

***For further information pick up a copy of our client handout on "Commercial Solicitation and Sales & Purchases in Germany" on our preventive law shelves in the Kaiserslautern Legal Services Center's Legal Assistance Waiting Room, or schedule an appointment with a German Attorney-Advisor if you have questions concerning your specific situation. To make an appointment, call DSN 483-8848 or Civilian 0631-411-8848.***

