



Hamburger Ausstellung „Du und Deine Welt“: Wer den Eingang passiert, entscheidet sich bewusst für den Besuch.
 “Du und Deine Welt,” Hamburg’s shopping and event fair: Those who enter, make a conscious decision to visit.

Photo: HMC/Hartmut Ziehe

thus no longer a right of withdrawal from purchases made at trade fairs. The sometimes difficult issue of whether a consumer exhibition is a recreational event is no longer relevant. In theory, there will continue to be a right of withdrawal from purchases at exhibitions – but only in cases where consumers are offered products that are unrelated to the trade fair’s theme. However, that only happens in extremely rare cases. Organisers of themed trade fairs normally do not allow it because it is detrimental to the fair’s image. And at general consumer exhibitions the categories included are usually so broad that essentially anything can be sold.

No surprises

The new legislation makes it clear that, unlike the case with a door-to-door sale, it should come as no surprise if a company tries to sell you

something at a trade fair or exhibition. On the contrary, you normally pay for admission to these events, which is an additional psychological barrier similar to the one you cross when entering a “normal” place of business. Once consumers have consciously gone through this barrier, they can no longer claim to be taken by surprise if companies try to sell them something.

Aisle considered equivalent to the stand

At trade fairs visitors standing in an aisle are often addressed by the staff at an exhibition stand. The issue is whether the aisle can be considered to be a place of business in the same way as the stand. The accepted view is that it can. Consequently, an exhibitor’s staff can actively approach visitors in the aisle in front of their stand – without having to be concerned that consumers will have a right of withdrawal if they make a purchase. On the other hand, any promotional activities conducted in a hall where the exhibitor is not represented are a different matter. Generally, however, event organisers do not want any such promotional activities to be conducted in halls where exhibitors are not represented, so it rarely happens.

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Is there a right of withdrawal after purchases at trade fairs?

New legislation implementing the EU consumer directive will be coming into force on 14 June 2014 and giving exhibitors benefits under the law. Consequently, when sales are made at trade fairs and exhibitions in Germany in the future, there will be greater clarity than in the past.

The situation thus far

The legal situation at B2B trade fairs has always been unambiguous. Only business people attend these fairs, so consumer rights do not come into play. The situation is less clear at events aimed entirely or primarily at the general public such as International Green Week Berlin or regional consumer fairs such as Hamburg’s shopping and event fair Du und Deine Welt. In these cases it has always been necessary to make a legal declaration that the event is not recreational and thus that the legislation on door-to-door sales and similar transactions is not applicable. The assumption is that visitors to recreational events could get caught up in the mood of the event and make an ill-considered purchase.

If that happens, they have the right to withdraw from it provided they do so within a certain period. The question as to what constitutes a recreational event is an area of legal uncertainty. In practice, however, there have been next to no lawsuits on this issue since the middle of the previous decade. It is to be assumed that this is due to exhibitors increasingly demonstrating goodwill to purchasers.

The legal situation in future

The new legislation gives a right of withdrawal to consumers making purchases anywhere other than on business premises and obliges vendors to provide comprehensive information. AUMA successfully made the case that exhibition stands should be considered to be a place of business – and that there is

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