



European Commission

# THE EUROPEAN CONSUMER CENTRES' NETWORK

## FIFTH ANNIVERSARY REPORT

### 2005 – 2009



This report was prepared by the European Commission's Directorate-General for Health and Consumers and is based on contributions from the ECC-Net and relevant Commission services. The views expressed in the report do not necessarily reflect the opinion of the European Commission and are not binding.

More information on the European Union is available on the Internet (<http://europa.eu>).

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## Abbreviations

ECC	European Consumer Centre
ECC-Net	European Consumer Centres' Network
ADR	Alternative Dispute Resolution
NEB	National Enforcement Body for Air Passenger Rights
EEA	European Economic Area
CPC	Consumer Protection Cooperation

We are grateful to the ECCs for their substantial contributions to the preparation of the different chapters of the report including the national chapters and photographs.

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# Foreword

At the beginning of my mandate, before the European Parliament, I made the commitment to put consumers first. The European Consumer Centres as well as other stakeholders will be key in helping accomplish this task.

We are celebrating the fifth anniversary of the European Consumer Centres' Network (ECC-Net), although some of the centres in the network were in action long before 2005. Today's network is the result of the merger of the Euroguichets, which started operating in the early 1990s, and the Clearing Houses, that were created in late 2001 and early 2002.

This is an opportunity to recognise and celebrate the work accomplished by the centres over the last five years and to focus on how to best meet the challenges ahead.

The centres undertake challenging and important work for consumers. Consumers need to know about their rights, they need to receive advice and assistance when they are in trouble, and to know where to seek redress. The European Consumer Centres help them with all this. There is a centre in every Member State, as well as in Iceland and Norway. These centres help empowering consumers and giving them access to consumer protection.

Since 2005, the centres have dealt with almost 300,000 contacts. Over the years the volume of their contacts with consumers has increased significantly. In 2009, the network provided free services to more than 60,000 citizens.

The centres are a valuable source of information on how markets work for consumers. They provide valuable data, expertise, and information on issues such as the implementation of European Directives and the concrete problems experienced by consumers in the application of the European law. This information

helps improve policy and regulation. The centres also communicate proactively with citizens and stakeholders through media and social platforms, promotional stands and information campaigns.

I believe that consumer confidence is key to sustainable growth within the European Single Market. In order to enhance consumer confidence we need strong enforcement of legislation and effective redress mechanisms. European Consumer Centres have an important role to play in this respect. Strengthening the cooperation of the European Consumer Centres with the enforcement authorities, as well as improving their feedback and input to policy-making are major challenges lying ahead. The revision of the network which is currently ongoing is bringing about insights on how to revise the network's scope, boost the centres' role and the network's visibility.

I would like to thank the European Consumer Centres for their always timely and coordinated response to the calls of European consumers, in particular after the closure of European airspace following the volcano eruption in Iceland. This unprecedented situation left hundreds of thousands of air passengers stranded and confused, not knowing where to turn. Thanks to the assistance of the European Consumer Centres, they could obtain useful information about their rights.

To conclude, I would like to express my gratitude to the European Consumer Centres and their staff, for the commitment in helping consumers which I am sure will continue with the same dedication and success.

**Mr John Dalli**  
European Commissioner for Health and Consumers

## Your ECC-Net!

- in 27 Member States plus Norway and Iceland
- informs you about your rights
- is at your service, when you buy goods or services in another EU country
- advises and assists you in finding a solution if you have a problem with a trader
- listens to your problems and reports trends to policy-makers
- is free of charge for the consumer

The ECC-Net helps more than 60,000 consumers per year!

# 1

This report provides an overview of the main activities of the European Consumer Centres' Network (ECC-Net) and its main achievements over the last five years. It highlights some of the key problems cross-border shoppers face and provides information on some of the main trends emerging from cases handled by the network since its creation in 2005.

## *A steadily increasing number of consumers turn to the European Consumer Centres for help*

In 2009, the European Consumer Centres' Network (ECC-Net) handled over 60,000 contacts with consumers. Consumers turned to them for advice on their rights or for help with problems concerning cross-border shopping. This is 10,000 more contacts than in 2007, and slightly fewer than in 2008, when more than 62,000 consumers received assistance. In 2005 this figure was 43,000. The volume of complaints – cases where consumers asked for assistance with real problems – also showed a significant increase of 55% between 2005 and 2009.

## *But more needs to be done before an integrated internal retail market is achieved*

Consumer's confidence must be continuously boosted by adopting the right standards to secure consumer protection and by providing effective redress and enforcement mechanisms to ensure that those norms are respected.

## *Internet purchases continue to be the main source of consumer's cross-border complaints*

When it comes to the type of transaction involved, in 2009 more than half of all complaints concerned online transactions (55.9%). In 2008 almost half of all consumer complaints handled by the network concerned products or services

# Executive Summary

purchased online (47% in 2008). The number of e-commerce related complaints has almost doubled since 2006 (from 8,000 to 15,000).

This reflects a change in consumers' habits who are gradually incorporating online purchases as part of their shopping pattern. E-commerce transactions are crucial for growth in Europe. It is increasingly important to make sure such transactions are safe and reliable, especially since the distance and the cross-border dimension of these types of transactions weaken the consumer's position in disputes with traders.

## *Transport remains the number one problem sector for consumers*

In 2009, European consumers' biggest cross border problem areas related to transport, recreation and culture, and accommodation services. These three big sectors accounted for just over 70% of all complaints.

The transport sector triggered 30.6% of all complaints in 2009 and has been the biggest sector for complaints since the creation of the network. The Air Passengers' Rights Regulation came into force in 2005 and has had a positive impact on the outcome of complaints within the sector although the number of complaints is continuously increasing as the ECC-Net becomes more known to consumers.

Regarding recreational and cultural services, the number of complaints increased slightly in 2009 in comparison with 2008. Figures for complaints about accommodation services remained steady in 2009.

### Problems with products and services stay top of the list of complaints

When categorising complaints by nature of complaints (selling techniques/unfair commercial practices, price/payment, contract terms, delivery and product/service) then complaints relating to the product or service itself were the most frequent (except in 2005 when it was selling techniques). Complaints relating to selling techniques and unfair commercial practices fell strongly from 2005 to 2009. In 2009, the most frequent source of cross-border complaints handled by ECCs was related to problems with goods or services: 29% of these related to specific aspects of products or services (against 25% in 2008), 21% to problems with delivery, 18% to contract terms, and 11% to the price or payments. Complaints relating to selling techniques and unfair commercial practices fell from 14% in 2008 to 9% in 2009. Complaints related to redress accounted for 9% and 3% of the complaints were classified as others.

### The ECC-Network: Empowering consumers!

The European Consumer Centres play an important role in promoting consumer rights and advising consumers on ways to resolve their cross-border shopping problems. In almost half of all complaints (48%), the ECC-Net was able to secure an amicable settlement. There was a failure to reach an agreement in almost 39% of the cases; in this category, ungrounded consumer claims accounted for 18%, traders "refusal to compromise" accounted for 68%, consumers "refusal to compromise" accounted for 7%. Complaints transferred to another organisation or agency amounted to 13%, and 7% of the cases were classified as others. Enforcement mechanisms must be strengthened to avoid situations where vendors can avoid the consequences of poor trading practices.

# 2

## Identity Card of the ECC-Net

As a consumer, have you ever had problems with these sorts of issues?

- I have trouble obtaining a replacement for a faulty product bought in another European country. What are my rights?
- I have a problem with the reimbursement of my plane ticket after my flight was cancelled. What should I do?
- A hotel abroad has withdrawn more than it should from my credit card. What should I do?
- How do I know if it is safe to shop on a particular website?
- What are my rights if I buy goods from an auction site?
- What are my rights if I buy a car from a car dealer in another country and the car has a fault?
- What should I be aware of when considering a timeshare contract?
- What should I do if I have a problem with a package holiday?
- If the tour operator does not respond, whom do I talk to?
- I have just received a letter/phone call telling me that I have won a free holiday. Am I right to be suspicious?

What can the European Consumer Centres do for consumers?

The European Consumer Centres offer help to consumers in finding solutions to these types of cross-border shopping problems. They provide consumers with information, advice and support on their rights when buying goods or services in another EU country, Iceland or Norway. The services provided by the European Consumer Centres are free of charge.

For more information, see: [http://ec.europa.eu/consumers/ecc/index\\_en.htm](http://ec.europa.eu/consumers/ecc/index_en.htm)

ECC-Net is a network dedicated to helping European consumers enjoy the opportunities in the EU regarding cross-border purchases. Consumers should feel as confident when shopping in another EU country as they do at home.

### Ten good reasons to contact a European Consumer Centre

An ECC:

- Informs shoppers about consumer rights within the European Union, Norway and Iceland
- Gives advice to consumers before they buy goods or services
- Deals with consumer-to-business problems and helps consumers find solutions to cross-border shopping problems
- Assists in contacting a business to reach an amicable solution in another EU country and in Norway or Iceland
- Advises consumers on other means of redress if an amicable solution is not possible: directs consumers to an alternative dispute resolution scheme or to an out-of-court settlement body, or advises consumers on how to use the European Small Claims Procedure or other legal action
- Provides a free service
- Is simple to contact
- Is an effective alternative to legal action against traders or businesses
- Provides informal problem solving
- Has a fully dedicated staff of experts on consumer rights

### What problems can ECCs help with?

ECCs deal with any cross-border problem between a consumer and a trader. They cover consumer issues in areas such as package travel, air and rail transport, non-delivery of goods, defective goods, e-commerce, unfair commercial practices, etc. (This is not an exhaustive list).

### How do I contact a European Consumer Centre?

Consumers from the EU, Iceland or Norway, wanting to know more about their rights within the EU or who need assistance, can visit or contact the European Consumer Centre in their own country by phone, fax, e-mail or enquiry form ([http://ec.europa.eu/consumers/ecc/index\\_en.htm](http://ec.europa.eu/consumers/ecc/index_en.htm)).

### How do ECCs work?

The ECC in the consumer's country liaises with the ECC in the country where the trader is located. In this way, direct contact with the trader can be established to communicate the consumer's complaint. The involvement of an ECC considerably increases the chances of the consumer obtaining a result according to his/her rights.

Where an ECCs' intervention does not lead to an amicable solution with the trader, ECCs will, if possible, actively try to prevent consumers becoming involved in a costly and time-consuming court trial. They will direct consumers to appropriate national alternative dispute resolution bodies and will continue to inform and assist consumers with language barriers and proceedings.

### ECCs – An effective and valuable network

An important benefit of the ECC-Net is its positive impact on the daily life of EU citizens. The 2009 data on cross-border trade (business-to-consumer) shows that:

- 24% of consumers purchased goods while on holiday, shopping or business trip in another EU country;
- 8% of retailers sold products or services to consumers in other EU countries<sup>1</sup>.

### Development over the years

The network is constantly evolving. The European Consumer Centres' Network (ECC-Net) is the result of the merger, in 2005, of two previous networks: the European Extrajudicial network (EEJ-Net or Clearing houses) and the ECCs (or Euroguichets). The first ECCs opened in the early 1990s and mostly in border regions. The Clearing Houses opened in late 2001 and early 2002, one per country.

The recent enlargement of the European Union led to the creation of two new centres in Bulgaria and Romania in 2007. The network now comprises 29 European Consumer Centres: covering all 27 Member States of the European Union plus Iceland and Norway.

ECC-Net is developing and improving the efficiency of its tools, with the help of the European Commission: since 2007, the Centres use a common IT-tool to register and share consumer cases and compile statistics.

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<sup>1</sup> Eurobarometer data.

### How is the ECC financed?

ECC-Net is co-financed – by grants – by the EU and the participating countries. In 2009, the EU contributed with 5 million EUR to support the ECCs. ECCs are hosted by public bodies or non-profit-making organisations which have been designated by the Member State or the concerned competent authority and approved by the European Commission.

### Host organisations of the European Consumer Centres

COUNTRY	HOST ORGANISATION	TYPE OF ORGANISATION*
AUSTRIA	Verein für Konsumenteninformation, VKI (Association for Consumers Information)	NGO
BELGIUM	Organisation Indépendante pour la Protection du Consommateur a.s.b.l – OIPC, Test-Achats (Independent Organisation for Consumer Protection)	NGO
BULGARIA	Commission for Consumer Protection (CCP)	G
CYPRUS	Competition and Consumer Protection Service (CCPS), Ministry of Commerce, Industry and Tourism (MCIT)	G
CZECH REPUBLIC	Česká obchodní inspekce (Czech Trade Inspection, CTI)	G
DENMARK	Forbrugerstyrelsen (National Consumer Agency)	G
ESTONIA	Consumer Protection Board of Estonia	G
FINLAND	Kuluttajavirasto (Consumer Agency and Ombudsman)	G
FRANCE	Euro-Info-Consommateurs/Euro-Info-Verbraucher e. V.	NGO
GERMANY	Euro-Info-Consommateurs/Euro-Info-Verbraucher e. V.	NGO
GREECE	Hellenic Ministry of Development, Consumer General-Secretariat	G
HUNGARY	Országos Fogyasztóvédelmi Egyesület, (National Association for Consumer Protection)	NGO
ICELAND	Neytendasamtókin (The Consumers' Association)	NGO
IRELAND	National Consumer Centre (NCA)	I
ITALY	Adiconsum – Associazione Difesa Consumatori e Ambiente (Association for Consumer Protection and Environment)	NGO
LATVIA	Consumer Rights Protection Centre	G
LITHUANIA	State Consumer Rights Protection Authority – SCRPA	G
LUXEMBOURG	Groupement d'Intérêt Economique – GIE (European Consumer Centre)	I
MALTA	Consumer and Competition Department within the Office of the Prime Minister	G
NETHERLANDS	Stichting Het Juridisch Loket (Foundation the Legal Service Counter)	G
NORWAY	Consumer Council	G
POLAND	Office of Competition and Consumer Protection	G
PORTUGAL	Direcção-Geral do Consumidor (Directorate-General for Consumers)	G
ROMANIA	Association for Consumer Protection – ACP	NGO
SLOVENIA	Zveza potrošnikov Slovenije, ZPS (Slovene Consumers' Association)	NGO
SPAIN	National Institute for Consumers – NIC	G
SLOVAKIA	Ministerstvo hospodárstva a výstavby Slovenskej republiky (Ministry of Economy and Construction of the Slovak Republic)	G
SWEDEN	Konsumentverket, KOV (Consumer Agency, CA)	G
UNITED KINGDOM	Trading Standards Institute (TSI)	NGO

\* NGO: Non-Governmental Organisation. G: Governmental. I: Independent.

# 3

## EMPOWERING CONSUMERS: ECCs HELP CONSUMERS THROUGHOUT EUROPE TO AVOID TROUBLE!

### Information and Promotion

Adequate pre-shopping and problem-shooting information empowers consumers. A top ECC priority is running proactive consumer rights information campaigns about shopping abroad. ECCs, working together with the relevant national authorities, use a wide range of communication channels to reach more consumers – from single topic leaflets to comprehensive consumer guides; from thematic conferences to online campaigns, from press articles to radio/TV interviews.

Centres engage actively in promoting the services they offer through high-profile media activities with articles and interviews in the national press, presentations at events, radio advertisements on national and local radio stations etc. Each ECC has an up-to-date website and carries out online promotion campaigns.

Awareness of the free services and assistance offered by ECCs is steadily growing thanks to these activities. As a result of the wide distribution of pre-shopping information and advice on different types of goods, services and retail methods, consumers know more about their rights and how to protect themselves by paying attention to guarantees and point-of-sale documents.

An important part of the information work carried out by the ECC-Net is achieved through good relations with the media. Press releases issued by ECCs encourage the media to get in touch with the network and produce consumer affairs articles and radio and television reports. The impact of this good relationship with the

## Information activities

media on the public is increasing – for example, in Norway, after the release of two important press releases on air passenger rights and on e-commerce, which both gave much media attention, some media also chose to find a real consumer with a bad airline or e-commerce experience to highlight the issue. ECC Norway noticed a peak in visitors to their website as a result of these press releases and the media action.

Three examples of ECC information and communication activities:

#### Travel Adviser

ECC Lithuania published a "Travel Adviser" booklet, in close cooperation with national authorities, to inform consumers about their rights on topics relating to travel – air passenger rights, hotels, buying goods or services, etc. The booklet proved so popular that libraries started ordering it from the Centre and it was reprinted more than five times between 2007–2009.

#### Howard – the online shopping assistant

With the introduction of Howard, the online shopping assistant, in 2007 it became much easier for consumers to shop online more safely. Howard is an online service developed by the ECC in Denmark to help consumers distinguish between serious web-based traders and possibly fraudulent traders.

Simply by entering the web address of an online shop, Howard can provide the enquirer with valuable information, for example, what other consumers around

Europe think of that web trader, how long the web trader has been in business and if the website carries one of the European e-commerce trust mark labels.

In addition, Howard provides general tips and advice on how to become a better online shopper and makes it easier to find international online shops with a collection of links to price comparison websites around Europe.

Since the introduction of this service in Denmark in 2007, Howard has become available in 11 other countries (and nine languages) and more countries will offer it in 2010. In 2008/2009, the Danish version of Howard (visit <http://www.forbrugereuropa.dk/english/>) was used more than 44,000 times.

#### Buying on the Internet – a prevention campaign aimed at young people

Young people frequently buy electronic devices and other goods via the Internet without always being aware of their consumer rights and so are particularly vulnerable to rogue traders. In 2007, ECC Belgium, together with their partners in the relevant national administration, organised a joint campaign aimed at young people about buying on the Internet.

The prevention campaign consisted of two parts:

- 1) Two quizzes: - "Your rights when you buy on the Internet" with 12 questions and a second quiz on "pyramid selling", including text message subscriptions and internet auctions. Participants received an evaluation of their knowledge of their consumer rights and could then download a brochure on e-commerce;

- 2) A leaflet for young people aged 15–18, with five questions and answers to stimulate curiosity and to encourage them to take part in the quiz on the website. The leaflets were widely distributed to schools in Belgium. ECC Belgium held a press conference to launch the campaign together with the relevant administration services.

#### Ambitious, efficient and innovative information tools and campaigns through EU-wide partnerships

Certain international events trigger extended collaboration among ECCs on ambitious campaigns at both national and European levels. The UEFA campaign is an example of a successful campaign during a major cross-border sports event, where the EU, UEFA and the ECC-Net combined their ideas, means and efforts to reach European football fans through a Helpline set up to prevent them from encountering problems.

**"Know before you go: Your rights are our goal!"**

**UEFA campaign – a success story of ECC support linked to a large cross-border event**

The UEFA European Football Championship Austria/Switzerland 2008 was a perfect opportunity to inform consumers on a wide range of topics related to travelling and making purchases within the EU. Football supporters could learn more about their rights in various consumer situations – avoiding the purchase of fake match tickets, transferring tickets in case of illness, air travel, mobile phone roaming charges, EU health insurance and potential problems when shopping abroad.

There was much concern about fake match tickets. Football fans were advised by ECCs to buy tickets from authorised sellers only and were alerted against fraudulent ticket sellers, and so ECCs prevented much disappointment on the part of football fans throughout Europe.

ECC-Net was also able to help individual fans in cases of transfer of tickets to another person and fake tickets. The complaints addressed dealt mainly with undelivered tickets bought from a company without official authorisation. Contact made with the trader by the European Consumer Centres lead to consumers getting reimbursements for their faked tickets.

ECC Austria put significant efforts into helping fans and consumers who planned to attend the event. A wealth of useful information about the host-cities where the football games took place, about fan zones, airports, public transport and accommodation facilities was available at ECC Austria's website in English and German. Other ECCs created links to this information on their websites in order to spread the information throughout Europe.

**"Know your Rights, Use your Rights" –**

**ECCs support national campaigns on consumer rights**

In 2008, Commissioner Kuneva presented the first-ever EU Consumer Champion Award, "Know your Rights, Use your Rights". An impressive range of topics and approaches were used by participants to convey this message in the EU-wide competition. The competition gave due recognition to work done by national and independent organisations to promote consumer rights.

