

Distance Selling Contracts under Egyptian Consumer Protection Law: Legal Framework and Consumer Protection Guarantees

Introduction

The rapid development of electronic commerce has significantly transformed the nature of commercial transactions in Egypt. With the increasing reliance on digital platforms and electronic means of communication, distance selling has become an increasingly important form of modern contracting, enabling suppliers and consumers to conclude transactions without being physically present at the same time.

However, the nature of distance transactions creates specific challenges, particularly those arising from the consumer's inability to physically inspect the product before contracting, the potential imbalance of information between suppliers and consumers, and the need to ensure that the consumer's consent is based on clear and sufficient information.

Recognizing these particularities, the Egyptian legislator established a specific framework governing distance contracting under Consumer Protection Law No. 181 of 2018 and its Executive Regulations issued by Prime Minister's Decree No. 822 of 2019. Chapter Three of the Law specifically addresses distance contracting and establishes disclosure requirements and consumer safeguards designed to promote transparency and protect the consumer throughout the contractual process.

Legal Concept of Distance Contracting

Distance contracting is characterized by the conclusion of the transaction between the supplier and the consumer without their simultaneous physical presence, with the contractual process being conducted through the internet or other means of communication recognized under the applicable legal framework.

Unlike traditional sales concluded through direct interaction between the parties, distance selling relies substantially on information presented electronically or through other remote means as the basis upon which the consumer decides whether to enter into the transaction.

The legal framework therefore gives particular importance to:

- Transparency of information provided to the consumer.
- Identification of the supplier and the product.
- Disclosure of the price and additional costs.

- Delivery arrangements.
- The consumer's right to withdraw from the contract.
- Effective remedies in cases of non-compliance.

Scope of the Legal Framework

The provisions governing distance contracting under Chapter Three of Consumer Protection Law No. 181 of 2018 do not apply to all types of transactions.

The Law expressly excludes, among other matters, banking and financial services and services relating to trading in the capital market, as well as contracts for subscriptions to newspapers and other periodicals.

Accordingly, determining whether a particular transaction falls within the statutory framework governing distance contracting requires consideration of both the nature of the transaction and any applicable exclusions.

Pre-Contractual Disclosure Obligations

One of the principal safeguards established by the Egyptian Consumer Protection Law is the supplier's obligation to provide the consumer, clearly and expressly and before concluding the distance contract, with the information necessary to enable the consumer to make an informed contracting decision.

Such information includes, in particular:

- Information identifying the supplier, including its name, address, telephone number, and email address, where available.
- The supplier's commercial registration and tax identification details.
- Information identifying the manufacturer or importer, where applicable.
- The essential characteristics and relevant information concerning the product.
- The price and any additional amounts or charges payable by the consumer.
- The applicable warranty and after-sales service arrangements.
- The date and place of delivery.
- Delivery and other applicable costs.
- The conditions governing the consumer's right to withdraw from the contract.

These disclosure requirements seek to reduce the information imbalance between the supplier and the consumer and ensure that the consumer's decision is based on adequate information.

Guarantees During Contract Formation

The consumer protection framework also regulates the formation of the distance contract itself.

The supplier is required to ensure that the consumer's acceptance of the transaction is properly confirmed and that the consumer is afforded the statutory opportunity to review and correct the order in accordance with the requirements established by the Law and its Executive Regulations.

These requirements enhance legal certainty regarding the existence and terms of the transaction and facilitate proof in disputes concerning contractual terms, payment, delivery, or other obligations.

Consumer's Right to Withdraw from the Contract

A central protection afforded to consumers in distance contracting is the statutory right of withdrawal.

Under Article 40 of Consumer Protection Law No. 181 of 2018, the consumer has the right to withdraw from a distance contract within fourteen days from receipt of the product, subject to the conditions and exceptions established by the Law.

Where the consumer validly exercises the right of withdrawal, the supplier is required to refund the amount paid in accordance with the statutory requirements and within the legally prescribed period.

Exceptions to the Right of Withdrawal

The right of withdrawal is not absolute.

Article 41 and the applicable Executive Regulations establish circumstances in which the consumer may not exercise the right of withdrawal, including certain services that have been fully performed and products manufactured according to specifications determined by the consumer or made specifically at the consumer's request, subject to the applicable legal provisions.

These exceptions seek to maintain an appropriate balance between consumer protection and the legitimate interests of suppliers.

Protection in Cases of Delayed Delivery

Consumer protection in distance selling is not limited to the right of withdrawal.

The legal framework also addresses the supplier's obligations concerning delivery and provides protection where the supplier fails to comply with the agreed delivery

arrangements.

Where the supplier fails to deliver within the applicable period, the consumer may exercise the remedies available under the Consumer Protection Law and its Executive Regulations, subject to the circumstances of the transaction.

Legal Liability

Failure to comply with the obligations governing distance selling may give rise to different forms of legal consequences depending on the nature of the violation.

Civil Liability

The consumer may pursue available remedies in cases of contractual or statutory breach, which may include withdrawal from the transaction, restitution of amounts paid, and compensation where the legal requirements are satisfied.

Administrative and Regulatory Measures

The Consumer Protection Agency plays a central role in monitoring compliance with the Consumer Protection Law and addressing violations falling within its statutory mandate.

Criminal Liability

Certain violations of the Consumer Protection Law may also result in criminal liability where the conduct falls within the criminal provisions established by the legislation.

Importance of Regulating Distance Selling from a Consumer Protection Perspective

The regulation of distance selling represents an important component of the Egyptian consumer protection framework.

By imposing mandatory disclosure requirements, regulating the formation of distance contracts, recognizing a statutory right of withdrawal, and establishing legal consequences for violations, the legislator seeks to address the particular risks arising from transactions in which the consumer and supplier do not meet physically before the transaction is concluded.

Legal Perspective

Compliance with the legal requirements governing distance selling should be viewed as an integral part of commercial risk management.

Suppliers should establish clear procedures for:

- Providing accurate and complete pre-contractual information.

- Documenting consumer acceptance and transaction details.
- Maintaining appropriate records of distance transactions.
- Implementing effective withdrawal and refund procedures.
- Ensuring compliance with delivery obligations.
- Handling consumer complaints in accordance with the applicable legal framework.

A structured compliance framework can reduce legal and regulatory exposure while strengthening consumer confidence and supporting sustainable commercial activity in Egypt's digital marketplace.

Conclusion

Distance selling has become an important component of modern commerce, creating a need for specific legal safeguards capable of addressing transactions concluded without the simultaneous physical presence of the supplier and consumer.

Through Consumer Protection Law No. 181 of 2018 and its Executive Regulations issued by Prime Minister's Decree No. 822 of 2019, the Egyptian legislator has established a dedicated framework for distance contracting based on transparency, adequate disclosure, informed consumer consent, the right of withdrawal, and statutory remedies for non-compliance.

For suppliers, effective compliance with these requirements is essential not only to avoid legal consequences but also to establish reliable commercial practices and consumer trust.