

This first edition of the newsletter for this year, will go through the recent developments in consumer protection involving goods with digital elements and digital services. What are digital goods and services? Do consumers have any redress for defects in digital goods and services? We will also provide you with a success story that the ECC Malta has worked on recently. This edition also introduces you to our new website and the recent event organised by SEM which we participated in.



The Digital Transformation of our World!

The internet and other digital technologies have transformed the world we live in, and the European Commission felt the need for an EU single market fit for the digital age. The Digital Single Market aims at breaking down the barriers to cross-border online activity.

Digital Single Market

The Digital Single Market is made up of **3 pillars**:

- **Improving access to digital goods and services**

The European Commission seeks to ensure access to all consumers and business to online goods and services across Europe while also increasing consumer protection.

- **An environment where digital networks and services can prosper**

This can be achieved with the right regulatory conditions.

- **Digital as a driver for growth**

It aims at maximising the growth potential of the European Digital Economy by enhancing digital skills.

Today, consumers have unlimited access to a wide range of new and innovative goods and services which triggered the need for updated consumer rules to protect consumers adequately. The entry into force of the Digital Content Regulations (Directive 2019/770) provides consumers with a common set of rules that protect them when buying goods with digital

elements as well as safeguarding their right to conformity of the digital content or service with the contract of sale. MCCA during the half-day conference that took place on World Consumer's Rights Day also discussed

the significance and implications of these new rules on both consumers and the local traders.

What are Digital Content and Services?

Digital Content and Digital Services include a wide range of products such as music files, live streaming events, videos, social media, and chat applications. Therefore, digital content refers to information available for download or distribution on electronic



media. However, consumers may still meet some problems with this material such as downloaded material that will not start or the software purchased suddenly stops working.

With these new rules, consumers are protected when such digital content and digital services are faulty. The directive requires that the trader fixes the problem and if the problem persists, the consumer may request a price reduction or the termination of the contract and get a refund thereof.

In many situations, for digital content and services, consumers pay nothing to access such content and service however, they provide personal data to the trader. As of January 2022, consumers have a right to a remedy when the content is faulty, regardless of whether they paid for it or only provided personal data.

New rights and Additional Protection for Consumers

Consumers will have access to offers from traders across the European Union benefitting from a wider choice of products, at more competitive prices. Moreover, consumers will have a higher level of protection when accessing

digital content and buying goods online.

The main things to keep in mind are:

Liability of the supplier: The consumer will be able to request a remedy where the digital content is defective. There is no time to the supplier's liability for such defects since digital content is not subject to wear and tear. Moreover, the consumer will not have to prove

that the digital content or service was defective from the beginning.

Reversal of the Burden of Proof:

Where the digital content is defective, it is the supplier that must prove that this is not the case. This is a very important rule for consumers as in most situations it is difficult for consumers to prove the cause of the problem when it comes to digital content.

Remedies: Where the defects are severe, the consumer can terminate the contract, return the product, and get a full refund without waiting for the supplier to fix the issue. Moreover, consumers will have the right to a remedy not only when they pay for the digital content or service but also when they provide personal information.

For more information, you can access the fact sheet on Digital Contracts which can be accessed from https://ec.europa.eu/info/sites/default/files/factsheet_digital_contracts.pdf.

WITH THE NEW RULES



You are able to ask the supplier of the movie that you purchased and downloaded to provide you with another version of the movie that works properly.

Where this is not possible or the supplier fails to do this, you have one of two options:

- a) Keep the movie and get a price reduction; or
- b) Full Refund

WITH THE NEW RULES



The same rules apply in all EU countries. Therefore, a published application will have to meet the same conformity criteria across the EU.

The same obligations on the Trader apply where the app is faulty. The supplier will first need to attempt to fix the issue. Where the app cannot be fixed, the consumer will have a right to either:

- a) A reduction in the price; or
- b) Full Refund



Our European Future!

On Europe Day, ECC Malta participated in an event organised by SEM with the theme 'My Europe, My Future' in Valletta, where the EU Information Points and Networks, distributed varied information to citizens about their work and the services they offer.



This event served for the entities to showcase their services to bring the EU closer to the citizens and increase awareness about the benefits that the EU can offer to European Citizens. We had the opportunity to meet students from 9 different schools and discuss their rights in the European Union, such as when they purchase goods online, travel within Europe, and

purchase services and digital content, among others. These students gave us their opinions and experience and were very satisfied with our explanations. This event aimed for these students to acquire more information about what the European Union can offer the citizens of the Member States, including the ECC's work when it comes to redressing.

Success Story

A complaint ECC Malta handled recently related to a consumer who contacted a Business School in Italy to attend a Masters of Tourism and Hospitality Management. An official from the mentioned school had explained to the consumer that this master's degree had 60 credits, equivalent to a degree. The certificate was issued via Valencia University (VIU). The official never asked if the consumer would require an MQF level for Malta and failed to inform the consumer that the certificate they issued was a titolo propio, which meant that this master's degree was not accredited. The consumer added that this term was never mentioned in their prospectus or website. The Director of admissions confirmed this

through a zoom meeting and several emails. The consumer demanded a refund of 4000 Euro; however, the Business School ignored her claim. Subsequently, the consumer contacted our Centre; we shared her case with the European Consumer Centre in Italy for mediation.

During the first stages of mediation, the Business School stated that they could not issue any refund but could provide the consumer with a partial solution. The solutions were either the consumer is provided with a document from Valencia University stating that this master's degree is recognized or make the necessary arrangements so that the consumer attends another master's degree in a different school, which would cost 12,000 Euro, which



will be discounted. The offer proposed was not realistic since the course the trader was proposing amounted to 12,000 Euro, which was more than double the price the consumer had paid for the previous course. We retaliated that the consumer did not even attend the entire course once the consumer was aware that the course was not accredited in Malta. Consequently, the Business School agreed to refund the entire amount of 4000 Euro to the consumer.

The Launch of the New Website



This year we celebrated World Consumer Rights Day (2022) differently than usual. ECC Malta had been working on a very important project which led us to launch our new Website on World Consumer Rights Day. You can access our new website by visiting <https://eccnetmalta.gov.mt>. The thought behind our new website was to provide a better and more user-friendly experience. We wanted to provide consumers with a one-stop-shop where consumers can turn to when they have any consumer related problem. All content found on our

redesigned website has been updated in line with the latest developments in the consumer sector. By simply browsing our website consumers will be benefiting from more easily accessible and comprehensive information on various consumer topics. Our newly redesigned website features an easy way for consumers to contact our centre. On the **Contact us** page consumers can either submit their complaint via the dedicated online complaint form or submit any questions they have all by a click of a button. Furthermore, on our website,

one can easily subscribe to our online newsletter by filling out the appropriate form. Furthermore, your feedback is very important to us, we encourage you to submit your experience with our website and the services we provide by filling our customer satisfaction survey accessible also from our website. You will also be able to find the contact details of all ECC centres across Europe together with useful information about the operation/scope of the European Consumer Centre Network.

European Consumer Centre Malta

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