The competition was coordinated at national level by the ECCs. The European winner was selected from the best national campaigns, which covered topics as diverse as financial services, air passenger rights, online shopping, food information and children as consumers.

The top prize went to Finland for "Galactor and the Code-Breakers", a dynamic web-based game, designed to teach young consumers about their rights and responsibilities as online shoppers. Special category awards for campaigns excelling in the promotion of consumer rights in an innovative and effective way went to Estonia, Hungary, Ireland, Norway and the United Kingdom.



# 4

## Assistance to consumers

The fifth anniversary of the ECC-Net provides an opportunity to look back on the trends that have emerged over the past five years. Special emphasis is given to year 2009 in this chapter which is scrutinized as such in order to gain a better understanding of the problems European consumers experience on the ground.

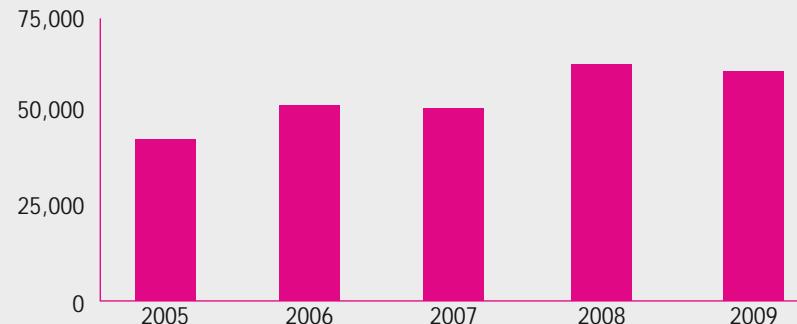
### Main trends over the past five years

#### Volume of total cases

The number of cases handled by the network is clearly increasing. This is the result of constant and effective promotional work.

The number of cases handled has increased by roughly 40% since 2005 reaching over 60,000 both in 2008 and in 2009.

#### Volume of total cases



#### Volume of information requests and complaints

The volume of information requests varies over the years. There was a peak in 2006 with more than 30,000 requests for information, whereas they amounted to only about 25,000 in 2009. This may suggest that citizens' awareness of consumer rights is increasing. If this is the case ECC-Net would spend less time on replying to requests for information and more and more play the concrete role of problem solvers. The volume of complaints underpins such a trend with an increase of 55 % between 2005 and 2009.

#### Volume of information requests and complaints

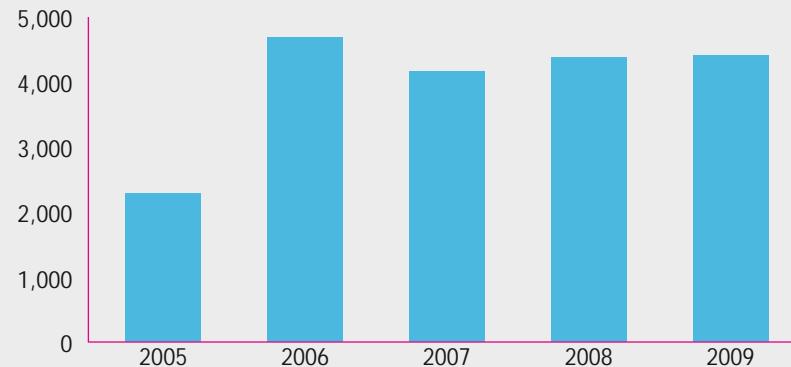


### Highlight on air transport

In February 2005 the Regulation 261/2004 on air passengers' rights entered into force. It granted consumers new rights and procedures for complaints handling by setting up a network of national authorities in charge of the enforcement of the Regulation. Henceforth consumers are entitled to receive assistance and, under certain circumstances, also financial compensation from airline companies in case of long flight delays, cancellations and denied boarding.

Between 2005 and 2006 the number of complaints in this field doubled, revealing the strong need for legislation in the field of air passenger rights. Since then, the number of complaints remains high with almost 4400 in 2009.

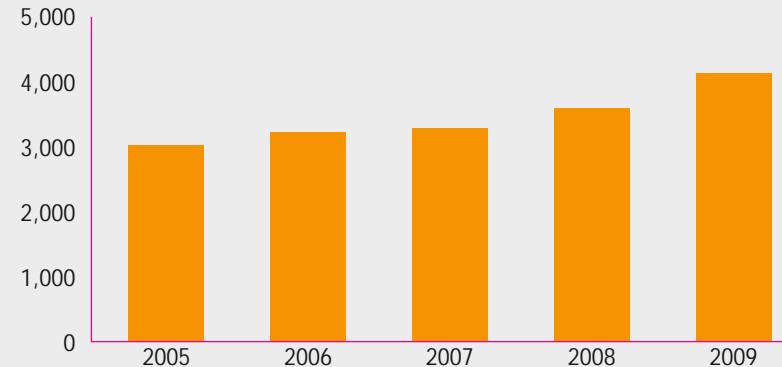
**Air Passenger Rights 2005 – 2009**



### Highlight on tourism

The number of complaints reported in the tourism sector has steadily increased. Roughly 3000 consumers faced dissatisfaction with tourism related products or services in 2005. There were more than 4100 such complaints in 2009, an increase of almost 37% in comparison to 2005.

**Tourism 2005 – 2009**



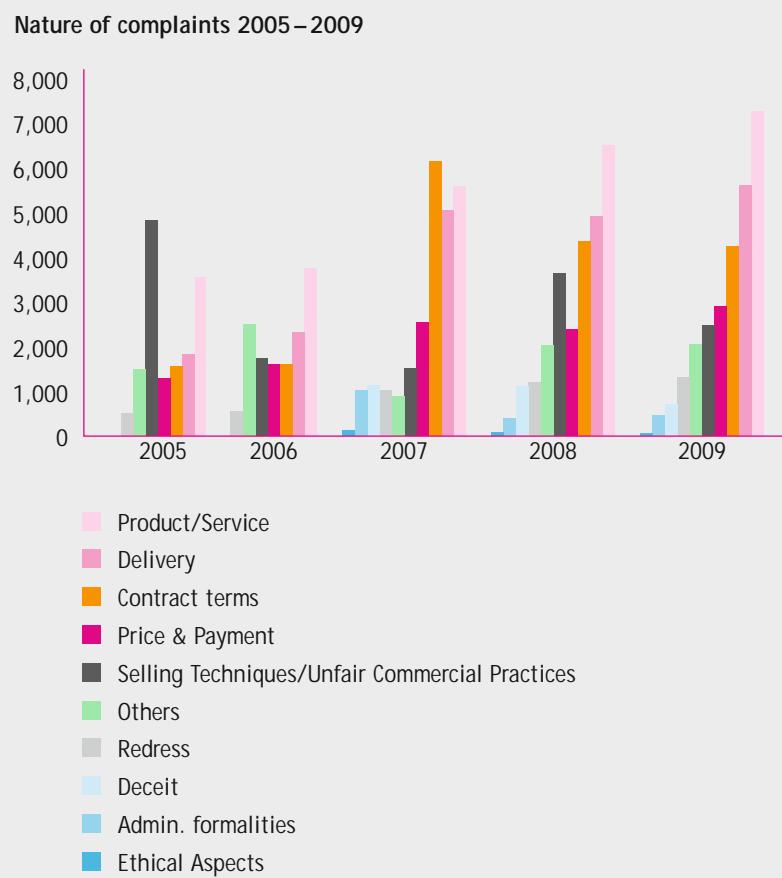
### Nature of complaints

The chart opposite shows, for the past five years, the division of complaints according to their nature. The proportionally biggest problem areas over the last five years relate to the product or the service itself, to delivery and to contract terms. The number of consumers with complaints related to selling techniques has decreased since 2005. The ECC-Net and the European institutions have actively been working on this topic, both in terms of raising citizens' awareness and to adopt a suitable legal framework. The actions taken appear to have borne fruit since consumers are complaining less about unfair commercial practices.

The vast majority of complaints originated from distance selling and thereto related complaints concerning delivery are steadily growing. The delivery stage is a crucial step for the consumer who, having paid, has reasonable expectations to receive the ordered good.

What else can enforcers do to further protect consumers in this respect?

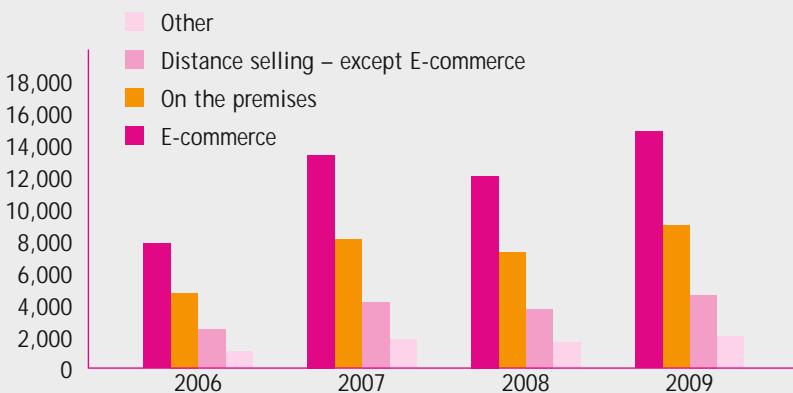
A variable proportion of complaints concern contract terms. A peak was reached in 2007. In the last two years this proportion has stabilised.



## Selling methods and complaints

As far as types of transactions are concerned, complaints relating to distance selling (including e-commerce) loom largest. The great majority of complaints were generated through e-commerce whose importance has grown steadily with some variations between the years. Purchases on the premises and distance selling except e-commerce do not show a regular pattern over the years. Complaints with regard to buying on the premises remain constant. The category "other" corresponds to complaints where the selling method was not indicated.

### Selling method – type of transaction 2006–2009



## 2009 figures and trends

In this sub-chapter we analyse the following parameters:

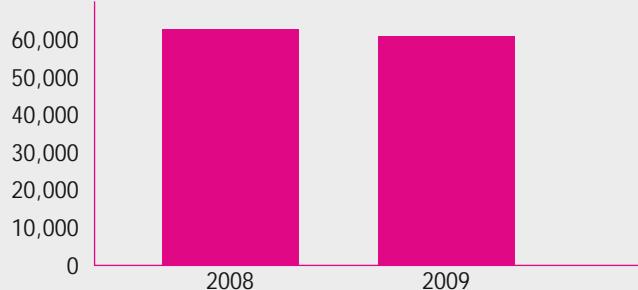
- total volume of cases and information requests and complaints per country
- complaints per activity sector with a focus on air passenger complaints
- complaints per nature (categories and sub-categories)
- complaints per type of transaction
- gender of complainants
- how ECCs are contacted
- results of complaints' handling

### Total volume of cases

In 2009 over 60,000 European consumers found support and assistance from the ECC-Net for their requests for information as well as for their concrete cross-border problems.

The ECC-Net's visibility towards consumers has been increasing over the years. The number of cases handled in 2009 was however slightly lower than the previous year.

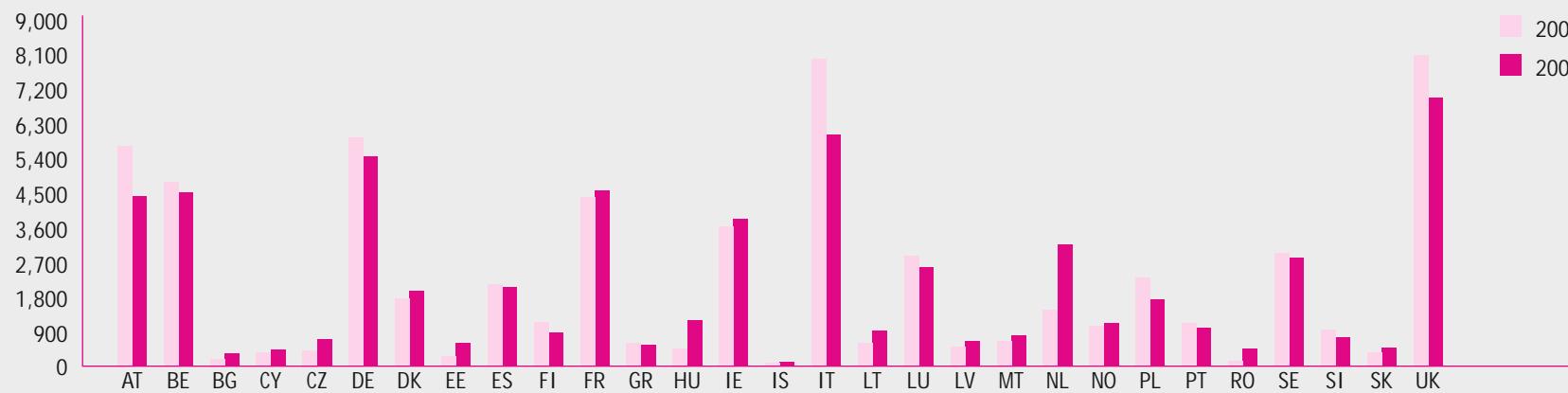
Volume of cases



Volume of cases per country

For most countries the number of cases handled remained more or less constant between 2008 and 2009. ECC Austria, Italy, Poland, and UK handled fewer cases in 2009 than in 2008. ECC Estonia, Hungary and the Netherlands handled more cases in 2009 than in 2008.

Volume of cases per country 2008–2009

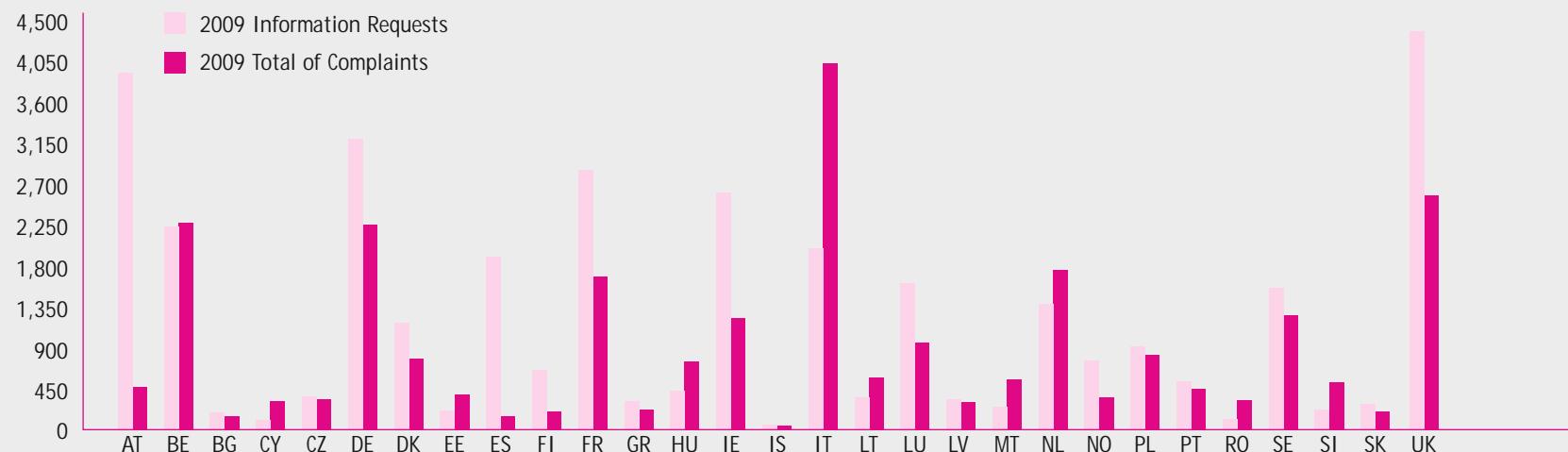


### Information requests and complaints

The number of information requests – simple queries about consumer law – fell between 2008 and 2009 while the number of complaints – where the consumer expressed dissatisfaction with a cross border purchase – rose slightly. As in previous years the number of information requests from consumers was lower than the number of complaints. The number of complaints accounted for 53.75 % of all cases dealt with by the ECC-Net in 2008. In 2009 this figure increased to 57 %.

Complaints and requests for information are very unevenly spread between countries. Some ECCs handle more requests for information than complaints (Italy is a striking example of this). Others (e.g. Austria and Spain) handle a significantly higher proportion of complaints than requests for information. Differences like these are the result of a combination of factors, including consumers' awareness of their rights and the services provided by ECCs, the level of compliance with legislation and the level of assistance provided by other bodies at national level.

#### 2009 Complaints and Information requests



In terms of the volume of complaints handled, 10 countries handled a large share of all network cases: Austria, Belgium, France, Germany, Ireland, Italy, Luxembourg, Spain, Sweden and the United Kingdom.

#### Complaints per activity sector

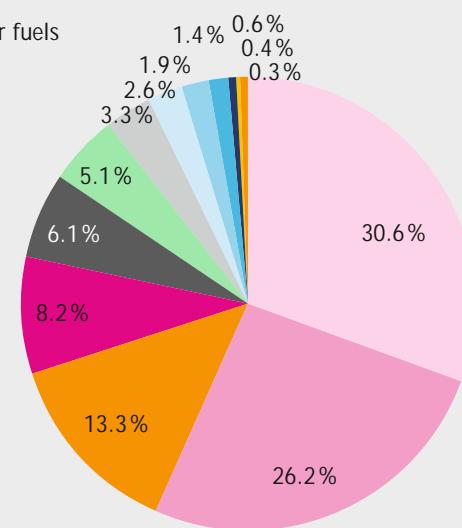
The chart opposite shows all complaints classified by sectors of activity.

In 2009 as in 2008, consumers mostly complained about transactions occurring within transport services (30.6%), recreational and cultural services (26.2%), and restaurant, hotels and accommodation services (13.3%). These three prominent sectors represent 70.1% of all complaints. In 2008 the percentage for these three categories was 72% and the percentage for transport complaints was 33.23%. The proportion for recreational and cultural services remained relatively stable between 2008 and 2009.

The ranking of sectors (sorted from the highest to the lowest number of complaints) did not change in comparison with 2008 except for the education sector, which fell to last place in 2009. However, it triggered 0.3% of complaints as against only 0.28% in 2008.

#### Complaints per activity sector

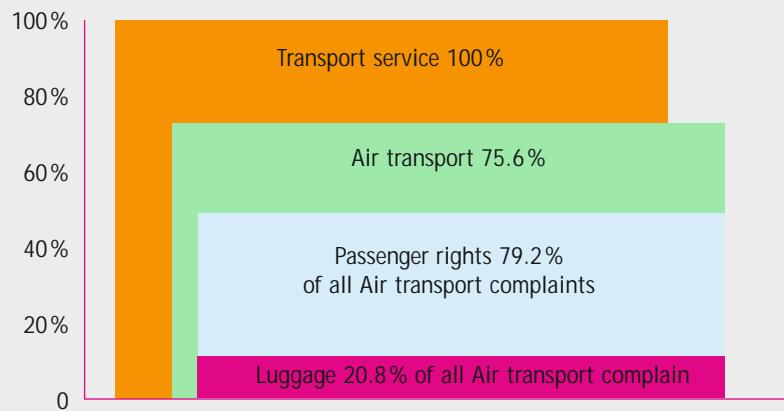
- Transport
- Recreation and culture
- Restaurants, hotels and accommodation services
- Miscellaneous goods and services
- Furnishing, household equipment and routine household maintenance
- Communication
- Clothing and footwear
- Outside COICOP classification
- Housing, water, electricity, gas and other fuels
- Health
- Alcoholic beverages and tobacco
- Food and non-alcoholic beverages
- Education



### Complaints in air transport sector

Out of the 30.6% (previous page) of complaints related to services within the transport sector, 75.6% concerned air transport. Out of these 75.6%, luggage-related complaints (loss, damage or delay) accounted for only 20.8%, while complaints regarding the Regulation on air passenger rights represented 79.2%.

