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Abstract:

With the impending transposition of Directive 2024/1799 and the re-establishment of the Civil Law Codification Commission in 2024, it is time to discuss re-implementation of Directive 2019/771 within the Civil Code. The article presents the main ideas that should be reflected in the new provisions governing the seller’s liability regime. We advocate for the unification of the seller’s liability regimes, introducing specific rules addressing liability for non-conformity with the contract in the case of the sale of animals, and limiting the period of the seller’s liability by a prescription period only. We propose rephrasing the following two concepts: the conformity requirements and the definition of legal defects. We highlight the most problematic issues which should be taken into consideration when drafting provisions regarding refurbished and substitute goods. We argue for supplementing the current legal framework with explicit regulation on the ‘right to reject’ and adding a new mechanism to increase the effectiveness of the update obligation.