

Help and advice
for consumers
in Europe



ECC MALTA NEWS

JULY 2016 ISSUE 02

Some important developments have been going on in the EU for the benefit of consumers

The European Commission launched the E-commerce package last May. We will highlight what this package contains and how consumers will be able to enjoy more advantages of the EU internal market. With the summer in full swing, we will be speaking about travelling, highlighting the air passenger rights. This edition of the newspaper will also be underlining the fact that as from the 30th April of this year mobile roaming rates have continued to get cheaper.

E-commerce Package and the proposed Geo-blocking Regulation

Electronic commerce carries numerous advantages to both consumers and traders. It creates more choice for consumers, whilst companies can reach more consumers. However despite these advantages, electronic commerce in the EU is not functioning as smoothly as it could, with only 15% of consumers buying online from other EU countries and 8% of companies selling cross-border. The European Commission on the 25th of May has adopted a package of proposals as part of its efforts to continue taking down the barriers that are hindering EU consumers and traders from unlocking the full potential of the digital single market. This **e-commerce package** contains proposals to stop unjustified geo-blocking, increase the transparency of cross-border parcel delivery prices and improve the enforcement of consumers' rights.

What is Geo-blocking?

Geo-blocking makes it difficult for online consumers to buy from a website situated in another EU country. Online sellers use different practices to create barriers. For instance access to a website may be granted, but the consumer from abroad will be prevented from placing an order to the particular product or service or may be rerouted to other websites offering different prices or conditions or the product may not even be available. Another practice often used by online sellers is that where the consumer will not be able to continue with the payment because the trader's website

asks for credit cards issued from a certain country only. The proposed Regulation on geo-blocking aims to address the problem of consumers who are not able to buy products or services from traders located in other Member States or who are being discriminated against in accessing the best prices or sales conditions as compared to nationals or residents. The proposal aims to address these problems by creating certainty as to the specific situations when there can be no justified reason for geo-blocking or other forms of discrimination based on nationality, residence or location. The proposed Regulation also bans the blocking of access to websites and the use of automatic re-routing without the customer's prior consent. This will increase price transparency by allowing customers to access different national websites.

It must be submitted that the principle of non discrimination on the basis of nationality or place of residence is already established under Article 20(2) of the **Services Directive**.

This Article sets out the general principles of non discrimination and allows for the justification of different treatment to consumers on the basis of 'objective criteria'. This has created a lot of uncertainty for consumers and proved difficult to be applied in practice. The proposed Regulation on the other hand does not introduce an obligation on traders to sell or an obligation to deliver cross-border. On the other hand the proposal defines specific situations where consumers cannot be discriminated against only on the basis of their nationality or place of residence. The Regulation ensures that EU consumers are treated equally when they are in the same situation. Furthermore, when it comes to payment, while traders remain free to accept whatever payment means they want, they cannot apply different payment conditions on the basis of the consumer's residence or on the basis of the consumer having a credit card issued in another EU country. This Regulation will apply to traders based in the EU and to traders based in other countries but who offer their products or services to EU consumers.



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Your Air Passenger Rights

The summer holiday season is now in full swing and during this period many may have planned their annual summer vacation. For this reason we will highlight the most important air passenger rights if you experience a flight cancellation or a delay or you may have been denied boarding onto the airplane. Regulation (EC) 261/2004 establishes common rules on compensation and assistance to passengers in the event of long delays and flight cancellations and even denied boarding. Air carriers operating within the EU are obliged to abide by these Regulations.