### Air Passenger Rights

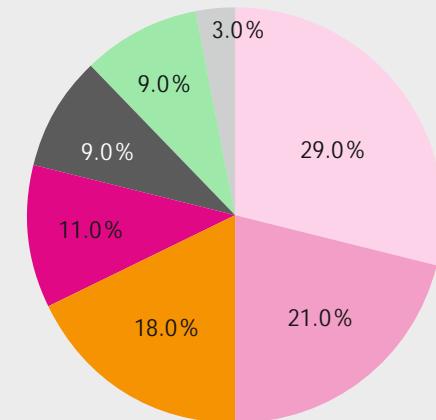


### Nature of complaints

79% of all complaints were triggered by dissatisfaction with firstly the product or the service itself (29%), secondly the delivery (21%), thirdly the contract terms (18%) and finally the price and/or payment (11%). Complaints about products or services have been on the increase since 2007. Delivery appears to be growing too as a problematic aspect of cross-border transactions. Complaints about selling techniques and unfair commercial practices concerned 9% of complaints in 2009 while they accounted for 14% in 2008.

### Nature of complaints

- Product/Service
- Delivery
- Contract terms
- Price & Payment
- Selling Techniques/  
Unfair Commercial Practices
- Others
- Redress

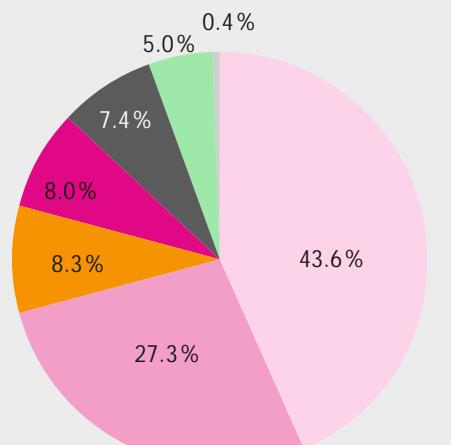


### Complaints about the product or service

When the problem concerns the service or the product itself, the most common grievances have to do with defective products and products which are not in conformity with the order. These types of complaints amount to 70.9% out of the 29% relating to the product and service in the above table.

#### Product/Service

- Defective
- Not in conformity with order
- Not ordered
- Refusal to sell/to provide
- Caused damage
- Other
- Unsafe

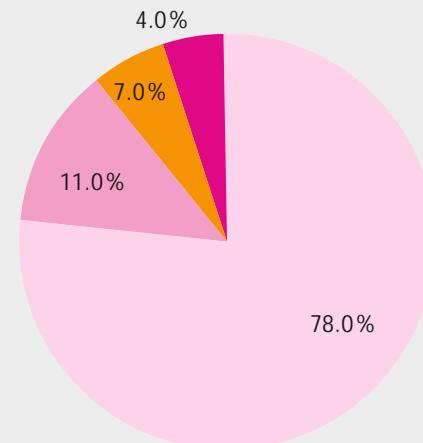


### Complaints about delivery

When delivery is at the core of the complaints, the main difficulty facing consumers is that they do not receive the ordered product or service at all. These complaints account for as much as 78% out of the 21% delivery related complaints. Then consumers complain about delayed deliveries (11%) and partial deliveries (7%).

#### Delivery

- Non delivery
- Delay
- Partially
- Others

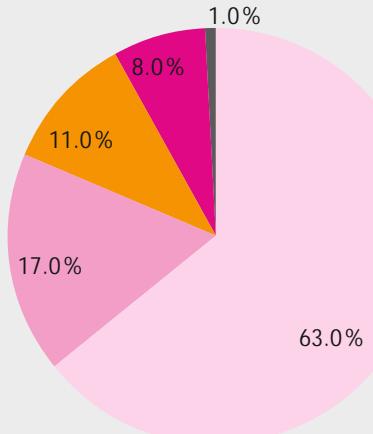


### Complaints about contract terms

When contract terms are the origin of the complaints, consumers experience problems with rescission in 63% of the cases. Then the cooling-off period<sup>1</sup> appears also to be an important source of dissatisfaction for consumers with 17% of complaints.

#### Contract terms

- Rescission of contract
- Cooling off
- Other
- Unfair contract terms
- Copy of contract not given



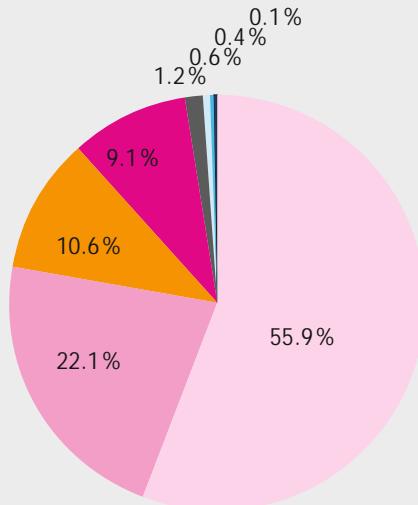
<sup>1</sup> The cooling off period is the period of time buyers are allowed after signing an agreement to cancel it without incurring a financial penalty

### Complaints per type of transaction

With regard to the types of transactions, e-commerce was the first source of complaints in 2009 with almost 56% of cases (47% in 2008). Complaints arising from transactions on the premises increased to 22% (17% in 2008). In parallel complaints triggered by distance selling (except e-commerce) moved down to the third position: the proportion decreased from 24% to 10.6% between 2008 and 2009.

#### Complaints per type of transaction

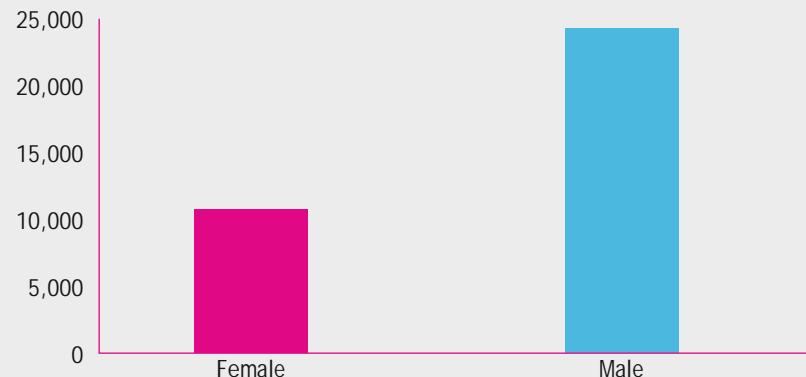
- E-commerce
- on the premises
- Distance selling – except E-commerce
- Other
- Doorstep selling
- Internet auctions
- Market/trade fair
- Auctions



### Gender of complainants

With regard to the users of ECC services<sup>2</sup> it is clear that men are the most represented as can be seen from the chart. It is difficult to draw any conclusions.

### Gender of complainants



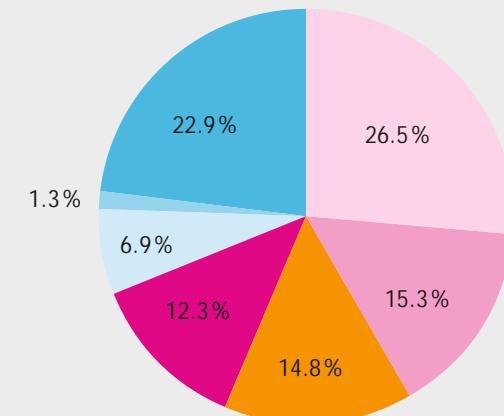
<sup>2</sup> These values only refer to complaints where there are two ECCs involved: the ECC of the consumer (normally the ECC of his/her country of residence) and the ECC of the country where the trader is established.

### How ECCs are contacted

Among consumers<sup>3</sup>, the preferred means of contact is sending an email. Added to contacts via the internet using the online complaint form, the proportion rises to almost 40%. Letters, phone calls and personal visits to the centres still represent around 37% of all contacts.

### How the ECCs are contacted

- E-mail
- Phone
- Letter
- Website
- Personal visit
- Fax
- Other

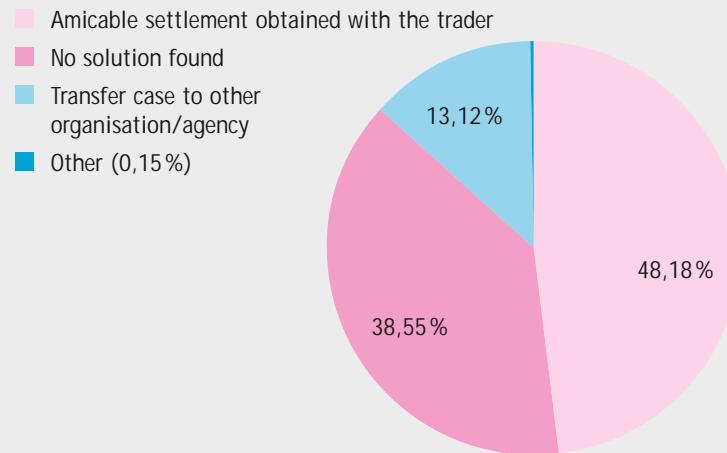


<sup>3</sup> These values only refer to complaints where there are two ECCs involved: the ECC of the consumer (normally the ECC of his/her country of residence) and the ECC of the country where the trader is established.

### Results of complaints handling<sup>4</sup>

The proportion of amicable settlements obtained for complaints in 2009 thanks to the intervention of an ECC reached 48.18 %. ECCs provided advice on out-of-court settlement mechanisms in 13.12 % of all complaints.

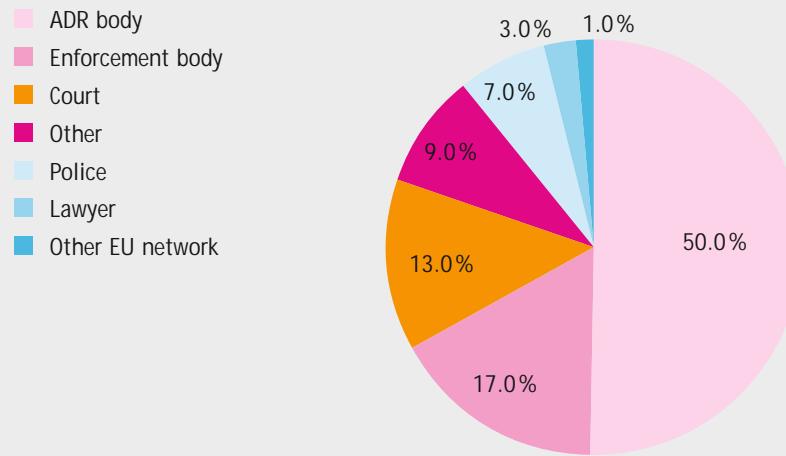
#### Case closure – how far ECC-Net action is successful



<sup>4</sup> These values only refer to complaints where there are two ECCs involved: the ECC of the consumer (normally the ECC of his/her country of residence) and the ECC of the country where the trader is established.

Out of the 13.12 % of the cases transferred to another organisation/agency, alternative dispute resolution bodies appear to be natural allies of the ECC-Net with 50 % of all transferred cases (see figure below). The second most frequent body for transfer of cases was enforcement bodies with 17 %. For certain complaints, the only solution is for the consumer to take the case to court (13 %) or turn to the police (in case of fraud, for instance).

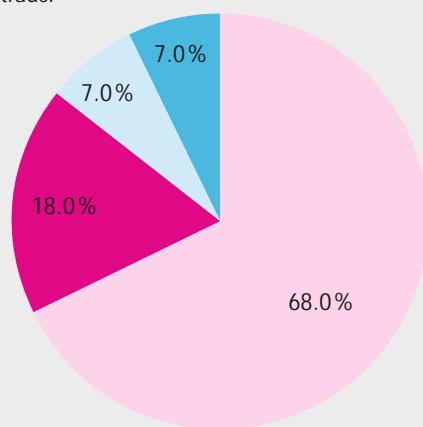
#### Transfer case to other organisation/agency



Out of the 38.55% of complaints classified as "No solution found", 68% of these were due to traders refusing the suggested amicable agreement. In 18% of the cases the consumers' claims were unfounded and in 7% of the cases the consumer did not approve of the suggested amicable agreement.

#### No solution found

- Lack of agreement from the trader
- Claim unfounded
- Lack of agreement from the consumer
- Other





# 5

## Introduction

Over the years, the ECCs have carried out joint projects analysing consumer complaints and concerns on key issues such as e-commerce, air passenger rights, alternative dispute resolution mechanisms in Europe, comparison of hotel categories in the EU and many other subjects. The present chapter provides more detailed insight on three important issues transport, tourism and e-commerce, summarises the main outcomes of these projects and gives more detailed information on ECCs' actions.

## Cancelled flight: re-routing or reimbursement

A Bulgarian consumer bought a flight ticket online with an Italian airline company. Around 36 hours before departure the consumer received an e-mail saying that the flight had been cancelled. The notification for the cancellation of the flight was made less than two days prior to the time of the departure. No alternative flight for her trip was offered. In a telephone conversation with the office of the Italian flight company in Sofia the consumer was informed that her return flight had been cancelled too. The office offered her an alternative flight one day later than the original flight. The consumer did not accept this and instead claimed compensation for the cancellation and reimbursement of the ticket price. No reimbursement was made so she sent several e-mails and an official complaint to the airline company, but still without success. Finally, the consumer contacted ECC Bulgaria. The case was shared with ECC Italy who contacted the airline several times. A few months later the case was closed successfully and the consumer was reimbursed for the amount of the ticket, 148 EUR and received a compensation of 250 EUR.

# Selection of hot topics



## Delayed luggage and missing items

The luggage of a Bulgarian air passenger was lost during a flight with a Slovakian airline. When his luggage was found 25 days later, some items were missing. The consumer filled in a complaint form and sent it to the airline company claiming reimbursement for the missing items to a value of 97 EUR. He subsequently also sent several emails to the airline company, but never received a reply. Finally, the consumer contacted ECC Bulgaria who shared the complaint with ECC Slovakia. After ECC Slovakia's negotiations with the airline company the case was successfully closed and the consumer received his 97 EUR as requested.



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## Air passenger rights in the spotlight

### Legal framework on air passenger rights

- Regulation (EC) 261/2004 establishes passengers' rights where a flight is cancelled or delayed or when the passenger is denied boarding. The Regulation applies to all flights departing from an EU/EEA airport and to incoming flights from third countries into the EU/EEA only, when the airline has a license issued by an authority in an EU/EEA State.
- The Montreal Convention is applicable on international flights. The European Union is party to the Montreal Convention and thus the Convention is applicable to all flights within the EU, both domestic and international.

The Montreal Convention regulates the air carrier's responsibilities in cases where the passenger suffers economic loss due to a flight delay and cancellation of a flight, or to lost, delayed or damaged baggage. Regulation 889/2002 has transposed the Montreal Convention into EU law.

- Other legislation includes Regulation (EC) 1107/2006 which deals with rights for passengers with reduced mobility, and Regulation (EC) 1008/2008 on common rules for the operation of air services.
- Under Regulations (EC) 261/2004 and 1107/2006, Member States have set up national authorities (NEB) who are in charge of the application and enforcement of the Regulations.

Since Regulation (EC) 261/2004 came into force on 17th February 2005, the network has seen a sharp increase in cases relating to this area. Between 2006 and 2008 there has been a 55 % rise in cases related to air passenger rights (in 2006 there were a total of 4,901 recorded and in 2008 a total of 8,844) which is more than twice the increase that the ECC-Net saw in all cases from consumers during the same period. This could be linked to the fact that Regulation 261/2004 is now better known by passengers, probably meaning that passengers are now more aware of their rights. In contrast it can also be linked to the fact that airlines may still not fulfil their obligations under this Regulation.

#### Overview of passengers' experience on the ground

A new joint project was born in 2009 to measure developments in the field of air passengers' rights on the basis of the cases lodged with the ECC network in 2008.

The aims were to establish to what extent airlines companies' behaviour and related problems met by consumers had evolved. It was also a way of seeing four years later how Regulation (EC) No 261/2004 was working on the ground.

The ECC-Net deals solely with cross-border problems. The analysis of complaints received by the ECC-Net relating to air travel should, therefore, be read within a wider context. The principal actors in charge of dealing with consumer problems related to air passenger rights are the national enforcement bodies (NEBs). Other actors include consumer agencies and ombudsmen, alternative dispute resolution bodies (ADRs)<sup>5</sup> and also national courts.

The work of the ECCs can in some cases be complementary to the work of the NEBs. NEBs are responsible for investigating individual cases and for issuing a motivated opinion to the parties concerning the substance of every claim, thus ensuring public enforcement of the legislation. ECCs primary concern is to inform consumers about the complaints procedure and advise them on how they can claim their rights and what choices they have in order to settle disputes with companies. ECCs may also contact the companies to clarify the situation and to sort out possible misunderstandings. In some countries – based on individual agreements – ECCs may even forward consumer claims directly to the NEBs on behalf of the consumers.

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<sup>5</sup> Alternative Dispute Resolution (ADR) schemes, also known as "out-of-court mechanisms" have been developed across Europe to help citizens engaged in a consumer dispute who have been unable to reach an agreement directly with the trader. ADR schemes usually use a third party such as an arbitrator, mediator or an ombudsman to help the consumer and the trader to reach a solution.

In 2008, over 30% of all complaints received from consumers stemmed from dissatisfaction with transport services. Among these, 79.2% concerned Regulation 261/2004 (cancelled flights, delayed flights and denied boarding). The remaining 27% were related to luggage problems (lost, delayed or damaged). In 2008 only 24% of all complaints were passed from the ECC-Net to another organisation, generally the NEB. However only 5% of complaints related to luggage issues were passed to another agency with a much larger proportion of cases not being resolved than for complaints related to the Regulation. Indeed, NEBs are not in charge of the enforcement of Regulation (EC) 889/2002 and therefore cannot be approached regarding luggage issues. ADRs in this sector are rare. This means that if a consumer has a luggage complaint, even though it may be founded, there may be no official body to side with the consumer to enforce the appropriate redress. If the consumers cannot resolve their luggage issues with the airline they have no option but to go to court.

Main problems identified in the area of air passenger rights and recommendations for improvement:

#### Redress and enforcement

- Only 13 countries have ADRs to handle air transport related complaints which are not covered by NEBs. Where no ADR system is in place, consumers must rely on the ECCs' direct mediation with the airline or have to take legal action through the courts.
- Enforcement may be problematic in cases where the competent NEB – which has the competence to investigate complaints – is not situated in the passenger's home-country, but rather at the place where the incident happened.

The language in which consumers need to address an NEB in another country may also raise difficulties for them.

- NEBs do not usually seek individual redress for consumers. In case the airline does not comply with the motivated opinion issued by the NEB, consumers will have to take the case to court in order to get their rights enforced.
- NEBs deal with complaints regulated by EC regulations 261/2004 and 1107/2006, but not, in principle, with rights deriving from the Montreal convention.

#### Innovative communication tools

Luggage tags displaying basic information on air passenger rights distributed at airports  
ECCs Denmark, Ireland and Estonia

A web service on mobile phone by which a consumer can receive immediate information in English or Danish on her/his rights. Web address:  
<http://www.consumereurope.dk/Travel/When-you-travel/Airline-travel/Rights-on-your-mobile>  
ECC Denmark

Young school pupils are being informed of air passenger rights thanks to several and regular lectures. The European School Diary has now a chapter on the topic!  
ECC Austria

A bilingual leaflet (EE/EN) in the size of a passport called "The Passport of the Air Passenger" containing a summary of basic air passenger rights – distributed at the airport.  
ECC Estonia

The report suggests that ADRs should be established in all countries or their terms of reference extended to cover all air passenger complaints, or that another appropriate body be identified to take on a suitable enforcement role for luggage problems.

#### Luggage complaints

An agreement within the airline industry could render more efficient the handling of claims from consumers (missing items, damaged suitcases, coverage for immediate needs of a passenger).

#### Flight delays and cancellations

Many consumer complaints relate to flights that have been cancelled or delayed. Regulation 261/2004 may give rise to different interpretations when it comes to defining rights related to delays and cancellations. Yet, a recent judgement by the European Court of Justice (joined cases C-402/07 and C-432/07) ruled that since the effects for a passenger whose flight is delayed are similar to those of a passenger whose flight is cancelled, there was no objective ground justifying the difference in treatment, i. e. possibility to obtain financial compensation under certain circumstances in the case of a cancellation but not in case of a delay.

Based on experience from complaints received, it appears that some airlines may claim extraordinary circumstances exonerating them from having to pay financial compensation almost every time a flight is cancelled. The burden of proof regarding whether extraordinary circumstances were present is on the air carriers concerned. Closer cooperation between the NEBs and the ECCs on this issue is welcome.

