



ECC MALTA NEWS

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Information and advice about cross border consumer rights

ECC Malta would like to welcome you
to the first edition of the ECC Malta News

ECC Malta forms part of the European Consumers Centres Network and an ECC office can be found in every EU Member State, including Norway and Iceland.

The aim of the Network is to provide information, advice and assistance to

European Consumers to questions or problems they may have with their activities in the European Internal Market. We hope that you find the information in the newsletter useful and we invite you to subscribe through our website www.eccnetmalta.gov.mt for future editions of ECC Malta News.



Main categories of cases that Maltese consumers complain about

During 2014, **38%** of the complaints received at ECC Malta by Maltese consumers against foreign traders, related with transport services. Within the transport category, car rental services are the most services complained about by consumers followed by passenger and luggage transport by air.

23% of the complaints received relate to the recreation and culture category. This category includes audio visual and photography equipment, information processing equipment and other cultural services.

13% of the complaints received related to furnishing, household equipment and household maintenance.

Other categories such as restaurants, hotels and accommodation services, clothing and footwear follow in the number of complaints submitted by Maltese consumers against foreign traders.

Overall, we can say that **67%** of the cases related to e-commerce, that is when the consumer has used the internet to complete a transaction. In such cases, consumers mainly complain about the product or service being defective or not in conformity with the order.



Some useful tips about **shopping online**

It is important to keep in mind that when shopping online, the consumer is still protected by the standard consumer rights. A web trader is bound by the same obligations as the trader on the high street, in addition there are a number of key factors that the consumer must keep in mind when purchasing online. First and foremost the consumer is entitled to clear information about the online seller. The seller must provide detailed information about his business such as name and physical address of the business. This will facilitate any communication between the parties in the event of a problem. The seller must also provide a detailed description of the main characteristics of the goods or services offered and also state clearly the price

including any taxes as well as the delivery costs.

The online retailer must also inform the consumer about the right to cancel the sales contract without incurring any penalty and without giving any reason. For any distance contract consumers have a period of at least fourteen (14) days in which to withdraw from the contract without penalty and without giving any reason from the day of receipt of the goods or from the day of conclusion of the contract in case of services. Consumers must however keep in mind that this right of cancellation does not apply to custom made goods. This right of cancellation is extended to 12 months if the trader

fails to meet his obligation of providing the required information.

It is important to keep in mind that when buying online it is always advisable to buy from a professional trader rather than from a private individual. Buying from a private individual will reduce your rights considerably, since in such circumstances both the seller and the buyer will be acting in a private capacity and therefore the transaction will not be regulated by consumer legislation. Further information about your cross border consumer rights or if you have experienced a problem or are experiencing a problem with a seller situated in another EU country you may contact the ECC by visiting the Centre's website.

Case Study

ECC Malta was contacted by a consumer who purchased spare parts for his boat from a company based in Germany, for the price of €339. The consumer sent the money through bank transfer and the company confirmed that they received the money and stated that the parts have been posted to Malta.

The parts however never reached the consumer's doorstep and the consumer complained about this with the company. Notwithstanding the company did not accept responsibility

and refused to either resend the parts or give the consumer a refund.

The consumer contacted ECC Malta with his problem and the case was shared with ECC Germany. Following the intervention of ECC Germany who contacted the company on behalf of the consumer, within two weeks, the consumer received the parts.

The ECC's aim is to reach to an amicable settlement between the parties once a complaint is lodged with the Centre.



ECC Net Report on Commercial Warranties



'Commercial warranties, are they worth the money?' This report is the result of a joint study of the ECC Net conducted by ECC France and ECC Germany about the applicability of the legal and commercial guarantees in the different EU Member States. The study also investigated the question whether commercial warranties offered

against a price to consumers are always advantageous.

The objective of this study is to help consumers understand their legal rights and to decide whether or not to purchase commercial warranties as well as to remind consumers of the possibilities given by the legal guarantees.



Know your rights when buying from EU countries

ECC Malta Have published a new brochure 'Your Consumer Rights when buying Goods and Services within the EU'. European Consumers are protected by a range of consumer rights when shopping across the EU Internal market. Learn more about these rights and about the necessary information that a trader needs to provide to the consumer before a contract is concluded.



ECC-Net Travel App

This is a unique travel app aimed at supporting European consumers. If you bought something on holiday and it became defective, your holiday did not turn out as planned, your flight has been delayed or you had problems with the car rental service, this application will help you know your rights.

The aim of the travel application is to serve as a travel companion in difficult

situations by providing legal knowledge about your consumer rights and is available in 23 European languages.

The different topics covered are: retail purchases, car rental, hotel accommodation, medical treatment, air and rail transport as well as bus and marine travel. A section with useful information offers important phone numbers and contact details for every day emergencies.

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