



Who to contact when you have a consumer problem?

It doesn't matter whether it's a problem with a faulty good bought locally or online, problems while travelling or any other consumer problems, one may find various options and bodies that can give you information and assistance. In this edition we will be having a look at the different means of redress available to consumers when they have a complaint, either with a local or foreign company.

What is the European Consumer Centres Network (ECC Net)?

The ECC Net is made up of 30 centres across the EU Member States including, Iceland and Norway. The Network helps consumers by:

- Providing consumers with information on their rights when buying from another EU country, including Norway and Iceland,
- Advising them in case a problem arises; and
- Assisting them through complaint handling.

The aim of the Network is to make consumers feel as confident shopping throughout the EU as they do in their country of residence.

The European Consumer Centre-Malta (ECC-Malta)

ECC Malta forms part of this Network and may offer this help and advice to consumers in relations to complaints arising from cross-border transactions. The ECC-Malta assists, advises and

informs consumers from EU countries, Norway and Iceland, in connection with cross-border trade within the EU. Consumers can turn to the ECC in order to file a complaint received from a business based in another EU Member State.

The ultimate aim of the ECC is to help consumers reach an amicable solution with the trader concerned. If an amicable solution is not possible, the ECC will then guide the consumer, through the appropriate tools and mechanisms, to find an out of court settlement.

How can one lodge a complaint with ECC-Malta?

One can submit a complaint with the ECC either by contacting the Centre with all the information and documents related with the case or else by submitting the complaint using the online complaint form.

The online complaint form will allow the consumer to fill in his/her details together with the details of the trader.

One will also be requested to give a detailed description of the case and to attach all the documents related with the case (e.g proof of purchase). Once the form is completed, it can be submitted to the ECC.

The Centre will acknowledge the receipt of the complaint as soon as possible. The consumer will be informed whether the case will be sent to the ECC where the trader is established when all the documents related with the case are received. Then these will be forwarded to the trader ECC, who will then decide whether the case will be handled for conciliation or not. Once a case is taken over by the trader ECC, the mediation procedure will commence and the trader will be contacted on the consumer's behalf with the aim of reaching an amicable solution.

The consumer will be updated about his/her case as soon as feedback is received from the ECC where the trader is established. Consumers should keep in mind that when they



receive any updates about their case from the trader, they should inform the ECC so that such information can then be forwarded to the ECC of the trader. This is important because such developments could have an effect on the outcome of the mediation procedure.

The mediation has an established duration of 70 days from when the case is accepted by the trader ECC, however this all depends on the collaboration of the trader with the Centre and the circumstances surrounding the case. Usually, the outcome of the ECC's mediation is up to the consumers'

satisfaction. However, this is not always the case as the trader might refuse to co-operate or will maintain its position. If no amicable solution is found, the ECC will then advice on other possible means of redress.

Log into our website www.eccnetmalta.gov.mt for more information about the Network and for more information and advice.

European Small Claims Procedure

This is available for both consumers and traders allowing them to pursue cross-border claims. The consumer would have to fill out the ESCP form, and lodge the form with the Registrar in their local competent court or tribunal. In Malta the competent Court to deal with such claims is the

Small Claims Tribunal. As of July 14, 2017, the limit for claims increased from €2,000 to €5,000. Read more about the European Small Claims Procedure here.

<http://eccnetmalta.gov.mt/consumer-information/redress/the-european-small-claims-procedure/>



Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR)

ADR entities offer specialised support and assistance to consumers to effectively resolve dispute with traders or service providers without the need to take their case to court.

Such entity may be used for both domestic and cross-border disputes. The main function of the ADR is to bring the conflicting parties together with the aim of finding an amicable solution. It also has the important role of proposing a solution to the complaint being handled, without the need for it to be taken to the Court. ADR schemes are available across the EU and the European Commission website provides for a tool which can help consumers find and access the ADR schemes in the different countries. This tool can be accessed here

<https://ec.europa.eu/consumers/odr/main/index.cfm?event=main.adr.show>

Certain ODR mechanisms operate online and the main objective of these entities is to help consumers and traders resolve their disputes about good and services which were bought online

The ODR-platform allows consumers to submit their disputes online in any of the 23 official European languages. The platform also allows for the possibility to conduct the ODR procedure online. Member states have established a national contact point to provide assistance to users of the ODR platform. The list of these national contact points is available on the ODR platform. Additionally the ODR contact points will also assist by providing any general information on consumer rights or other means of redress and by providing explanations on the specific procedures applied by the proposed ADR entities.

ECC Malta is the national contact point for ODR in Malta. Any queries about the ODR platform can be directed on odrmalta@mccaa.org.mt. Information about how disputes can be resolved through the platform can be found on the European Commission official website here.