Missed connecting flights due to delays as well as other issues not covered so far by EU legislation such as what happens when the first flight booking was not used, entitlements being different whether or not the two flights were made as one booking (so-called "no-show policy"), etc. were problems frequently reported to the ECC-Net. In this area, more transparency and simplification would be beneficial for airlines and their customers.

#### Other air-related queries

Making flight reservations online may raise issues such as price transparency, as, although most airlines provide some information on the different price elements, the information is, in many cases incomplete. When an ECC receives a number of complaints about a certain website or an airline is not following the rules for price transparency as set out by Regulation (EC) 1008/2008 or applying unfair commercial practices or terms, the ECCs report this to the relevant market surveillance authorities. The Consumer Protection Cooperation network is another possible partner for cooperation in these matters in as far as cross-border issues are concerned. Consumers may also experience difficulties in changing or cancelling a booking.

#### Dealing with airlines

It is still not easy for the consumer to find airlines' contact details on their websites. There is no legal time frame for handling complaints. More than 50 % of all centres mention the non-response of airlines as an important factor why a case could not be resolved. In such cases passengers should contact the competent NEB to assist them with their case.

### ECCs keep informing passengers on air passenger rights

Confronted with the high number of complaints concerning air passenger rights, the ECCs take several types of action in order to inform consumers about their rights. In general, ECCs use their websites to give explanations of legal rights, with updated information on legal developments, as well as latest news regarding air travel.

Written material, such as leaflets, are also issued to reach consumers who may face problems when taking their flight. ECC Cyprus for example targeted travel agents, consumer associations and relevant stakeholders with a poster.

ECCs also approach consumers and other interested members of the public directly to inform them, but also to find out what is happening on the ground for citizens. ECC Lithuania for instance organised several seminars for travellers, while ECC Belgium carried out a survey at the airport with the aim of asking all airline counters what kind of information they were giving to passengers when problems arose with their flights. National media gave extensive coverage to the results. ECC France and Germany organised a "going local" event at Strasbourg airport, in the form of an information campaign on air passenger rights in the boarding area for European flights. Staff from these ECCs talked informally with passengers, informed them about their rights and distributed brochures with relevant information.

Generally speaking, the ECCs have established good relations with their national media (television, radio and the press), and this is a key factor which guarantees that their campaign messages are heard and multiplied. Press releases issued by

ECCs encourage the media to get in touch with the network and generate articles in the daily press, as well as reports on radio and TV. Thus, their audience is increasing.

### E-commerce in the spotlight

#### Growing importance of e-commerce raises particular problems for consumers

The internet is the channel which generates the largest share of distance sales. Overall, online sales have seen continuous growth in the past five years. More than

33



#### Typical e-commerce case

A Swedish consumer ordered and paid in advance for a Blu-ray player from a German web trader. A player was delivered but it was not the one ordered. The consumer sent it back immediately requesting the delivery of the ordered item. The consumer contacted the seller several times in vain with regard to either delivery or a refund. Finally the consumer submitted a complaint form to ECC Sweden who contacted ECC Germany for assistance with the trader. The trader, once contacted, promised to refund for the purchase and the costs of sending back the incorrect item. Sadly, the trader did not act and the consumer called the ECC-Net for help again. ECC Germany put the trader under pressure requesting an immediate refund. With apologies the seller accepted and soon afterwards the consumer was refunded; postage costs were however not included. The consumer was discouraged and did not wish to take further measures to obtain redress for the postage costs.

a third of Europeans ordered goods or services from Internet traders in 2008<sup>6</sup>. It is estimated that on average, 11% of individuals who ordered goods or services on the internet experienced problems, mainly with delivery or technical failure of the website during ordering or payment. Approximately 2% encountered frauds online. In addition, payment and security concerns, privacy concerns and trust concerns about receiving or returning goods, complaints or redress are preventing consumers from fully engaging in internet purchasing.

The majority of EU consumers tend to buy goods and services online in their own country, but cross-border online purchases are also increasing. In 2008, 29% of EU consumers had made at least one cross border online purchase<sup>7</sup>.

### CDs on line

A Czech consumer ordered several CDs via a Danish e-shop, paid by credit card, but never received the goods. The trader promised to send the goods within a week, then two weeks, then said delivery would take longer. The consumer asked for his money back, but received no reply. The consumer then turned to ECC Czech Republic for help and after action on the part of ECC Denmark, the trader made a full refund.



Online purchases remain the main source of consumers' cross-border complaints and information requests as well as the main source of cross-border enforcement requests by Member States' consumer protection authorities.

### Learning from ECC-Net experience for further legislative refinements

If we look at the type of transaction, online shopping (e-commerce) represents the great majority of the complaints addressed to the ECCs (more than 55%). Regular reports by the ECCs are published, providing analysis and recommendations based on cases handled by the network. They point to several problems that need to be tackled in order to enhance both online purchasing efficiency and consumer confidence in e-commerce.

The last report to date on e-commerce was prepared by ECC Ireland, together with ECC Netherlands and ECC Greece. This joint ECC-Net report was published in 2008: "The European Online Marketplace: Consumer complaints 2007". Beyond the statistics (see the text box), their analysis identified several areas where further improvements can be made.

Firstly, e-commerce fraud has significantly increased. Fraudsters are very creative and can include activities such as luring consumers into making payments through false notifications of lottery wins.

<sup>6</sup> Flash Eurobarometer 282 (2009) – Attitudes towards cross-border sales and consumer protection.

<sup>7</sup> Consumer Market Scoreboard 2010.



### Bicycle online

Italian consumer ordered wheels for his bicycle from a German website, and these were allegedly sent to him. He did not receive the goods, made enquiries with the postal service and found out that the items had been damaged and sent back to the trader. The consumer contacted the trader requesting either delivery or reimbursement but without success. After the intervention of ECC Italy and ECC Germany, the consumer received the goods.

For sales of second-hand cars or event tickets, fake traders undermine consumer confidence. Other fraudulent practices include internet auction frauds and false escrow companies. Beyond the healthy scepticism which should guide consumers when they buy online, ECCs underline the need to strengthen current legislation and means of enforcement at national and cross-border level. In addition, some EU-led actions to stamp out illegal practices must be coordinated (e.g. "internet sweeps")<sup>8</sup>.

Secondly consumers still experience many problems relating to defective products, which fall under the scope of Directive 1999/44/EC on the sale of consumer goods. This instrument stipulates that any product repair or replacement must be completed within a reasonable time and without any significant inconvenience to the consumer. ECC-Net experience demonstrates that agreement on what constitutes a "reasonable time" is an important issue. The legislation lacks a clear

<sup>8</sup> Internet Sweep is an initiative of national consumer protection authorities working together to combat cyber scams and aiming to increase consumer confidence in e-commerce.

### Consumer complaints in figures 2007

Out of all complaints handled by the ECC-Net in 2007, approximately 55% concerned online purchases.

Delivery of goods was the most frequent problem (50% of all complaints), followed by problems with the product or service itself (25%), or with contract terms (11%).

For delivery problems, 88% of consumer complaints reported that the product was not delivered at all. Partial or delayed delivery complaints were less frequent.

The two main problems reported with products or services received by consumers were defective products (52%), or products or services not corresponding to the order (30%). Other reported problems included receiving goods which were not ordered or which were unsafe.

Problems with purchasing electronic goods predominate (34% of complaints): this category includes all types of electronic goods such as televisions, cameras, computers and related accessories.

definition. The element of subjectivity introduced by the word "reasonable" leads to different opinions and interpretations depending on vested interests. ECCs call for a more precise definition.

## Restriction of delivery of goods by business

A consumer in Luxembourg wanted to buy train tickets using a German website. During processing of his order, the consumer was redirected to a French website, where he was able to register with his Luxembourg address and complete the order. The consumer waited in vain for the tickets to be sent to him. When contacted, the trader said that tickets could not be delivered in Luxembourg. The consumer requested the assistance of ECC Luxembourg.

ECC Luxembourg requested a refund from the trader, as tickets were not sent to the consumer. A clause in the contract – actually hidden in the General Terms and Condition – stated this delivery restriction but this clause was considered to be an abuse of Directive 2005/29/EC on Unfair Commercial Practices, or the Directive 1993/13/EEC on unfair terms in consumer contracts, and so not applicable. Being non-compliant, traders cannot refer to this clause, which must not appear in the contract signed with the consumer.

The consumer received a full refund of the ticket.



Problems identified by the ECC-Net match the conclusions from other sources. The Commission's "Communication on cross-border business-to-consumer e-commerce in the EU", published in 2009, points out that consumers need to feel more confident about weak areas of e-commerce: payments, effective delivery, complaints and redress procedure, application of warranties and after sales support, requests for refunds and privacy issues – these difficulties are perceived as aggravated in cross border transactions.

## Safely buying online: a key prevention role of the ECCs

The ECC-Net informs consumers on their e-commerce rights via websites, leaflets and high profile media interviews and discussions about hot topics. It provides press releases and regular success stories.

ECCs distribute checklists on safer online shopping and consumer rights to individual citizens. Lectures are given to students and events are organized for specific audiences, such as businesses.

ECC Sweden, for example, cooperates with local consumer advisers, the Consumer Agency, businesses and Swedish Distance Sellers (the organisation of leading distance-selling companies in Sweden. This body has close to 230 members, most of whom are business-to-consumer companies). The Swedish distance selling companies are the dominant enterprises in the Scandinavian market.

In March 2008, ECC Estonia launched a national information campaign entitled "Shopped Yourself Naked on the Internet? (ripped off while shopping on the internet) in co-operation with its host organisation, the Consumer Protection Board. It included outdoor



Poster from the Estonian campaign entitled: "Shopped Yourself Naked on the Internet?"

advertisements in four Estonian cities, Internet advertising and subject-related media coverage and information materials disseminated via their website, [www.consumer.ee](http://www.consumer.ee). The campaign was scheduled around the celebration of International Consumer Rights Day on 15 March 2008. Activities focused on e-commerce, given the high number of complaint cases handled, and informed consumers about their rights when shopping online in Estonia and within the European Union. The campaign received very good feedback. It triggered reactions from the press (magazines and newspapers), from various radio broadcast programmers, and from "Televisioon" – the morning programme of ETV (Estonian Television).

### The right to withdraw

A French consumer ordered goods from a website in Luxembourg and paid for the purchase. Before the goods were delivered the consumer wanted to withdraw from the contract but the trader insisted on delivering the goods. On receipt, the consumer immediately sent them back. The trader did not accept the withdrawal and did not refund the purchase price. ECC Luxembourg intervened explaining that a consumer is entitled to withdraw within seven days after the delivery of the goods under Directives 1997/7/EC on distance contracts. As a result the withdrawal was accepted and the consumer was refunded.



### Tourism in the spotlight:

#### Fraudulent or unfair practices undermine the European tourism sector

With timeshare offers, consumers often face aggressive or misleading marketing which pushes them to sign a contract before all the necessary information has been provided. Insistent requests for advance payments, and the payment of high fees to re-sale agents who do not deliver, are also common problems. Consumers can be misled into buying products without being given the option to withdraw from the sale.

A growing number of holidaymakers are approached and lured by bogus holiday club schemes each year. Luxury holiday breaks at bargain prices are promised for cash paid up-front. Promised benefits fail to materialise and payments cannot be retrieved.

### Scratch cards

A Norwegian consumer on holiday in Spain was approached by someone of his own nationality. A scratch card was given to him for free, and to the consumer's great surprise, he won a fantastic prize. To claim the prize, the consumer was told that he must come with the sales person to the office to pick up his prize. The consumer left Spain, not with a free prize but with a worthless holiday club contract that had cost him thousands of Euros. Thanks to ECCs Norway and Spain, the consumer obtained redress and was fully reimbursed.



### **Hotel room not available**

A consumer made a reservation at a hotel in Cyprus via the trader's website and paid 170 EUR by credit card. Upon arrival at the hotel, he was told that no rooms were available. He was sent to another hotel of a lower category, which did not meet his expectations. ECC Cyprus intervened and within 24 days the consumer received financial compensation.



To combat widespread misleading practices (Scratch cards' box), ECC Sweden had set up a stand at Karlstad airport in 2007 to reach travellers leaving for the Canary Islands. Using the same medium as some fraudsters, they gave scratch cards to warn consumers about the "luxury trip trap".

Online hotel bookings remain a source of various problems: from mistakes occurring during reservation, irregularities in price or contract term indications, to fraudulent practices where a deposit is paid for a booking that has not actually taken place.

#### **Information is the key to avoiding problems**

ECCs help consumers resolve complaints in the tourism sector. In addition to this, ECCs take preventive action to increase consumers' awareness.

For example, in 2007–08, ECCs ran a joint project to provide European tourists with practical information and advice about their rights. Nine leaflets were produced and distributed in different languages, each targeting a specific situation encountered by cross-border travellers: "Arrival and stay", "Shopping and taxis", "Hotels", "Vacation rental", "Travelling by train", "Travelling by plane", "Traveling by car", "Travelling by boat" and "Health abroad".



# 6

## Monitoring consumer trends

### ECC-Net gives input to policy-making and the enforcement processes

ECCs play a key role in identifying issues regarding the implementation of legislation, for example by identifying the type of problems consumers recurrently face and by checking whether possible revisions of legislation would work in practice. Also, as the ECCs assist consumers in obtaining redress for individual infringements of EU consumer protection rules, they know which companies are in breach of which legislation and can inform the national authorities responsible for enforcing EU legislation of any repetitive breach of EU rules by a company.

### Cross-border dispute resolution mechanisms – a major feature of effective consumer protection

A joint network project, led by ECCs Denmark, Italy, Poland and UK, the report "Cross-border dispute resolution mechanisms in Europe – Practical reflections on the need and availability" was published in January 2010. The report analyses complaints received in the ECC-Network in 2007 and 2008, focusing especially on the outcome of the cases. The purpose was to examine the likelihood of consumers having their cross-border complaints resolved and the role played by alternative (out-of-court) dispute resolution mechanisms (ADRs) in this process.

The main findings of the report were:

- The ECC-Net is able to solve many complaints on its own (approximately 50% of all complaints). But when no solution is found (because the traders refused the amicable agreement or the claim was unfounded), consumers were guided to alternative dispute resolution bodies if these exist.

- In the vast majority of cases where ADR schemes could be relevant, there are no ADRs available, their competences are limited to members of a certain organization or depend on acceptance by the trader: in practice, ADRs was a possibility in less than 5% of the complaints submitted to the ECCs in 2007 and 2008.
- The existing ADR cover only half of the top five areas of complaints in each country.

The report also raises questions over the fact that traders can make consumers have to go to court simply by refusing to deal with a complaint, and discusses whether or not all traders should be forced to take consumer complaints seriously and participate in available ADR proceedings. The report concludes that cooperation between the ECC-Net and ADRs is of the utmost importance in the areas/sectors where the number of cross-border complaints is the highest.

### ECC-Net detects unfair commercial practices: One example – Car rental report 2008

One of the types of complaints ECCs often see is from consumers who, some time after having returned their rented car, receive an invoice due to alleged damages to the car during the rental period. A letter explaining that the car rental company has already withdrawn the amount from the consumer's bank account, through the credit card information given when he/she rented the car, normally follows this invoice. "This of course raises some questions on the legality of this type of procedure and is what we often try to deal with when handling complaints like this", says P Knudsen, Director of ECC Denmark.

"Car rental contracts – Business practices, contract terms and consumer protection" is a report based on analysis of the complaints received by ECC Ireland relating to the car rental sector in 2007. The report found that confusing contract terms, pricing plans and fuel charges were common problems encountered when renting a car. It identified key problems, such as car rental companies charging for alleged damage to the car following return, without the knowledge of the consumer, and add-on charges that are not clearly explained. Following publication of the report, ECC Ireland called for contracts in this area to be reviewed in order to ensure conformity with the Irish Consumer Protection Act 2007, as well as with EU legislation on unfair terms in consumer contracts. (The Irish Consumer Protection Act 2007 implements the Unfair Commercial Practices Directive 2005/29/EC). The report was given extensive media coverage at national level.

Car rental complaints was selected as one of the topics discussed in a workshop at the European Consumer Summit 2010. ECCs and the Commission have initiated closer cooperation with the car rental industry which will hopefully lead to improvement and broader use of best practices where needed and pan-European possibilities for consumer redress.

### Car rental: damage done by 3rd party

A customer rented a car in France. Just before she left the car hire compound at the end of the rental period, an employee from another car hire company crashed into the customer's parked hire car. She was not in the car at the time of the crash. The car was checked by all parties, but days later the customer discovered that she had been charged 310 EUR for the damage. After almost a year of correspondence, the issue remained unresolved. The customer requested assistance from the ECC. ECC Ireland and ECC France took action and the trader refunded 309.77 EUR to the consumer.



### One example of practical information on car rental

#### Guide to renting a car prepared by ECC Ireland

##### 1. Before hiring a car

- When looking for the best bargain, bear in mind that very often prices quoted online only contain the basics, so make sure you check what is included in the final quote and what is not. Pay special attention to airport and other location-related surcharges as well as the insurance coverage.
- Always check the cost of extras that you will need during your rental: child seat, additional driver, extra insurance, etc.
- Pay special attention to the fuel policy and make sure it is explained to you clearly before you confirm the booking:
  - COLLECT FULL RETURN EMPTY POLICY means that no refunds will be paid for unused fuel even if the whole tank was paid for upfront. As it is impossible to return the car empty, especially during short rentals, an alternative policy should be available on request.
  - COLLECT FULL RETURN FULL POLICY means that the vehicle should be provided with a full tank of fuel. Unless the consumer was clearly notified in the Terms & Conditions when booking the car, fuel should not be prepaid. It should be the consumer's responsibility to refuel the car with correct fuel type before it is returned. If the vehicle is not returned with a full tank, the consumer should bear the cost of refuelling.
- Check age restrictions.
- Make sure you are familiar with the cancellation policy.
- When renting abroad, familiarise yourself with the rules of the road.

## 2. Collecting the car

- Make sure you understand what is covered by your insurance and what is left out. It is also very important to know the excess amount that could be charged to your credit card in case of an accident.
- Always ask about the company policy in case of the car breaking down or in case of an accident.
- A staff member should check the condition of the car on collection and mark all damage to the exterior and the interior on a diagram. If you are not provided with a special check-list or diagram, make sure that you note any damage in writing and have it signed by an employee of the car rental company.
- Make sure you know the type of fuel you can use in your rental car.

## 3. During the rental

- If the car breaks down, call the car rental company and follow the instructions provided. Do not repair the vehicle yourself without prior authorisation.
- In case of an accident, you should always note down the names and addresses of everyone involved. If anybody is injured, or when there is a dispute over who is responsible, you should notify the police. Contact the car rental company immediately.

## 4. Returning the car

- Try to return the car during the working hours of the car rental company and have it inspected by a competent employee. The condition of the vehicle should be confirmed in writing and signed by the representative of the company and the driver.

- If you are returning the car outside the working hours of the car hire company, you should park it in the designated area. You can take pictures of the vehicle as confirmation that it was returned in good condition.
- Cars returned outside working hours are inspected for damage on the following day and therefore the excess can still be charged to a consumer's credit card.

## 5. Alternative dispute resolution

- Neither companies nor consumers welcome court proceedings, nor is it practical in the resolution of cross-border disputes. Therefore, the development of alternative dispute resolution mechanisms could be very beneficial to all parties. It could provide a time efficient and inexpensive platform for consumers and companies to resolve disputes out of court. While the Car Rental Council of Ireland remains a valuable partner in helping to resolve disputes, it is not in a position to become officially notified by the European Commission due to its structure as an industry association.
- The Society of the Irish Motor Industry (SIMI) could in the future become an example of good practice in Ireland as they have appointed an independent arbitrator, the Chartered Institute of Arbitrators in Ireland, to deal impartially with complaints related to their members<sup>9</sup>. The Chartered Institute of Arbitrators is an officially appointed ADR body by the European Commission only in the disputes concerning tour operators so a further initiative is necessary to ensure broader notification covering car rental disputes in order to increase the credibility of the procedure used by the SIMI.