The most common shortcomings that consumers often encounter are long delays of flight or even cancellation. Keep in mind the following tips when you encounter a delay or cancellation:

- If the flight is delayed by 2 hours or more (depending on the distance of your flight) you are entitled to assistance from the air carrier. This assistance includes free meals, access to communication, such as telephone calls and if necessary also accommodation;
- If the delay is of over 5 hours, you may decide not to fly and in this case you may opt for a refund of the full cost of the ticket. However if you have already started your journey and as a result of the delay you have missed a connecting flight, and you decide not to fly you are entitled to a return flight to the original point of departure at no extra cost.
- If the flight is cancelled you may be given the choice between a refund of the ticket or re-routing to your final destination.
- If you are re-routed keep in mind that this should take place under comparable conditions to your final destination and at no additional cost.
- Alternatively, you may be offered a refund of the ticket and, where relevant, as in the case of long delays you shall be offered a free journey back to the original point of departure at no additional cost.
- In the case of long delays and cancellations and depending on the distance of your flight you may also be entitled to additional compensation unless the airline proves that the consequences of the delay were 'extraordinary circumstances' beyond the control of the airline.
- You are also **not** entitled to additional compensation if you are informed of the cancellation at least 14 days before departure or if you were re-routed to your final destination close to your original times.

It is not an uncommon practice for a flight to be overbooked. Airlines sometimes make use of this practice to cater for possible no-show of passengers. When a flight is overbooked the airline must call on passengers to offer to give up their seats to other passengers in exchange for benefits to be agreed with the airline and the passengers. Therefore, you may even be denied boarding if a flight is overbooked and not enough passengers have volunteered to give up their seat. What are your rights in this eventuality? In these circumstances your rights are the same as if your flight has been cancelled.

Consumer Asks

Maltese consumers were travelling back to Malta from their holiday in Italy. Upon arriving in Malta they noticed that their checked-in luggage arrived with some extensive damage. It had a hole at the seam between the rear panel and one of the side panels and in addition the telescopic handle which is used to drag the suitcase on its wheels had been completely destroyed rendering the luggage unusable. Upon noticing the damage the consumers approached the baggage claim desk to make a report. Consumers asked: what are their rights?



If upon arriving at your destination you find that your luggage is delayed or it arrived damaged in accordance with the **Montreal Convention** you may be entitled to compensation of up to 1,131 Special Drawing Rights (SDR) - which amount to approximately €1,400. However in such circumstances it is important that:

- A Property Irregularity Report (PIR) is filled in at the relevant baggage claims desk. This report will give the details of the bag and, if relevant, the extent of the damage. You will be given a copy of the PIR.
- You keep the boarding passes and luggage tags and, where relevant, take proof of the damage such as photographs.
- Ultimately keep all the receipts of all the necessary expenses you had to incur as a result of the delay.

Keep in mind that a claim must be lodged with the airline within 7 days if the luggage is damaged and within 21 days of receiving the luggage if it is delayed.

Package Travel

What happens when the holiday which was so perfectly described on the brochure did not turn out as planned? ECC Malta has published this leaflet containing some useful information about 'Package Travel' containing useful advice about rights and obligations when booking a package holiday. It also contains the new developments that are currently underway at European level concerning this important sector. [Click here to download the leaflet.](#)





Towards the end of Roaming Charges

Since last month Roaming charges within the EU got cheaper. Since April 30th operators will only be able to charge a small amount for roaming charges over the domestic rate - up to €0.05 per minute of calls made, €0.02 per SMS sent, and €0.05 per MB of data. This forms part of the European Commission's plans to completely abolish roaming charges by 15 June of 2017. As from next year consumers will pay the same price for calls, texts and mobile data wherever they are travelling within the EU.

The reduction of the roaming charges started in 2007 and last year the Parliament, the Council and the European Commission agreed on the telecoms package and the abolition of mobile call roaming charges from

15 June 2017. This phasing out of roaming charges forms part of the telecoms package which also includes the first EU-wide net neutrality rules to ensure open access to internet content without discrimination. The principle of net neutrality into EU laws ensures for truly common EU-wide internet rules, contributing to a single market and reversing current fragmentation. The EU is committed to ensure that everyone will be able to access open internet without discrimination. From the entry into force of the rules, blocking and throttling the internet will be illegal in the EU and users will be free to use their favourite apps no matter the offer they subscribe.

Further information about new rules on **roaming charges and open internet** can be obtained from [here](#)



European Consumer Centre Malta

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.