<https://webgate.ec.europa.eu/odr/main/index.cfm?event=main.home>



The Malta Competition and Consumer Affairs Authority



The Office for Consumer Affairs comprises of three directorates: Information, Education and Research; Complaints and Conciliation; and Enforcement.

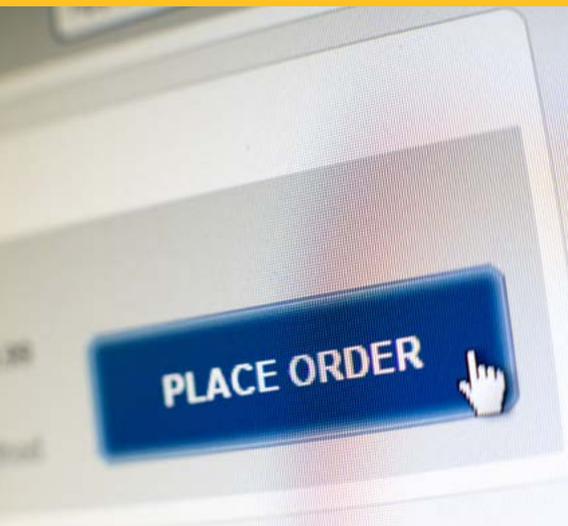
The Information Directorate is mainly responsible of disseminating information to the general public on their rights and responsibilities as consumers. The Information Directorate also promotes initiatives that encourage good trading practices and that foster a good relationship between consumers and traders.

The Complaints and Conciliation Directorate provides assistance to consumers when their consumer rights have been breached and want to claim a remedy or compensation from the trader. This Directorate can carry out mediation in disputes which relate to the purchase or hire of goods by a consumer from a trader, or the provision of services by a trader to a consumer. Once a consumer lodges his/her complaint, if the complaint is justified, a complaints' officer is appointed to work on the case to carry out mediation. If after the Office's

intervention no agreement between the two parties is reached, then the consumer may either opt to withdraw the case or else submit it to the Consumer Claims Tribunal. The Complaints Directorate is also the Residual Alternative Dispute Resolution (ADR) Entity and deals with domestic and cross-border disputes concerning contractual obligations resulting from sales contracts or service contracts between a trader established in the European Union and a consumer resident in the European Union with the aim of facilitating an amicable solution.

The Enforcement Directorate is responsible to ensure observance of consumer related legislation falling within the jurisdiction of the Office for Consumer Affairs. At EU level this Directorate is responsible for the implementation of the Consumer Protection Cooperation (CPC) Regulation. The CPC Regulation provides a framework for cross-border enforcement wherein Member States' authorities work together to stop infringements committed by companies across borders.

Case Study



In May, Maria ordered some beach products for her kids online from France. When she submitted the order, she was not given a date of delivery. Summer came and went without the products being delivered.

Since the product was not delivered within 30 days, Maria had reminded the trader about her order and gave him some additional time to deliver the said products. After all these attempts, she still did not receive the products. Maria is thus entitled for a refund from the trader.

One should also keep in mind, that consumers can cancel the order of the products bought online during the first 14 days without being obliged to give a reason for the cancellation. However, one will have to pay for the postal fees incurred to send the product back when received.

Success Story

A Maltese consumer was in the process of buying an Air ticket online from an online platform based in Spain. During the purchasing process, the ticket fare increased in price and the consumer claimed that he stopped the purchasing process. In the meantime the consumer bought an air ticket directly from a local travel agency.

To the consumer's surprise when the consumer received his bank's statement he noticed that money was withdrawn from his Visa for the air ticket despite the consumer claiming that the ticket was not purchased. The Consumer tried to contact both the online platform and even the Airline for a refund of the ticket which he did not purchase. Unfortunately, the consumer did not manage to achieve a positive solution to his complaint and the case was forwarded to our centre for our intervention.



The case was shared with our colleagues of ECC Spain. ECC Spain contacted the online platform and reached an agreement with the trader on the consumer's behalf for a full refund of the money paid. The consumer received the full refund which amounts to €272.

This newsletter is brought to you by the European Consumer Centre Malta

This newsletter is part of the action 670694 – ECC-Net MT FPA which has received funding under a grant for an ECC action from the European Union's Consumer Programme (2014-2020). The content of this publication represents the views of the author only and it is his/her sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the Consumers, Health, Agriculture and Food Executive Agency or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains. **Disclaimer:** Whilst every effort is made to ensure accuracy, the European Consumer Centre Malta cannot be held responsible for matters arising from any errors or omissions contained in this publication. The information provided is intended as a guide only and not as a legal interpretation.