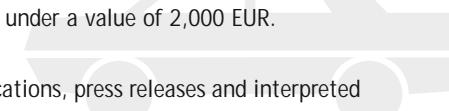
<sup>9</sup> SIMI codes of conduct: [www.sim.ie](http://www.sim.ie)

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- The European Consumer Centre Ireland recognises the need for the development of an EU-wide notified ADR scheme in the car rental sector led by the industry in cooperation with consumer representatives. The European Federation of Leasing Company Associations (Leaseurope) with BVRLA from the UK and representatives of the industry are now working on an EU-wide ADR platform competent to resolve cross-border consumer disputes in the car rental sector. This is a positive initiative that remains to be tested in the near future with potential benefits to consumers all over Europe.

#### **The European small claims procedure survey**

During 2009, a survey on Regulation (EC) No 861/2007 establishing a European small claims procedure was carried out by ECC Italy. The European small claims procedure is a fast and cheap judicial mechanism for consumers to obtain redress from a foreigner trader, in cases of disputes under a value of 2,000 EUR.



From a collection of legal acts, EC Communications, press releases and interpreted documents, a questionnaire was drafted and circulated to other ECCs. It requested their cooperation in checking the availability of forms for initiating the procedure and assistance to complete them, through online visits to Courts and Justices of the Peace. To date, the Regulation seems to be implemented in a few countries only and so a joint project to update the survey is planned in the ECC Italy 2010 work programme.

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## A day in the life of an ECC

prepared by ECC Luxembourg and ECC Sweden

Between 7:30 and 8:30, we all arrive and start by checking e-mails, incoming post and answering machine messages. Next, we log onto the ECC-Net case handling IT tool. The IT tool allows for follow up of ongoing cases which are regularly updated with new input by the relevant ECCs on both consumer and trader sides.

Case handlers then open the telephone lines and receive calls from consumers for personal consultations. They also reply to new e-mails sent by consumers during the night and they accept new cases registered via the IT tool by other ECCs or introduced via the online complaint form directly by consumers.

Case handling is one of the main tasks for all ECCs. The most common procedure is providing consumers with a legal point of view on their concern and contacting traders to present the consumer's standpoint.

As midday approaches, case handlers will have answered several questions and received complaints from consumers about traders, and also provided advice on how cases could be solved. If the ECC-Net was not the correct body to help the consumer with the concern, he or she will have been advised on whom to contact instead.

Before lunch, case handlers have a short meeting to share new cases of special interest. "Have there been any new types of questions or complaints? Are there any new traders or procedures among ongoing cases? Do the case handlers see

## Functioning of an ECC

any new trends that have to be monitored more closely and researched even further?"

In the afternoon, some case handlers devote their time to answering the phone, while others deal with current complaints. If a case lacks crucial information, the consumer is asked to provide this additional information.

Traders are contacted and case handlers try to negotiate an agreement with them on which both the trader and the consumer can concur, a so-called amicable solution. If this is not achieved, the next steps must be considered. For example, cases can be sent to the alternative dispute resolution body for the topic concerned (insurance, travel, finance, car purchase, etc.), to the national enforcement body, if it concerns flight cancellation, delays and overbooking, to FIN-NET for settling cross-border financial disputes out of court, or to SOLVIT to find solutions without legal proceedings for problems caused by the misapplication of internal market law by public authorities. The European small claims procedure can also be used for some cases.

Case handlers are also busy with other tasks; internal network affairs and daily management of the centre are followed in parallel to case handling by all staff. Information material for the public, such as brochures and presentations are produced and news is uploaded to the website. A monthly newsletter, published in magazine format, is also sent directly to consumers who have subscribed to it.

ECCs inform consumers about their rights and about proper complaints procedures. We target different types of audiences, run information sessions in schools and in old people's homes, at commercial fairs and at train stations and airports.

We produce information in different languages for country nationals, immigrants and tourists. The network also picks up on market trends and acts accordingly, e.g. a centre may contact the consumer protection cooperation (CPC)<sup>10</sup> authority if there has been a surge of complaints on a specific topic.

Afternoons are also for planning and/or carrying out joint projects within the network. These projects sometimes involve the entire network and sometimes only some centres. Their aim is to gather and present information on specific consumer-related topics such as hotel classification, price comparison, and much more. The results are usually presented in the form of a report.

When the phone lines are closed, we take the opportunity to gather together for general meetings.

If the Director has just returned from a network meeting in Brussels he/she will have plenty of information to pass on. One of the case handlers might be getting prepared for a conference and may ask for input on what information to convey at the conference.

The telephone will typically ring several times during our meetings. It might be a colleague from another ECC who is calling to ask for information about a specific company in our country to find out whether it is a serious or a fraudulent trader or he/she might want to know more about the sales period in our country.

Conversations with other ECCs are held in English, the working language of the ECC-Net, but conversations with national consumers and colleagues are held in our mother tongue.

Study visits to other centers are organized as well as the annual meeting of all the ECCs, the Cooperation Day. ECCs are constantly involved in different projects: ECC Sweden is currently working on submitting comments on the European diary. ECC Luxembourg is preparing a stand at the tourism fair in Luxembourg. Some ECCs are involved in various international project groups which meet regularly, for example the Children & Youth Group and the Targets & Indicators Group. In preparation for these meetings, new brochures are published and concerned centres are often interviewed by media and/or send press releases to the media.

We also keep certain company websites under surveillance, and we report inconsistencies to our CPC.

No day is ever the same; something unexpected always turns up. ECC staff are accustomed to being prepared for the unprepared.

<sup>10</sup> Consumer Protection Cooperation, ref. Regulation 2006/2004, a network of national enforcement authorities with powers to investigate possible breaches of consumer laws and taking action against rogue traders.

## From first contact to resolution of a complaint

prepared by ECC Austria and ECC Italy

The aim of the ECC-Net is to build consumer confidence in the internal market by providing consumers with information on their rights under European and national law, and by giving advice and assistance in the resolution of their cross-border complaints.

### Sofa suite defect: producer bankrupt

A Slovakian consumer bought a leather sofa suite made by in Poland. This was delivered to Slovakia. After six months, there were cracks in the leather. The consumer contacted the trading company, which promised to have the suite repaired. The sofa suite was transported back to the trader for repairs. A complaint form was signed and the trader promised repairs within 14 days. After more than a month, the suite was still not repaired, and the trader informed the consumer that the producer had gone bankrupt. The consumer asked for the money back: 3,190 PLN; the trader refused, and continued to do so even after ECC-Net intervention. So the claim was transferred to and handled by the national enforcement body for consumer affairs at the Office of Competition and Consumer Protection in Poland. Outcome: a full reimbursement.



There are various ways of contacting an ECC: by telephone, in writing (email, letter or fax message), via ECCs' websites using the online complaint form, or by personal contact at the premises of an ECC.



### The European cross-border complaint form

The best way to send a complaint is using the ECC-Net's cross-border complaint form, available on all ECCs' websites. It facilitates and accelerates the case-handling procedure for consumers as well as for the ECC-Net.

Consumers can complete the online form and send it directly to their national European Consumer Centre (the "Consumer ECC"), printing a copy for themselves.

### The case-handling procedure

Firstly, the competent case handler at the Consumer ECC analyses whether the claim is justified from a legal point of view (the claim may be unfounded).

The case-handler then ensures that the file supporting the claim is complete with all necessary attachments and determines whether additional information with regard to the complaint is required from the consumer or not. The case handler also checks if contact between involved parties has been made yet and if the trader is already known.

If the complaint is unfounded, the consumer will be told the procedure is stopped and why. If the complaint is ready to be dealt with, the consumer will be informed about the usual case-handling procedure within the ECC-Net and about the use of their personal data (privacy statement).

### Cooperation within the ECC-Net: sharing a case

Following acceptance, the Consumer ECC then shares the case through the internal case-handling database ("IT tool") with the "Trader ECC". This is the ECC in the country where the trader is based.

The Trader ECC accepts the case and contacts the trader (usually in writing). If the trader is already known, the ECC might give them a call and try to solve the complaint by telephone.

### Outcome of a complaint

After this contact, the Trader ECC checks whether the trader's position is in accordance with the consumer's legal rights and expectations. The Trader ECC suggests a solution to the Consumer ECC using the IT tool. Several contacts might be necessary between the two ECCs and the trader to come to a solution.

### Trader answers in favour of the consumer

The Consumer ECC has a look at the outcome of the case in the IT tool and informs the consumer. The case will be closed if the consumer is fully satisfied.

### Trader does not react or denies consumer's claim

The consumer ECC together with the Trader ECC checks to see if there are any other possibilities for solving the case.

Beyond amicable solutions:

- If the trader is not willing to meet the consumer's demand, and it is obvious that the ECC-Net cannot achieve an amicable solution, the case handler checks to see if there is a competent ADR body for the topic of the complaint (ADR = alternative dispute resolution<sup>11</sup>).
- a) If so, the case handler explains the ADR procedure to the consumer. If the consumer agrees, the case is forwarded to the competent ADR body and is categorised as a "dispute".
- b) If not, or if the consumer is not likely to achieve a positive settlement on an ADR basis, the case handler informs the consumer about the possibility of contacting a lawyer and/or going to court (especially if the European small claims procedure or European order for payment procedure is applicable).
- In some areas, in addition to ADR bodies, some specialised EU networks are available: SOLVIT for problems with public bodies, FIN-Net for financial issues, NEB (national enforcement body) for certain types of air passenger rights complaints. Some ECCs forward cases to these specialised networks straight away; others first try to achieve an amicable solution themselves and only forward cases to these networks as a follow up.

- Another possibility for taking further action against the trader is to forward the case to the CPC-Net (Consumer Protection Cooperation Network). For these cases there must be a collective breach of consumer law. This procedure does not solve individual cases, but is meant to stop unlawful behaviours by traders.
- Sometimes it is quite obvious that the consumer's complaint and dissatisfaction stems from fraudulent behaviour of a trader. Hence, the police may be the best administration for the consumer to contact.

#### Closure of complaint

A case is closed within the ECC-Net when an amicable solution has been reached or when it has been forwarded to another body in agreement with the consumer.

<sup>11</sup> Alternative Dispute Resolution (ADR) schemes, also known as "out-of-court mechanisms" have been developed across Europe to help citizens engaged in a consumer dispute who have been unable to reach an agreement directly with the trader. ADR schemes usually use a third party such as an arbitrator, mediator or an ombudsman to help the consumer and the trader to reach a solution.

## Interview

ECC-Net: past, present and future

Georg Mentschl,  
Director of the European Consumer Centre, Austria



Since when does cross-border consumer assistance exist?

In the early 1990s, the European Commission started to support information and assistance efforts in cross-border consumer issues. The members of this network, the "Euroguichets", were mainly located in border regions. Over the years, the Commission focused on establishing network partners in main towns, especially in capital cities, and called them **European Consumer Centres**.

Have the ECCs been involved in any other consumer protection networks within the EU in the past?

In 2001, the EEJ-Net (European Extrajudicial Network) also called Clearing Houses was created to forward consumer disputes to a competent ADR (alternative dispute resolution) body. Some Member States decided to have a "clearing house" with the already existing consumer centres. Others opened separate clearing houses. In Austria, the relevant ministry decided to combine the consumer centre with the clearing house at Austria's only independent consumer association, the VKI. This – from my point of view – was a wise decision. To have the European Consumer Centre Austria as the only organisation in charge of cross-border complaints was more efficient and less confusing for Austrian consumers. Being hosted by a well-known consumer association was, of course, very beneficial too.

How was consumer protection further developed at European level?

In 2004 there were Euroguichets (consumer centres) in 13 Member States, while the EEJ-Net covered 17 clearing houses in 15 Member States plus Norway and Iceland. So in some countries, there was an ECC and a clearing house, in others there was just one organisation.

Was it useful to have two more or less similar networks for consumer issues in Europe?

Well, we have definitely gained a lot of experience over the last decade. Finally, in 2005 a great deal happened! There was a merger of these two networks. It was decided that the name for these consumer protection offices would be ECC from that time on. Furthermore, several new Member States were joining the ECC-Net. Thus, an internal mentoring scheme was set up, which has been very effective.

What is the ECC-Net's role today?

Today we are a full network, 27 EU Member States plus Iceland and Norway. The development period is over and the network is definitely a very professional one. The core activity of the ECC-Net, besides providing information for consumers, is the handling of cross-border consumer complaints. It has to be stressed that the ECC-Net is there to help consumers in their cross-border shopping activities and to create trust in the internal market. So, we handle their individual cases. The ECC-Net is sharing cases much more today than in the past, which means that the workload at some offices is more than heavy because the number of cases has continuously increased over the years.

Where do you see the ECC-Net in ten years' time?

The area of consumer protection is a very dynamic field. There are still and there will still be problems concerning cross-border consumer issues. However, in general the situation has improved a lot during the last few years! This is, to a great degree, thanks to the work carried out by the ECC-Net. So I am looking forward to a bright future for European consumers, who always can rely on the service of the European Consumer Centres' Network.

#### Portrait of Karin Basenach – Director of ECC Luxembourg

Karin is the Director of ECC Luxembourg. She took up her duties in 2002 after many years of experience as lawyer since she was graduated in Law in Germany. When she started, her team counted only two colleagues. Now she has five, as the workload increases. On this subject she considers this growing reputation is the best achievement of the network: the network is strong and well known and it is largely appreciated by consumers, European Commission and national stakeholders.

Her daily work is all about dealing with cross-border complaints reported on a daily basis mostly by Luxemburgish citizens. She underlines that her knowledge of Luxemburgish language as well as her background in Law are strengths to well undertake this mission. And thus it is not an accident if everybody has a graduation in Law within the centre.

Her job is according to her useful, challenging, satisfactory, varied and eventful. Not less! It is an important source of fulfilment as her daughter and the practice of martial arts are, too. Multicultural and multilingual nature of ECC-Network also contributes to her enchantment when, within the same day, she liaises with colleagues being in Ljubljana, Vienna or Budapest. A proof that our differences enrich ourselves!





Portrait of Razvan Resmerita – Director of ECC Romania

Razvan was graduated in psycho-sociology and he completed his academic career with a Master degree in European Social Law. He put his knowledge in practice during eight years in the field of consumer protection and public affairs. With such a public satisfaction oriented profile, he took the lead of ECC Romania in January 2008 when it opened its doors.

To drive the rising of this new centre for the benefice of consumers is a responsibility which does not frighten him. On the contrary! He is very proud to serve European consumers by avoiding them useless loss of money and unpleasant time-consuming problems.

What he particularly likes in his job? Multicultural and multilingual nature of the ECC-Network! This to say that Europe can only and perfectly fulfills his aspiration!

Razvan is committed to give to ECC-Network its full potential. The Centres continuously work to raise consumers' confidence in shopping within the Internal Market by offering direct assistance. In the meantime they provide European Commission with valuable input and feedback on how consumer legislation works in practice.

In spite of this demanding but worthwhile work, Razvan enjoys most of his free time with his seven years old boy playing in the beautiful parks of Bucharest.

We are the European Consumer Centres Network.

Women and men at your assistance so that you can shop in confidence within the European Union



Over 60,000 consumers addressing the European Consumer Centres for assistance per year!





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## National pages



ECC Austria is operative since 1999 and is hosted by the Austrian Consumer Association VKI (Verein für Konsumenteninformation). VKI is the only independent consumer association in Austria.

One of ECC Austria's highlights over the last five years was the UEFA EURO 2008 (the European Football Championship) during which ECC Austria provided comprehensive information for fans and tourists via a specifically created bilingual webpage. Several European organisations and institutions created links to this webpage including the European Commission and other ECCs; a total of 67 links were registered. The webpage was also advertised on television, radio and printed media in Austria, the Czech Republic, Poland and Switzerland.

In the area of case handling, ECC Austria received countless complaints against internet rip-off companies where, for example, consumers have been lured to enter into 24-month contracts with the trader without being aware of it and then taken by surprise upon receipt of the bill. ECC Austria informed these consumers about their legal rights and how to react when receiving a bill from such a trader. ECC Austria also received numerous complaints concerning tourism and travelling, air passenger rights, car rental, and package travel. Most complaints however concern e-commerce.

During the time of the Austrian EU Presidency in 2006, ECC Austria focused its activities on the creation of a functioning national ADR-system. A "Workshop on Alternative Dispute Resolution" was organised in February 2006 in Vienna. Besides this workshop ECC Austria has continuous ADR related discussions with the competent ministry.

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ECC-Net directors at the "Vienna Meeting" during the Austrian Presidency in 2006 (incl. Tamas Molnar/Head of Unit in DG SANCO, and Karl Doutlik/Head of EU Representation in Austria in 2006)



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## Telephone lottery scam: vulnerable targets harassed

In 2008, German consumers were targeted by an Austrian company that made automatic telephone calls luring them to use expensive premium telephone numbers to get further information about winnings they had allegedly made. This commercial practice violates § 7 section 3 German Act Against Unfair Practices and caused telephone bills of several hundred Euros to those who fell for the scam. The targets were mainly elderly people aged between 70 and 90 who had mobility handicaps or who did not understand they were phoned by an automatic system. They felt extremely intimidated by telephone calls several times a day, early in the morning and late at night. Court proceedings against the Austrian trader did not stop them. EEC AT contacted the trader whenever needed and transmitted lists with names of complainants and arranged with the trader that they stop this practice for the consumers on the lists and delete the data relating to them from their database. Approximately 1,500 consumers benefited from this service.



## Car rental: delayed pick up

A Belgian consumer rented a car with an Italian car rental company via the Internet. Her flight to Italy was delayed two hours and she arrived at the rental office at 23:30. The office was still open but she was charged 70 EUR for late collection of the car. She complained as the contract did not mention the fee, but paid as she needed the car. After lodging a complaint with the company with no success, she contacted ECC Belgium. The case was taken up via ECC Italy, which contacted the company, pointing out that the fee for late collection was not included in the terms and conditions of the contract. After three weeks, the consumer received a full refund of 70 EUR.

## Consumer feedback!

"It is with great pleasure I inform you that the payment from the trader has been executed. You may close this file. I thank you for taking my case on board and for the remarkable efficiency of your intervention." Mr G.

### EUROPEES CENTRUM VOOR DE CONSUMENT/ CENTRE EUROPEEN DES CONSOMMATEURS

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ECC Belgium started its activities in October 2001 and is since 2006 hosted by Test-Achats/Test-Aankoop, the biggest consumer organisation in Belgium.

One of ECC Belgium's highlights over the last five years was an online shopping prevention campaign targeting young consumers, organised in 2007 in cooperation with the Belgian Ministry for Economics. An online quiz was played by more than 2,500 students and an information leaflet was sent to all secondary schools in Belgium. ECC Belgium developed a new website in 2005 and publishes a monthly newsletter. The growth in the number of visitors and in the number of subscribers to the newsletter shows that there is a real interest in the information disseminated.



ECC Belgium team

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In the area of case handling, complaints and information requests were in the early days mostly concentrated around timeshare and car purchase. Timeshare was a hot topic in Belgian news during a period when a well known Spanish judge investigated such problems in Spain. ECC Belgium provided the police in Madrid with detailed information on the complaints introduced by consumers who had been exposed to fraud. Information requests on car purchases peaked when ECC BE published the brochure "Buying a car in Europe" which was launched during the Belgian annual car exhibition in 2003. Since the regulation on air passenger rights came into force in 2005, travel is the biggest area of complaints (20%), followed by cars (15%) and electronic products (13%).

In 2005 ECC Belgium organised a seminar on ADR "The Belgian ADR system in a European perspective" and a second seminar on ADR in 2006 "ADR: An added value for business?" The seminars were organised in collaboration with the Federation of Belgian Enterprise, and are mainly intended to raise awareness and interest among businesses.



ECC Bulgaria team

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ECC Bulgaria officially opened its doors on 4 February 2008 and is hosted by the Commission for Consumer Protection (CCP), a state commission within the Minister of Economy.

