

# Malta



Il-Belt Valletta / Valletta

## LEGAL GUARANTEE

### Garanzija Legali in Maltese

*Every consumer purchase is covered by a mandatory legal guarantee. No seller can claim otherwise.*

#### What is the duration of this legal guarantee for new and second-hand goods?

The duration is **2 years**.

#### If the product is defective, who is responsible for putting things right?

**The seller**, even for purchases made on an Internet platform. However, the platform may have agreed to act as an intermediary so read the terms and conditions.

#### By when must the consumer notify the seller of any defects?

Within **2 months** of noticing the defect.

#### Who has to prove the presence/absence of a defect and how long do they have to do this?

**During the first 6 months the seller** must prove that the item was not defective ("reversal of burden of proof"). **After that, the consumer** must prove that it was.

#### Is there a third party testing body to assist the consumer with providing proof?

An independent expert opinion is necessary and an expert can be appointed by the Consumer Claims Tribunal.

#### To what remedies is the consumer entitled free of charge? Is there a deadline for implementing the solution?

There is a so-called hierarchy of remedies. **Firstly, repair or replacement** within a reasonable time frame and free of charge. **Secondly, refund or reduction** of the purchase price if repair or replacement is impossible, but only under certain conditions. The solution must be implemented within a reasonable period and with a minimum of inconvenience to the consumer.

#### Is the repaired/replaced product covered by a new guarantee?

**No.** The legal guarantee period is only extended by the time necessary for repair or replacement.

#### Can the consumer take action against the importer or any intermediary in the supply chain up to and including the producer?

The trader alone is liable to provide remedy to the consumer in cases of non-conformity.

#### If no amicable solution can be found, what is the deadline for taking the case to court?

The prescription period is **2 years** from the delivery of the good unless there is a suspension of the statutory limitation period.

#### Are any other legal guarantees laid down in national law coexisting with the legal conformity guarantee?

Article 1424 of the Maltese Civil Code provides for a legal **guarantee against latent defects**, but the consumer must prove the existence of any such defect.

## COMMERCIAL WARRANTY

*A trader is free to offer a commercial warranty and to fix the conditions. This does not influence the legal guarantee.*

#### Who is responsible for application of the warranty?

**The party offering the warranty**, be it the seller, the producer or a third party guarantor. Always refer to the documentation provided.

#### What is the average duration of a commercial warranty?

1 to 5 years, and in most cases 2 years, as with the legal guarantee. More expensive goods usually have a longer warranty which often applies to specific parts of the product.

#### Is it free of charge?

Not necessarily. The trader can fix the conditions, so it can be free of charge or offered against payment.

#### Does it have to be confirmed in writing?

The seller has to provide the commercial warranty in a written document and at the request of the consumer.

#### What information is required?

**A reminder of the legal guarantee and a statement that the commercial warranty does not affect the consumer's rights under the legal guarantee.**