The most successful event organized by ECC Bulgaria was the Consumer Forum in April 2009. It gathered all consumer protection actors in Bulgaria as well as all active European networks partners. The Forum was massively reflected in Bulgarian media and resulted in a number of interviews. The most successful brochures issued by ECC Bulgaria were "Main consumer rights when travelling within the EU", "Unfair commercial practices" and "A Guide for visitors in Bulgaria". Many consumers and media showed interest in these topics and interviews were given to explain specific issues.

Regarding case handling, the main areas of complaints for the period 2005–2009 in ECC Bulgaria were transport (53%) and restaurants and hotels and accommodation services (17%).

### Consumer feedback!

"Great :-)) I am very happy! Thank you to everyone for the cooperation and professionalism! I will come tomorrow to celebrate our success :-)" Mr Y

"I have seen a lot of institutions not working properly, but you have done your work incredibly well. Now I know that if I have problem in the future there is a place where I can call. It was a great pleasure to work with you!" Mr Z



### Taxi charges: excessive

A Cypriot consumer asked the reception of a hotel in Sofia for a taxi to the airport. The reception called a taxi company with which they often work. The consumer was charged 32.28 EUR upon arrival at the airport. Two days earlier, he had paid 9.58 EUR for the same route. He was being over-charged and in principle asked to pay to the cost equivalent of a 52 km trip from the hotel to the airport as opposed to the actual 16 km. Once back in Cyprus, the consumer contacted ECC Cyprus and with the assistance of the ECC-Net, he was reimbursed and also received a letter of apology from the taxi company. In addition, the taxi driver was penalised by his employer.

There are not yet any notified ADR bodies in Bulgaria. ECC Bulgaria contributes to the process of their creation by initiating discussions between the CPC and the ministry of Economy.

Regarding cooperation with other EU networks, ECC Bulgaria has established close relationships with Solvit, Europe Direct, Enterprise Europe Network and Eures. The collaboration consists of participating in joint activities and events (such as the organisation of the Day of Europe) and issuing joint brochures.

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## Online auction shopping

A Swedish consumer purchased several items from an auctions website in Cyprus. One of the ordered items delivered to the consumer was not in accordance with his initial order. The consumer sent several emails to the trader, but received no response. After the intervention and co-operation of ECC Sweden and Cyprus, the trader fully compensated the consumer.

ECC Cyprus is operational since June 2005 and is hosted by the Ministry of Commerce, Industry and Tourism.

One of ECC Cyprus highlights over the last five years was the successful advertising campaign in 2005 when luggage tags with ECC Cyprus contact details were handed to travellers at Larnaca International airport. Another popular activity was a questionnaire on consumer rights which was circulated among students during 2007–08. In 2009 ECC Cyprus coordinated the joint project on "Classification of Hotel Establishments within the EU" and published and presented the final report. In 2008, ECC Cyprus launched a new website as well as "Howard the Shopping Assistant". The number of consumers visiting the website has increased from 4,617 in 2007 to 6,389 in 2009.

ECC Cyprus puts much effort into making consumers, stakeholders and media aware of the existence and role of ECC-Net. It publishes articles on topics of consumer interest and also makes available brochures and in-



ECC Cyprus team at their stand in Nicosia for the celebration of the International Consumer Day in March 2008

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formative material to consumers and stakeholders. In addition, ECC Cyprus organizes informative seminars and makes presentations at high schools.

The main areas of consumer complaints in ECC Cyprus over the period 2006–2009 were transport services, recreation, culture and restaurant, hotel and accommodation services.

There is no ADR with general competence on all consumer issues in Cyprus. The draft law on ADR, which has been prepared by the Ministry of Commerce, Industry and Tourism, is currently before the House of Representatives and it is anticipated that it will be passed by the end of 2010. Another law, which provides for the resolution of financial claims (fin-net, financial ombudsman), prepared by the Central Bank of Cyprus and the Ministry of Finance, is also pending before the House of Representatives for final voting. Meetings with other EU Networks (SOLVIT, RAPEX, etc.) and stakeholders are held regularly.

## ΕΥΡΩΠΑΪΚΟ ΚΕΝΤΡΟ ΚΑΤΑΝΑΛΩΤΗ ΚΥΠΡΟΥ

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# Czech Republic



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ECC Czech Republic, operational since 2005, is hosted by the organisation Czech Trade Inspection (CTI) since 2009 (previously it was hosted by the Ministry of Industry and Trade). The CTI is a market surveillance authority (under the Ministry of Industry and Trade) in the field of consumer protection. CTI carries out inspections of individuals, companies and their employees that sell goods, provide services, or operate on the Czech market and orders specific measures and impose penalties. It also provides advisory services.

A highlight over the last five years was the centre's participation in the Eurofestivals organised by the EU Representation and the Czech EU Presidency in 2009. The Eurofestivals were open air festivals designed to attract visitors of all ages. ECC Czech Republic gave presentations at these events and informed the public about its activities and had lawyers present to give on the spot advice to consumers.

The main areas of complaints for the period 2005–2009 in ECC Czech Republic were e-commerce, air passenger rights, travel and accommodation services, claims on electronic devices and refunds of VAT after purchase of vehicles.

ECC Czech Republic promotes ADR and takes part in the ADR platform which conducts the ADR project in the Czech Republic.

ECC Czech Republic cooperates with other networks such as Europe Direct, the European Representation in Prague, Solvit, Fin-net and Civil Aviation Authority of the Czech Republic.



Presentation at the Eurofestival in Litoměřice, 2009



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### Defective shoes: refund

A Czech consumer purchased a pair of hiking boots in a German supermarket. After three months the soles on both shoes cracked. The consumer went back to the shop but was turned away because the shoes had been used. The consumer then contacted ECC Czech Republic, who gave her an official complaint form in German. She took the ECC-Net complaint form and the footwear directly to the store. But again, she was told the shoes had been worn and that the two-year guarantee was limited to electronics. ECC CZ and ECC DE studied the case and discussed the situation with the company management. Finally the store agreed to reimburse the consumer, though they formally rejected the complaint.

### Consumer feedback!

The consumer: "I am pleased the case is settled and that I received my money back. Nevertheless I would have hoped for the retailer to acknowledge some responsibility and make his employees to handle similar complaints differently in the future."



## Beds under guarantee

In 1986 a Danish consumer bought four beds from a Swedish trader. The beds came with a 20 year warranty from the Swedish manufacturer. In 2001 the springs in three of the beds sprung out of the mattress and the fourth bed showed the same signs. The consumer contacted the manufacturer and asked for a replacement of the mattresses in accordance with the terms of the 20 year warranty. The manufacturer referred to its guidelines from 1995, which stated that if the beds were more than five years old the consumer would have to pay a fee (relative to their age) for the new beds, in this case EUR 550. Nevertheless, at the time of purchase in 1986, the warranty did not include this restriction, therefore the customer refused to pay a fee. Numerous letters, telephone calls and emails on the subject were exchanged between the consumer and the manufacturer over several years. In 2008 the consumer contacted ECC Denmark for assistance. ECC Denmark helped the consumer to prepare the case in collaboration with ECC Sweden, but they were also unable to find an agreement. ECC Sweden then suggested sending the case to the Swedish Consumer Complaints Board. The consumer agreed, and the complaints board ruled in favour of the consumer. Result: four new beds, valued at EUR 13,000.



Launch of Howard the online shopping assistant in ECC Ireland in 2007. From the left: Mairead McGuinness (MEP), Peter Fogh Knudsen (Director ECC DK), Tina Leonard (previous director ECC IE)

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ECC DK was established in January 2005 with the Danish Consumer Agency as its host organisation.

During the first five years of its existence ECC Denmark accomplished many things, including the launch of three online tools: 1) Howard the online shopping assistant, a small web based tool created to help consumers to shop safely online by identifying secure and non secure websites. Today Howard is available in 12 European countries. 2) A web service on mobile phones through which air passengers can get information about their air passenger rights whether they are in Copenhagen, Köln, Rome or Budapest. The service is free of charge and available in Danish and English. 3) Emma, an online assistant making it possible for consumers to ask cross-border questions 24 hours a day every day of the week. Emma gives specific answers to specific questions and at the same time she guides the consumer to additional information.

Besides these tools created to help consumers, ECC Denmark has helped an increasing number of individual consumers with their information requests and complaints. In 2005 the centre was contacted by 700 consumers, in 2009 this number had grown to 2,000, an increase of 186%. The main areas of complaints are e-commerce and air passenger rights related.

Denmark has a wide coverage of ADR bodies and many cases have been forwarded to these during the years. To help other countries develop ADR mechanisms, ECC Denmark has given numerous presentations on the Danish ADR system over the last 5 years.



ECC Estonia is operational since April 2005. It is hosted by the Consumer Protection Board (CPB), the national enforcement authority for consumer rights under the jurisdiction of the Ministry of Economic Affairs and Communications. CPB's main tasks are exercising market supervision, increasing consumer awareness and settlement of consumer complaints.

One of ECC Estonia's highlights over the last five years was a countrywide campaign about Internet shopping in 2008: "Shopped Yourself Naked on the Internet?" ("Ripped off while shopping on the internet?") It included street advertisements in the four largest cities in Estonia, an Internet banner on a popular news portal, articles in media and information on the centre's website and remarkable feedback to the campaign in radio and TV. Another highlight was an advertising activity on Internet shopping launched in 2009. Articles and advice on internet shopping were published in an "advice book" for students (70,000 copies). The feedback from this activity was excellent as well.

In the area of case handling the main areas of complaints handled by ECC Estonia over the five year period 2005–2009 related to e-commerce and air passenger rights.

The main ADR for consumer disputes in Estonia is the Consumer Complaints Committee, which is an independent institution operating at the Estonian Consumer Protection Board (CPB). It settles disputes between consumers and traders when the parties have not been able to find an amicable solution. There is no specific protocol determining modes of cooperation between ADR and ECC; just the law sets the procedural rules.



Meeting between Baltic States ECCs in Tallinn 2008

ECC Estonia enjoys good cooperation with its host organisation CPB and the director participates in its weekly management meetings. The European Commission Representation in Estonia and the State Chancellery of the Republic of Estonia organises meetings with EU Networks represented in Estonia several times a year.



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### E-commerce: non delivery of goods

A Finnish consumer bought CDs from an Internet trader registered in Estonia for a value of 40 EUR. However, he never received the goods, and nor a refund. All attempts to contact the trader by phone or in writing failed. The customer contacted ECC Finland, who in turn contacted ECC Estonia. ECC Estonia contacted the trader who promised they would deliver the goods promptly, which they also did. Case closed.

### Consumer feedback!

"I appreciate the good work you have done when handling my case. I will definitely share this positive impression with my friends!" Mr G.



## Boots: wrong size, wrong colour

A Finnish consumer bought a pair of boots from a shoe store in Tallinn.

Once back in Finland she realised the two boots were of two different colours. She contacted the trader, returned the boots, and received a new pair to replace them. But the new boots were not of the same design, and they were also the wrong size. Her second complaint was not handled properly. She contacted ECC Finland who forwarded the case to ECC Estonia. ECC Estonia contacted the trader who agreed to solve the problem promptly. The boots were returned to the trader, and the customer received a refund.



ECC Finland team meeting and training of new staff members in November 2009

Finland was established in spring 2000 as a part of the national consumer advice chain and was hosted by the municipality of Helsinki between 2000 and 2004. Since January 2005 the centre has been a part of the Finnish Consumer Agency. The task of the Consumer Agency is to defend consumers' economic, health and legal position and to implement consumer policy in Finland.

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Most consumers find ECC Finland through consumer law advisors stationed throughout the country. Information on a range of cross border topics can be found on the centre's website. Only cross border issues are dealt with.

Smooth case handling procedures has been a priority for ECC Finland since the network adopted its first case handling protocol drafted by ECC Finland and a number of other ECCs in 2005. Since then the development of harmonised European case handling procedures and equal and regular treatment of complaints has moved forward quickly. Approximately half of the complaints received annually are related to e-commerce with the main problem being non-delivery of goods. While consumers between 2001 and 2004 contacted the centre about timeshare and second hand car purchases in another Member State, the second half the decade clearly marks a new problem area: the mobile phone environment. Misleading advertising and unfair marketing give rise to complaints about non ordered services for which the consumer is asked to pay.

The role of enforcement authorities is therefore of key importance. Finland has a well established ADR system, functioning since 1978. The Consumer Disputes Board, the main Finnish ADR is a neutral and independent expert body which reports to the Ministry of Justice and is financed through the state budget.



ECC France is hosted by the non-profit French-German Consumer association Euro-Info-Verbraucher e.V. (EIV), created in 1993, in Kehl. ECC France started its activities in January 2005 and works in synergy with ECC Germany (Kehl office) and the other services hosted in the same office e.g. E-Commerce Contact Point Germany.

The excellent teamwork between the ECC France and ECC Germany manifested itself through jointly organised workshops and international conferences such as the conferences on "E-Commerce and Alternative Dispute Resolution", "ADR in the banking and insurance sector" and "Tourism and ADR" in 2005, 2006 and 2009 respectively. ECC France often launches information campaigns on topics such as the information action on air passenger rights at Strasbourg airport in 2008.

Most of ECC France complaints concern purchase of goods via e-commerce – 68% of all ECC France complaints in 2009. In most of these cases the product was not delivered or was defective. The two next areas for complaints are transport and tourism, including car rental, air passenger rights and luggage transport by air.

In the area of ADR, ECC France has tried to trigger the creation of new ADRs in the car rental and tourism sector and also encourages existing ADRs to seek contact with their European colleagues and homologues. Several conferences linked to ADR procedures have been organised and an ADR brochure was published in 2005 and in 2009.

Close contacts are maintained with the French members of the Consumer Protection Cooperation (CPC) and a cooperation protocol realised in 2009 will be signed in 2010. ECC France intervened as expert in different



ECC France and ECC Germany stand at the "European Picnic", an event organised by the "Landratsamt Ortenaukreis" for the occasion of the European weeks in Strasbourg/Kehl during May 2008

stakeholder groups, lately in the Commission expert group for a harmonised classification of consumer complaints and in the working group of the French ministries of Justice and of Economy concerning the proposal for a directive on consumer rights.



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## Roaming abroad: expensive surprise

A German consumer downloaded data via his mobile while visiting France and watched films on his notebook for about 16 hours between 5 and 6 December 2008. He had signed a contract with his German mobile telephone provider including a monthly flat rate of 24.99 EUR and he did not expect to be charged more during his stay in France. But he was. In addition to his monthly flat rate, he was charged 51,716.64 EUR plus VAT by the French provider. The consumer contacted ECC Germany for help who took on the case. With the help of media support, the German telephone provider agreed to reduce the bill to 1000 EUR.



## Holiday Clubs: contract annulment

Two German consumers signed a holiday club trial membership with a trader during their holidays in Greece for a contract lasting 35 months, at a cost of 3,340 EUR. The consumers paid 1,500 EUR immediately. Once back in Germany, the consumers wrote to the company to revoke the contract but received no answer. Instead, they received a reminder to pay the balance, 1,840 EUR together with a statement that it was not possible to cancel the contract. They turned to the ECC-Net for help. Three months later, they received confirmation that their contract had been cancelled and that their 1,500 EUR would be refunded.



ECC Germany team

ECC Germany is hosted by the non-profit French-German consumer association Euro-Info-Verbraucher e.V. (EIV), created in 1993, in Kehl. EIV also hosts ECC France. Previously there were three consumer centres in Germany, in Kiel, in Gronau and in Kehl. Since the creation of the integrated network in 2005, the ECC-Net, the centre in Gronau has closed down and the centre in Köln (hosted by the regional Consumer Centre

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"Verbraucherzentrale Schleswig-Holstein") has become an office which reports to the centre in Kehl.

The excellent cooperation between ECC Germany and ECC France has materialised in jointly organised workshops and international conferences such as the conferences on "E-Commerce and Alternative Dispute Resolution", "ADR in the banking and insurance sector" and "Tourism and ADR" in 2005, 2006 and 2009 respectively. ECC Germany often launches information campaigns such as the Rail Passenger Rights campaign in 2009 where brochures were handed out to consumers in five big German cities. In 2008 ECC Germany invented a wheel of fortune with questions on European topics which enjoyed great popularity among consumers at various events.

In the area of case handling, most complaints concern e-commerce – 68% of all ECC Germany complaints in 2009. Next come transport and tourism, including car rental, air passenger rights and luggage transport by air and services. Cross border health services, timeshare and holiday clubs have also been targets for complaints.

In its role as "Deutsche Verbindungsstelle für Schlichtung" and in co-operation with the German Federal Ministry of Justice, ECC Germany has over the last years updated the online database of ADR bodies which are notified by the European Commission. The centre also published a brochure which explains what ADR is about in a consumer friendly way and it also lists existing ADR bodies in Germany.



ECC Greece is operational since January 2005 and its host organisation is the Ministry of Economy, Competitiveness and Shipping and more precisely the General Secretariat for Consumers.

Some of ECC Greece highlights over the last five years are: the distribution of the leaflet on Air Passenger Rights at airports in 2007 which was broadcasted by national television, the big conference on ADR in 2007, simultaneous diffusion of the recently produced brochure on e-commerce by all major consumer organisations in Greece, the European Consumer Day 15 March 2008. Nevertheless the biggest success came in 2008 when ECC Greece organised a campaign on consumer rights with posters and promotion material on for all means of public transport – Metro, Train, Buses, Cable cars and Tram – both in Athens and in Thessaloniki.

With regard to case handling, the most common areas biggest area of complaints for ECC Greece are air passenger rights (flight cancellation, denied boarding, lost luggage), unfair commercial practices (particularly within e-commerce) and timeshare.

In the area of ADR development ECC Greece has managed to established close cooperation with Finnet, Solvit and Europe Direct. The centre also enjoys good relations with all National Enforcement Bodies (NEBs) with which they plan to further enhance cooperation to the point of organising common events.

## Consumer feedback!

I would like to express my deepest gratitude regarding your immediate actions in relation to my problem. Taking our lawyer's advice to contact ECC Greece was a really intelligent move, as ECC Greece helped us protect our rights free of charge. Finally, I would like to thank the person who handled our case for her kindness and diligence. I wish all of you a happy new year. Keep up your good difficult work. With very best regards, Mr B.P.



### **ΕΥΡΩΠΑΪΚΟ ΚΕΝΤΡΟ ΚΑΤΑΝΑΛΩΤΗ**

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## Online hotel booking: no room on arrival

An Italian consumer booked a double room in a hotel in Greece for three nights and paid 669 EUR via the internet through a Greek travel agency. On arrival, she was informed that the booking had been cancelled 20 days earlier because she had not paid. She had to stay in another more expensive room available for only two nights, and then spent the third night in another hotel as the first was fully booked. When she contacted the booking company, she was told that a mistake had been made during the booking, and that her money had not been transferred in time. She was promised a quick, full refund. This did not materialise. She contacted ECC Italy and asked for assistance. ECC IT forwarded the complaint to ECC GR who contacted the trader. Shortly thereafter, the money was refunded to the consumer's credit card.



## Online hotel booking

A Czech consumer booked a room in a Hungarian hotel. The reservation was confirmed by e-mail indicating a price of 66 EUR per room and night. According to the hotel's webpage the price should have been 12,500 HUF which corresponds to approximately 45 EUR. Despite the consumer's complaints first by email to the hotel and then when he arrived at the hotel reception, the consumer had to pay the price "for foreigners" of 66 EUR. According to the consumer the policy of the hotel was unfair and did not contribute to free cross border exchange within the EU. The consumer contacted the ECC-Net and claimed a compensation of 60 EUR (the difference for three hotel nights). Eventually the trader agreed to reimburse the consumer the 60 EUR.

ECC Hungary is operational since 31 May 2006. It was officially inaugurated by Commissioner Meglena Kuneva on 6 February 2007. The centre is hosted as an independent unit of the National Association for Consumer Protection in Hungary. Apart from the common deep commitment to enhance consumer rights and the advantageous infrastructure of the Association, another crucial reason to choose an NGO as host organisation was the fact that authorities in Hungary are not allowed to intervene in individual legal disputes.

During the four years of its operation, ECC Hungary has participated in numerous events and projects. The increasing media coverage of the organization's activity and its frequent appearance in the newscast has secured a significant rise of popularity for both ECC Hungary and the whole of the Network. ECC Hungary puts emphasis on education of young consumers and one of the most outstanding activities in the field was a consumer protection competition for high school students organised in cooperation with Europe Direct. The programme proved so successful



Commissioner Meglena Kuneva's visit to ECC Hungary, here, together with the centre's director György Morvay, looking at the results of a drawing competition for students which was organised in Hungarian schools as a part of a campaign promoting consumer rights.

that ECC Hungary is arranging a similar competition in 2010 as well. ECC Hungary has also published a number of brochures and articles on various consumer topics such as air passenger rights, guarantee rights, and the updated version of the shopping guide from 2008.

The vast majority of ECC Hungary's complaints and disputes concern air transport. ECC Hungary therefore maintains a relationship with not only the complaint analysts of the two Hungarian airlines on a day to day basis, but also cooperates closely with the Consumer Protection Authority as well as with Alternative Dispute Resolution bodies. The Hungarian Consumer Protection Authority, the national enforcement body in Hungary, and ECC Hungary have established a good and highly cooperative relationship.

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ECC Iceland has been operational since 2003 (before 2005 as a Clearing House). The host organisation is the Consumers' Association of Iceland – Neytendasamtókin. ECC Iceland is rather small, with a total of approximately 0.5 staff members (counting the hours of the employees). Its workload and its number of cases have increased over the years as the ECC-Net is becoming better known.

ECC Iceland has been involved in several national seminars and has given presentations at local colleges and universities. The centre takes part in the meetings between Nordic ECCs and has also hosted one of those meetings. A pamphlet introducing ECC Iceland was published and distributed in 2009. The centre gives considerable importance to maintaining and updating its website: [www.ena.is](http://www.ena.is) which now gets approximately 30,000 visitors per year (10% of the population). Over the years ECC Iceland has taken part in numerous joint ECC-Net projects.

The main complaint areas in ECC Iceland are travel related matters as many tourists come to visit Iceland. Most of these complaints concern car rentals and air passenger rights. Another complaint area on steady increase is e-commerce purchases.

ECC Iceland and its host organisation maintain good relationships with national enforcement bodies, such as the Consumer Protection Cooperation (CPC) and National Enforcement Bodies (NEB). There are several ADR bodies in Iceland, though many of them are not notified. ECC Iceland is planning a more formal cooperation with the CPC with the aim of notifying these bodies.



Meeting of Nordic ECCs in Iceland in 2008



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## Inter-rail tickets: validity Europe

An Icelandic couple bought two inter-rail tickets from a travel agency in Iceland. The travel agency sold the tickets on behalf of the Danish train service. After the couple had used the tickets without difficulty for three weeks, the tickets were confiscated on a train from Spain to France by a train conductor for the French train service, allegedly because they were invalid. In addition, the couple was obliged to pay a penalty. They went to their consulate in Paris to complain and to try and annul the penalty. This meant they had to pay for one extra night's accommodation in Paris. They also had to buy new tickets from France to Denmark for 395 EUR. The Danish and French train services both refused responsibility and blamed each other. The ECCs worked on the case for a year and finally got the Danish company to agree to reimburse the 395 EUR for the train tickets. The French company then decided to reimburse the couple 124 EUR to cover their accommodation in France.



## Online booking failure: duplicate flights

A consumer tried to book flights for a party of six with an Irish airline. After four unsuccessful attempts the consumer rang the reservation centre, but this attempt to book also failed. The consumer ended up booking flights with another airline, but then found a credit card charge of 7,613.93 EUR had been taken by the first Irish airline for five bookings for which he had received no email confirmation. The consumer contacted the airline but only 2,965.68 EUR was refunded. Three booking confirmations were then sent to the consumer (more than a month after the original attempt to book). ECC Ireland stepped in and the customer received a refund for the balance of 4,648.25 EUR. However, the airline refused to pay the interest the customer had accrued on their credit card.

### Consumer feedback!

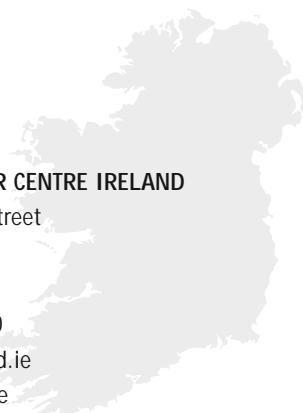
"Very impressed with the helpful, dedicated and professional manner of staff. I would not have got a resolution to this problem without the help of the ECC." Ms W.

ECC Ireland was founded in 1999 and its legal structure makes it almost unique in the network as only ECC Ireland and ECC Luxembourg operate as independent companies. It is funded by the National Consumer Agency and the European Commission and is run by its board of directors which includes representatives of the National Consumer Agency, the Irish Government's Department of Enterprise, Trade and Employment, as well as the Citizens Information Board which provides information to the public on social services. Its Chairman is the CEO of the Consumers' Association of Ireland. The Board is responsible for overseeing the strategic issues but on a day to day level ECC Ireland is run by its director.

As one of the oldest ECCs, ECC Ireland has always been very active and has headed a number of ECC-Net projects and reports, including the 2004 and 2007 E-Commerce Reports. It was also the co-author of the 2005 and 2006 Air Passenger Rights Reports. The centre has carried out a number of individual research projects, such as its report on car rental contracts in 2008. ECC Ireland also acted as mentor to a number of newly established ECCs.

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Launch of 'Air Passenger Rights: Consumer Complaints 2005' report in Dublin, November 2006. From the left: Mairead McGuiness (MEP), Jesus Orus Baguena (DG SANCO), Tina Leonard (previous director ECC Ireland).

The main complaint areas dealt with by ECC Ireland relate to air passenger rights, electronic goods and entertainment services. The fact that Ireland shares a land border with the UK means that cross-border shopping is very common and this influences the complaints received, as many Irish consumers shop for larger items such as cars in Northern Ireland.

ECC Ireland plays an active role in ADR development nationally and cooperates with the National Consumer Agency, the body charged with the promotion of ADR in Ireland. The National Consumer Agency is also the Consumer Protection Cooperation Single Liaison Office (CPC SLO) and ECC Ireland regularly sends it information in relation to traders it has concerns about.



ECC Italy is operational since January 2006 and is located in Rome with an auxiliary office in Bolzano. Prior to 2006 there were six national consumer offices in the country. ECC Italy is run by two national consumer Associations: Adiconsum and Centro Tutela Consumatori Utenti (CTCU). The office in Bolzano had already been running a Euroguichet branch from 1996, before the ECC-Net was created joining the EEJ-Net and the Network of the Euroguichets.

Since March 2006, ECC Italy arranged several events. In 2006, three big conferences were held on ADR, Internal market development and consumer protection. In 2007, 2008 and 2009 other events were devoted to ADR and the Services Directive. For promotional activities the centre organised several press conferences (some with the presence of the European Commissioner Kuneva), gave presentations at universities and participated in other EU Network events. Close contact with the media is maintained in order to reach the widest possible audience of national and European consumers.

In the area of case handling ECC Italy received the largest number of complaints from European consumers in the areas of air transport, car rental and tourism. ECC Italy experiences positive cooperation with Italian traders.

Good relations with ADR bodies have always been considered a priority. Continuous contact with notified ADRs lead to protocols of understanding, declaring the shared interest for consultative solutions of consumers' complaints. Cooperation with Italian Ministries was created to increase the number of ADRs at national level. Cooperation with enforcement bodies consist of monitoring businesses commercial practices and



ECC Italy stand promoting consumers' rights at the annual international Fair "Terra futura" (devoted to good practices for social, economic and environmental sustainability) in Florence 2009.

protecting consumers' rights. Other European networks, such as Solvit, Finnet and Europe Direct, are considered by ECC Italy as part of the same system of assistance created by the European Commission, and the respective activities are considered linked as they were just one general network.

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## Jewellery factory: over spending

An 84 year old German consumer went on a bus trip to Italy in September 2006. The trip included a visit to a jewellery factory. The consumer bought jewellery worth 8,000 EUR while in this factory, to be paid in instalments. Up to the autumn of 2007, she had paid 5,500 EUR. She did not tell her relatives what she had done, but the family noticed she was short of money and distressed. In August 2007 she confessed her problem to her relatives. Her son-in-law turned to ECC Germany for assistance on 22 August 2007. According to a jewellery expert, the value of her purchase did not exceed 1,000 EUR. The consumer wanted to withdraw from the contract. In cooperation with ECC Italy-Bolzano, the company agreed to repay her the money in three instalments.



## Car spare parts via internet

A Latvian consumer ordered spares for his car in German internet shop, where he had shopped before. He was also registered in a payment system. After his purchase, he received an e-mail that the money had been transferred to the trader. After a month, still no product. The consumer called the trader, who said the product had been delivered, and gave a parcel number. That meant the consumer could check the status of parcel. Surprise: the parcel had arrived in Latvia. He called, and got a very rude response saying the courier company had tried to deliver the parcel, but that no-one had been at home to collect it. The parcel had been sent back to the branch office in Lithuania. The consumer called that office, which informed him the parcel was not there. Then the consumer turned to European Consumer Centre of Latvia for help. Eventually, he got his products, thanks to the intervention of the ECC-Net.

ECC Latvia was established in July 2005. It is an independent department of the Consumer Rights Protection Centre of Latvia (CRPC), the main consumer protection and market surveillance institution of Latvia. CRPC is also the main ADR body handling individual consumer complaints.

Some of ECC Latvia's highlights over the last five years are: 1) In August 2007 ECC Latvia organised a consumer information campaign together with CRPC at Riga International Airport where a leaflet on Air Passenger Rights and small souvenirs was distributed to consumers. The campaign attracted the interest of several media, 2) In November 2008 ECC Latvia organised a Baltic Sea State seminar on ADR development. Participants from all Baltic Sea States exchanged experiences on ADR development. The seminar was much appreciated by representatives from the Ministry of Economics and the CRPC in Latvia and 3) In March 2009 a consumer information campaign financed by European Commission was launched. The campaign covered 12 hot consumer topics. ECC Latvia contributed with presentations on package travel, air passenger rights and cross border shopping. The campaign was very successful and was given much media attention.

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Baltic Sea State seminar on ADR in November 2008

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In the area of case handling ECC Latvia received most complaints in the fields of Air passenger rights, Cross border shopping and E-commerce.

ECC Latvia plays a significant role in the development of ADR in Latvia and provides CRPC and the Ministry of Economics with information about the best ADR examples in other EU countries. After the Baltic Sea States ADR seminar in 2008, the Ministry of Economics initiated new amendments to the legislation in order to improve efficiency of the consumer complaints handling process. These amendments are currently at the stage of discussion in the Cabinet of Ministers.

ECC Latvia has established good cooperation with the EC Representation in Latvia and with other EU related networks such as Europe Direct and SOLVIT.



ECC Lithuania is operational since April 2005. The host organisation is the State Consumer Rights Protection Authority of the Republic of Lithuania.

Some of ECC Lithuania's highlights during the past five years are: 1) The publication of the brochure "Travel Advisor" in 2006 which received an award as one of "2007 best consumer campaigns". It was so popular that it was reprinted more than five times during the period 2007–2009. 2) Visits and presentations to numerous towns and organisations where ECC Lithuania informed about its activities. 3) The brochure "Baltic Visitors Consumer Guide" was published in collaboration with the ECC Latvia and ECC Estonia in 2007. 4) Numerous visibility enhancing activities, particularly in 2009 with 54 radio and 14 TV broadcasts and 33 seminars in schools, universities, colleges etc on consumer rights in the EU and ECC Lithuania's role.

In the area of case handling ECC Lithuania received the largest number of complaints in the areas: air passenger rights (flights cancellation, denied boarding, lost/damaged luggage), e-commerce and faulty goods and services.

On 1 May 2007 the new Law on Consumer Protection came into force. It established ADR schemes and its operation in Lithuania, provided a list of ADR bodies and their responsibilities, thus giving more possibilities to consumers to defend their interests under the ADR scheme. ECC LT has good cooperation links with Finnet, Solvit, Enterprise Europe Network and Europe Direct.



ECC Lithuania team. From the left: case-handler Migle Akuleviciene, case-handler Jaune Dalinkeviciute, case-handler Saulius Linkevicius and director Viktorija Ostrauskiene



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## Lost luggage: compensation

A Lithuanian consumer, winner of a silver medal in the Disabled Sport Dances World cup in 2004, went to Brazil last year. His wheelchair (checked in as luggage) went missing in transit. He was obliged to rent a wheelchair for his two-week stay in Brazil. The rented wheelchair did not meet the consumer's standards and needs, so he ended up with extra expenses for taxi journeys he would have normally not have needed. Once back in Lithuania, he filed a complaint with the travel company and claimed compensation for his lost wheelchair and the additional expenses. The travel company did not find the wheelchair and refused to pay compensation, despite his many letters and phone calls. In the meantime, the consumer had to use a borrowed wheelchair, which was not as comfortable or of the same standard or as good as his own. Eventually the consumer contacted ECC Lithuania, which contacted ECC Netherlands (the airline company operating in Netherlands). Shortly thereafter, the airline company agreed to pay maximum compensation and did so.



# Luxembourg



## Luxury handbag faulty quality

A Belgian consumer bought a famous Italian brand handbag in Luxembourg. After a few weeks, the handbag started to deteriorate. The consumer immediately informed the trader and returned the bag to his supplier for examination. The trader refused to repair or replace the bag, saying the damage was fair wear and tear. The consumer contacted the ECC-Net, which immediately contacted the trader and explained to him that the legal guarantee of conformity is valid during the first six months after purchase. The burden of proof to show the goods were of adequate quality falls on the vendor. Alleging fair wear and tear without an expert report was inadequate, particularly for such an expensive bag. The trader and his supplier finally agreed to offer a voucher of a value equivalent to that of the defective object enabling the customer to make an alternative purchase in all the retailer's stores.

## Consumer feedback!

"I inform you that I received a voucher of 600 EUR from the trader XY. I wish to thank you as I am pretty sure that the outcome of my complaint would have been negative without your intervention. I wish to thank you again for your help." Mrs G.

European cross border consumer activities have been ongoing in Luxembourg since 1991 when Euroguichet Luxembourg was launched by the European Commission. In 2005 the network of Euroguichets and the European Extra-Judicial Network (EEJ-Net) were merged into one network under the name ECC-Net. So, ECC Luxembourg has been operational for nearly 20 years. It is also one of the two ECCs which is operated as an individual company with its own independent status (ECC Ireland being the second).

Some of ECC Luxembourg's highlights since 2005 have been 1) international conferences on aspects of European consumer law organised in 2005, 2007 and 2009 with presence of the Minister of Economy and around 100 participants, 2) monthly conferences on different consumer rights topics open to the public and co-organised with the EC Representation, the Information office of the EP and the "Mouvement européen", 3) publication in 2008 of the third edition of the much appreciated brochures on real estate purchase in Belgium, France and Germany. In addition, the fact that the Ministry of Economy, the Police of the Grand-Duchy and the national consumer organisation ULC requested to participate in ECC Luxembourg's spring fairs of 2007 and 2009 is an

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Staff of ECC Luxembourg at the "Second conference on aspects of European consumer law" organized by ECC Luxembourg on 10 October 2007 at the Abbaye de Neumünster in Luxembourg in presence of Luxembourg's Minister of Economy and Foreign Trade.

excellent example of good collaboration between stakeholders in Luxembourg.

In the area of case handling ECC Luxembourg receives information requests and complaints mostly in the fields of construction, renting houses/apartments, purchase and repair of cars, credits and e-commerce.

ECC Luxembourg follows the development of cross border consumer complaints handled by ADR bodies through a system of questionnaires. It maintains good collaboration with the National Enforcement Body (NEB) and with the members of the Consumer Protection Cooperation (CPC). In 2009 after having informed the CPC about dozens of complaints related to an online dating service registered in Luxembourg, the CPC took the case to court.



The European Consumer Centre of Malta is hosted by the Consumer and Competition Division within the Ministry of Finance, Economy and Investment and has been operating in its current format since September 2007.

Since its inception, ECC Malta has strived to increase its visibility to the Maltese public through its participation in public events, such as the "Consumer Day" and the "Europe Close to You" fair. It has also increased its media exposure through the publication of information materials, articles and press releases, and participation in broadcast programmes. ECC Malta also participated in the European Commission's information campaign for consumers in Malta during 2007 and 2008 by being the main contact office for the campaign. The campaign increased the caseload of ECC Malta considerably and gave it some very useful initial publicity.

ECC Malta has also over the years worked closely with Malta Tourism Authority on issues such as timeshare and hotel classification since tourism related complaints constitute the bulk of the incoming caseload.

The majority of cases received by ECC Malta from Maltese consumers are related to e-commerce with a number of complainants also being the victims of scams. In view of this, ECC Malta collaborated with the Consumer and Competition Division and the Ministry of Finance, Economy and Investment and organised an awareness campaign on scams with the help of the Malta Police Force and all 68 local councils in Malta and Gozo.

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ECC Malta stand at the "Europe Close to you fair" in Valletta in January 2009

With respect to alternative dispute resolution, the centre has liaised with a number of authorities and enforcement bodies. In 2009, ECC Malta submitted reports on Malta Arbitration Centre and Malta Mediation Centre to the European Commission for the purposes of notifying these centres as ADR bodies. If accepted, the Centres will be the first two notified ADR bodies in Malta.

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## Car purchase from abroad

A Maltese consumer purchased a car from a UK dealer. When the vehicle was delivered to Malta, it was found to have several defects and thus needed quite extensive repairs. The commercial guarantee allowed him to have the vehicle repaired at his local approved agent. However, the trader informed the consumer that he had to pay for the repair from his end and then the trader would submit the warranty claim for the consumer once he sends him a copy of the receipt. The consumer did submit the receipt as per the trader's instructions but did not receive the refund as promised. The consumer contacted ECC Malta, and after the network's intervention, the promised refund was received.



# Netherlands

## Seeds online: non delivery

A consumer from Finland had ordered some seeds from a Dutch web shop. He paid 83.93 and waited for his package to arrive. As the package was not delivered and the trader did not answer his emails, he suspected that he had been a victim of fraud. He contacted ECC Finland which forwarded his complaint to ECC Netherlands. ECC Netherlands contacted the trader and shortly thereafter the consumer received his money back. The trader had stated that they have about 18.000 customers and that sometimes an order can go wrong. They apologized and the case was solved without further delay.

ECC Netherlands is operational since 2005 after the merger of the Euruquichets and the Clearing houses (EEJ-Net). Its predecessor, a Clearing house, started its activities in 2002. ECC Netherlands is hosted by the Legal Service Counter.

The formal inauguration of ECC Netherlands took place in June 2008 and was attended by EU Commissioner Meglena Kuneva and many stakeholders. The centre's promotional activities such as its website and good working relations with several signposting organisations have lead to an enormous increase in cases over the years. This confirms the need for information and assistance the ECCs provide to individual consumers who want to shop cross border.

In the period 2005 and 2009 the main complaint areas in ECC Netherlands were e-commerce, timeshare and holiday clubs and air passenger rights. In the same timeframe most Dutch consumers had questions and complaints concerning German, Spanish and Belgium traders. The complaints concerning Dutch traders came most frequently from Belgian, German and Finnish consumers.

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ECC stand at the Holiday Fair in 2009 in Utrecht

The ECC Netherlands cooperates with the Dutch Complaints Board for Consumer Complaints. This organisation has established many new complaints boards at which European consumers can file a complaint. ECC Netherlands operates as an intermediary between the consumer outside the Netherlands and the Dutch Complaints Boards. The Complaints Board for Air Passengers was established in 2009. The ECC also cooperates closely with the Legal Service counter, the CPC, Consuwijzer and the Consumentenbond. Many consumers have been signposted by these organisations to the ECC and thus were helped with their questions and complaints concerning foreign traders. ECC Netherlands regularly meets with these organisations to develop the cooperation further and reach more consumers.



ECC Norway is operational since January 2006. It is hosted by the Consumer Council of Norway.

Spreading information on air passenger rights began with a campaign in 2006 and continues to be an important priority for ECC Norway. Media interest is high in all matters relating to this topic. This has led to an increase in complaints which can be interpreted as more consumers being aware of their rights. ECC Norway and the EC Delegation in Norway have together hosted two seminars on e-commerce and other important consumer topics. News from these seminars reached the public through large media interest and participation in the seminars of national politicians who have the power to influence change where change is needed.

Complaints regarding holiday clubs have since the establishment of ECC Norway been high in numbers. Despite several campaigns and media attention, Norwegian consumers continue to sign memberships with fraudulent traders. A priority for ECC Norway has therefore been to assist consumers in cancelling their contracts. Through cooperation with several national authorities, consumers can be assured that the cancellation of their contract is valid and a refund of the amount paid is often guaranteed. Other frequently appearing complaint topics are: purchase of vehicles, air transport and e-commerce.

Norway has a well-developed ADR system and ECC Norway has contributed to the work of other countries' development of ADRs in ways of hosting information seminars. The transmitted information about the ADR system in Norway has been used to argue the establishment of ADRs in other countries.



Campaign at Gardemoen airport in 2008, warning air passengers against fraudulent holiday clubs

ECC Norway works closely with the National Enforcement Body. In addition to this ongoing cooperation, the National Enforcement Body hosts an annual workshop on air passenger's rights which enables the participants to share up to date knowledge of practices in the area.



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## Holiday club resale

In 2009, ECC Norway received many requests from Norwegian discount holiday club members who had been contacted by an "estate agent" informing the consumers there was a potential buyer for their holiday club memberships. The consumers were told they had to transfer a "deposit" to a bank account in Spain before receiving payment. The trader provided the consumers with a receipt to prove the buyer had already transferred the purchase price to the "estate agent's" account. ECC Norway sent a copy of the receipt to ECC Spain, who informed them the receipt was a forgery. ECC Norway notified the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, who classified the case as fraud. To draw attention to the problem, ECC Norway published a press release. Several media published the story and one of Norway's major tabloids has run follow-ups in its online edition, including a link to ECC Norway's webpage. ECC Norway believes the media attention has prevented more consumers from falling victim to this scam.



## Holiday Club contract

A polish consumer concluded a holiday club contract with trader in Spain in 1995. The contract gave her the right to stay one week per year in a hotel in Spain. The terms and conditions of the contract said it could not be terminated. In year 2000 the consumer wanted to withdraw from the contract. The trader recommended the consumer to contact a company specialised in resale of holiday club memberships. The consumer contacted the recommended company and paid 1900 PLN for an agency agreement and was told she would subsequently be reimbursed by the holiday club company. When the consumer contacted the holiday club company to ask where her money was, they said they had never heard of the resale company. The consumer then contacted ECC Poland and in cooperation with ECC Spain they managed find agreement with the trader who cancelled the holiday club contract with the consumer.

ECC Poland was founded in January 2005 and is hosted by the Competition and Consumer Protection Office (OCCP). OCCP creates the governmental consumer policy and is the enforcement body for consumer protection. The President of the OCCP reports to the Prime Minister.

The launch of ECC Poland was well received by citizens and media. With the aim to draw public attention to EU consumer policy, public lectures have been organised regularly together with the Centre of European Information; a newsletter also helps promoting the centre. Other highlights of the centre include organising events or participating in events such as the Schuman Parades – a series of public events on the occasion of accession to the EU, or the campaign “Consumer After Holidays” which won the competition for the best consumer campaign of 2007 in Poland. ECC Poland participates in the ECC Baltic Sea countries activities, e.g. the annual meetings on ADR. It has also taken shared leadership for several ECC-Net joint projects such as action on e-commerce (2006, 2010), action on ADR (2008–2009) and action on hotels' standardization (2009).



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ECC Poland team with colleagues from ECC Czech Republic and ECC Ireland at the ECC-Net 5 year conference in Warsaw.

In the area of complaints handling, reported complaints mostly concern: defective goods, air passenger rights (booking, luggage) and online shopping (delivery, cooling-off period, customer complaints).

ADR development has become a core element of ECC Poland's activities; activities such as round tables and debates have been organized since 2006. ECC Poland assisted in the notification to the ADR database of five ADR bodies. The model notification procedure was developed and set as an objective of the national strategy for consumer policy.



European cross border consumer activities have been ongoing in Portugal since the 1990s when the Euroguichet in northern Portugal was launched. It was later transferred to Lisbon and became ECC Portugal, after merger with the EEJ-Net (Clearing Houses). ECC Portugal was hosted by the Institute of Consumer (IC) in 2000–2006. As from 2007, ECC Portugal is hosted by the Directorate-General of Consumers (DGC), also a public body and the successor of the former IC. The DGC has the mission to contribute to the preparation, definition and implementation of consumer protection policy and is responsible for ensuring the functioning of the ECC Portugal laid down in the law.

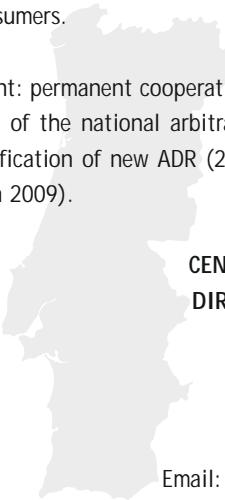
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Some of ECC Portugal's highlights over the last five years have been the Media campaign on guarantees of goods in 2003, which generated more than 200 spots in radio and 160,000 leaflets with a newspaper, the Information campaign to the Portuguese community in Luxembourg in 2006 (in cooperation with ECC Luxembourg) where ECC Portugal staff members stayed in Luxembourg for four days and took part in information sessions, media interviews and radio programs. ECC Portugal has also published and distributed throughout the country and abroad a large number of leaflets, brochures, fact sheets and post-cards and distributed throughout the country and abroad. In 2007, under the Portuguese presidency of the EU, ECC Portugal organised the ECC-Net Cooperation Day in Lisbon.

The main areas for consumer complaints in ECC Portugal relate to tourism (with timeshare problems in particular, both from national or foreign consumers), air transport (specially lost or damaged luggage claimed by nationals) and car purchase (also from national consumers). There is a constant increasing number of complaints related to e-commerce pur-



ECC Portugal's May 2009 poster, here displayed in the city of Lisbon at the occasion of Europe Day.



chases representing more than 50 % of the complaints, almost all from Portuguese consumers.

ADR development: permanent cooperation with the host entity advising on the creation of the national arbitration centre (launched in 2009) and to the notification of new ADR (2 notifications of ADR in Madeira accomplished in 2009).

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## Wet suit: altered to fit someone else

Two Romanian consumers purchased surfing wetsuits during a brief stay in Portugal. When they used the suits for the first time in their own country, they found that alterations had been made to the suits, which led them to believe that they were used, not new suits. They filed a complaint with ECC Portugal and asked for replacements or refunds. The company refused. ECC Portugal then forwarded the complaint to Lisbon Arbitration Centre and the case was prepared and heard by the Court of Arbitration. The consumers were represented by a consumer's association. The Court asked for the suits to be examined by an expert. Manufacturing defects were found on one of the suits. The arbitration court ordered the company to replace the goods free of charge.



## Consumer feedback!

"I consider the existence of this European Consumer Centre in Romania as being very useful. Would it not have existed, I would have had to make sizeable personal efforts (hiring a lawyer in Spain, expenses linked to translations, fees, taxes, etc.) to sustain such a complaint via the normal procedure in a foreign country, or, most probably, would have given up completely on asserting my legal rights, due to these difficulties. But with your support, this problem was solved quickly and without additional expenses." Ms P.

ECC Romania started its activities on 1 January 2008. It is hosted by the Romanian Association for Consumers' Protection, the oldest consumer organisation in our the country. ECC Romania is co-financed by the National Authority for Consumer Protection.

Since its establishment, ECC Romania has developed 11 information sheets and eight brochures on topics such as unfair commercial practices, e-commerce, consumer credit, air passenger rights, ADR mediation, consumer sales and associated guarantees, buying and renting cars, and shopping and travelling in Romania and Bulgaria. In 2009, ECC Romania organized a conference on the necessity of Alternative Dispute Resolution systems in Romania which raised high interest, especially with regard to ADR solutions in other countries.

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At the opening of ECC Romania in 2008 with Commissioner Kuneva

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In the area of case handling, Romanian consumers complained most about the quality of products and services, about delivery and about the use of unfair commercial practices. There have been examples of lack of conformity with the promised and ordered product/service and the product/service delivered (deficient products or service performed improperly or the refusal to perform a service). For aircraft operators these services the complaints have mostly covered cancellation of flights or delays. Regarding unfair commercial practices consumers have complained mostly about use of misleading information or lack of essential information.

In 2009, Romania notified the first ADR body to the Commission: the National Authority for Management and Regulation in Communications. ECC Romania assisted with the process.



ECC Slovakia was established under the Ministry of Economy of the Slovak Republic in 2006. ECC Slovakia opened officially in May 2006 by the former Commissioner for Health and Consumer Protection Markos Kyprianou.

Over the past years since the beginning of its operations, ECC Slovakia has actively promoted its services through information stands at various events across Slovakia, a seminar on injunctions and press conferences in relation to the Best Consumer Campaign in 2007 and the introduction of EURO. The centre has also produced numerous leaflets and brochures such as: ECC-Net activities, Timesharing, Shopping in the EU, Shopping online, Visiting Slovakia, Popular holiday destinations within EU: Greece, Spain, Italy, Consumer Protection in the pocket and the Annual reports 2006–2008. ECC Slovakia also organised various events to promote the network and to raise awareness among consumers and other stakeholders in the field of consumer protection.

Regarding case handling, ECC Slovakia received most complaints in the areas of related to transport, clothing, shoes and electronic devices. The top area for complaints was transport including purchase of second-hand cars and services provided by air carriers.

An amendment of the Consumer Protection Act which stipulates that traders are obliged to collaborate with ECC Slovakia when handling cross-border consumer complaints brought an important change to the workload. Through cooperation between ECC Slovakia, the Slovak Trade Inspection (main market surveillance body) and the Ministry of Transport, Post and Telecommunication of Slovak Republic, this amendment



Official opening of ECC Slovakia with Commissioner Kyprianou in 2006

helped to achieve positive outcome for consumers even in cases where the communication with traders was insufficient.

In order to promote the importance of ADR development, ECC Slovakia and ECC Finland together organised a seminar for NGOs, government representatives and other relevant stakeholders in the field of consumer protection.



## Online purchase of a laptop

A Slovak consumer bought a laptop from an Irish trader via the internet. A few months after the purchase, the monitor of the laptop started flashing with black colour. The consumer submitted a claim to the trader. The laptop was repaired, but after a short period the same problem reoccurred. The trader promised to repair the laptop again. A bit concerned, the consumer visited the local authorized service centre in person and was informed that the laptop was completely damaged and the monitor broken. The consumer then understood that additional damage to the computer had occurred during the transport. The consumer spoke to the trader, who promised to reimburse him with 450 EUR for the repairs. The consumer did not agree with this, he wanted reimbursement for the full cost of repairs or a new laptop. It turned out that the laptop was completely damaged and could not be repaired. After the intervention of ECCs Slovakia and Ireland, the trader offered the consumer a new model with better parameters.



## Car rental

A Finnish tourist visiting Slovenia rented a car for one day and arranged with the agent to return it late, outside office hours. As agreed with the agent he parked the vehicle in the car-park building in the evening. After return to Finland, the car rental company sent him an invoice of 444 EUR with an accompanying letter informing him that some damage had been detected on the vehicle, and that he was responsible for it as the vehicle had been returned outside office hours, which made it impossible for them to inspect the car upon return. The consumer maintained that he had returned the vehicle in immaculate condition. He also noticed that the company had noted down 12 km more than he had driven. He turned to ECC Finland for assistance, who in turn shared the case with the ECC Slovenia. As the contract did not state how and when to return the vehicle, late return alone was not an adequate reason to blame the damage on the consumer or to put the burden of proof on him. Furthermore, since 12 more km had been driven with the car after the consumer had returned it, the damage could have been caused by a third party. ECC Slovenia asked the rental company to refund the 444 EUR which had already been deducted from the consumer's credit card. The company accepted this and made a full refund.



By the information stand in the office of ECC Slovenia

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ECC Slovenia was launched in November 2006 and is hosted by the Slovene Consumers' Association (an NGO launched in 1990).

In its first year of operation, ECC Slovenia focused on promotion of consumer rights when shopping cross border and promotion of the centre and publication of information material such as the booklet "Shopping in Slovenia" and the leaflet "Shopping in Europe". In June 2007, European Commissioner for Consumers, Mrs Meglena Kuneva, visited ECC Slovenia. In 2008 the celebration of Consumer Day with the minister of Economy of the Republic of Slovenia and the European Commissioner for consumer protection Mrs. Kuneva (stand on Ljubljana central market, workshop on ADR) caught much consumer and media attention. The International ADR conference (23 May 2008) attracted more than 50 participants from 13 EU Member States and Norway.

In the area of case handling, ECC Slovenia receives most complaints related to e-commerce (product not in conformity with order), air passenger rights and tourism services (accommodation and car rental).

There are no notified ADRs in Slovenia and no ADRs meet the requirements set out by the European Commission. In March 2008 the government presented a draft law on Alternative Consumer Dispute Resolution. In May 2008 ECC Slovenia prepared an international conference on this topic. After the conference ECC Slovenia had several meetings with the competent office within the Ministry of Economy regarding the ADR law.



ECC Spain is hosted by the National Institute for Consumer Protection. It is a public body at the Ministry for Health and Social Affairs. ECC Spain has been working inside the INCP since 2005. It is in charge of the promotion and protection of consumer's rights.

The most representative events over the past five years have been the organisation of the ECC-Net Cooperation Day in the Canary Islands in 2005, the organisation of seminars on "Publicity and consumers affairs" in Bask Country, "Consumer protection in E-Commerce" in Cordoba, "Tourism and quality" in Toledo and "Air passenger rights" in Barcelona in 2006, the conference on "Tourism and Consumer Protection in the Mediterranean" in Torremolinos, Málaga and workshops on "Time Share and Holiday Clubs" in Malaga and the Canary Islands in 2007, the project on Holiday Clubs and Time Share in Malaga and the Canary Islands in 2008 and the conference on Consumer Protection on the Internet in Madrid, 2009.

Due to the special characteristic of Spain as one of the most touristy countries of the world, ECC Spain receives numerous complaints related to tourism services. The most common areas of complaints fall within the airline sector, holiday clubs, and e-commerce.

In Spain there is a well developed system of ADR at national level and ECC Spain maintains good relations with national enforcement bodies such as the Civil Aviation, the Bank of Spain or the Ministry of Industry. The centre also cooperates closely with consumer organizations, professional associations such as Autocontrol and with traders. Meetings with traders (airline and e-commerce sectors) are held regularly where the industry is encouraged to join the public ADR system.



E-commerce conference in Madrid



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## Robbed in hotel room

A Spanish tourist stayed at a hotel in Paris. One day while he was touring the city, 400 EUR disappeared out of his suitcase in the hotel room. He informed the management and was told there was nothing they could do about his case as many service staff enter the room every day, and besides he could not prove the money was in the suitcase. The consumer turned to ECC Spain who in turn contacted ECC France. As according to the French Civil code, hotels are liable and must have insurance to cover these types of incidents the two ECCs helped the consumer send a complaint form to the hotel chain. Shortly thereafter the consumer was paid the 400 EUR.



## Online purchase: defective dress

A Swedish consumer ordered a dress via internet from a company in the UK. The delivered dress had manufacturing defects. After contacting the company she returned the dress and they sent her a new one. Unfortunately the new dress also had similar manufacturing defects. The consumer therefore asked the company for a dress of a different model as she thought maybe this particular model was of poor quality. The company told her to return the dress together with money in cash for the price difference between the dresses. She did, but the new dress never arrived. She wrote to the company and asked to annul the purchase, but she received no reply. The consumer then contacted ECC Sweden who started working on her case together with ECC UK. A couple of months later the trader had reimbursed the consumer for the dress in form of a cheque.

### Consumer feedback!

"I am very satisfied with the service I received from ECC Sweden. It took 7 months to resolve my case and throughout this period I received the absolute best service from the case handler who without doubt worked hard to meet my best interests as a consumer. It cost me another 180 SEK to cash the check. But I am still satisfied with the outcome."

The European consumer centre in Sweden – Konsument Europa – opened in March 2001 initially as a function of the network of Euroguichets and the European Extra-Judicial Network (EEJ-Net). In 2005, the two networks were merged under the name ECC-Net. The European Consumer Centre Sweden is an independent unit under a governmental body, the Swedish Consumer Agency (SCA). ECC Sweden and the SCA moved from Stockholm to Karlstad at the end of 2006 after decision of the Swedish Government.

Some highlights during the past five years have been the initiative of organising the Baltic Sea Seminars on topics such as ADR and e-commerce in 2005, the participation in the joint projects on e-commerce (project leader) and the publication of the ADR report "Foreign consumers complaining about Swedish traders" in 2006, the workshop on timeshare and holiday clubs in Karlstad and an event at the airport in Karlstad in 2007 which aimed to inform consumers on timeshare, holiday clubs and air passenger rights. The workshop on air passengers' rights, in Stockholm in 2008 and the organisation of ECC-Net Cooperation Day in Stockholm

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In 2009 were also important and successful events. Leaflets have been produced on these topics: timeshare/holiday clubs, e-commerce, buying and renting cars abroad, consumers visiting Sweden.

In the area of case handling at ECC Sweden, the most problematic areas were air travel including luggage problems, timeshare/holiday clubs, car rental issues, consumer electronics and e-commerce.

ECC Sweden has a good cooperation with the National Enforcement Body (NEB), Finnet, Solvit and Europe Direct. ECC SE has a reference group with representatives from the National Board for Consumer Complaints (ADR), the Competition Authority, Consumers Association, Consumers Coalition and Local consumer advisers in Sweden.

# United Kingdom



ECC UK, hosted by the Trading Standards Institute (TSI) started in the UK in 2007. TSI is the professional and membership body for trading standards and Consumer Direct professionals in the UK and overseas who work in local authorities, the business and consumer sectors and in central government. ECC UK is co-funded by the Department for Business, Innovation and Skills (BIS), and the European Commission.

Over the years, the ECC UK has been regarded as one of the busiest centres in the ECC-Network, confirmed by the European Commission ECC-Net 2008 annual report and with no signs of it slowing down in 2010. Since it started, ECC UK has received large numbers of complaints about subjects such as timeshares and similar products (including discount holiday clubs and the resale of both timeshares and discount holiday clubs), transport (including passenger transport by air, and car rental) and recreation and culture (including photographic and video equipment). There have also been complaints about more unusual subjects such as flowers, lipstick and a horse.

The UK ECC has a programme to educate consumers before they make purchases in an endeavour to try to prevent problems later on. This programme has included giving advice, guidance and information to train travellers via an exhibition stand at Ebbsfleet International Train Station; engaging with Trading Standards officers by staging a seminar and information stand at TSI Conference; and liaising with the media through the issue of media statements and press launches.



Photo from ECC UK European Consumer Rights Awareness Day at Ebbsfleet International Train Station in December 2009

The Centre's work also included supporting the European Commission and the Department for Business, Innovation and Skills (BIS) by attending meetings to share best practice and feedback on consumer problems and issues.



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## Holiday shopping: unhappy with quality

A British consumer purchased goods to a value of £ 1600 whilst on holidays in Portugal. The consumer paid £ 1100 at the presentation of the goods; the remaining £ 500 was to be transferred once he returned to the UK. However, back in the UK the consumer realised the goods were not as described and did therefore not want to pay the remaining £ 500. But he was being pursued for the money by the trader. The consumer then contacted ECC UK who shared the case with ECC Spain (where the company was based) who in turn contacted the trader raising the consumer's dispute over the quality of the products. The two ECCs managed to find an agreement with the trader and the consumer returned the items he was unhappy with and only paid the sum for the products he kept.

## Consumer feedback!

"I would like to take this opportunity to thank you for all you have done for me and all the work you have carried out on my behalf. I think you and your department do a sterling job and I would never hesitate to contact you again should the need arise."

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