

This fourth edition of the ECC-Malta Newsletter for 2022 will give you some advice regarding your travelling arrangements and the care of your luggage. Here you will find all the necessary information regarding your rights if an issue arises with your luggage whilst travelling. We will also provide a success story relating to a recent dropshipping case ECC Malta handled. This edition will conclude with two recent news issued by the European Commission.



Luggage Issues

As restrictions are no longer with us, many of us decided to take a break and travel abroad. While travelling, issues may arise, including issues related to the luggage you are carrying. In this article, we shall provide you with all the information you need to know if such problems arise.

As an air passenger, you have certain rights if you discover your luggage has been delayed, lost, or damaged upon arrival at the airport under the Montreal Convention.

Retaining the luggage receipt you are given upon checking in is essential. This receipt usually has a removable part attached to your luggage which contains important information about your flight.



Damaged Luggage

If you discover that your luggage has been damaged upon arrival, you must report to the Baggage Service Office while you are still at the airport. This office will give you the Passenger Irregularity Report (PIR), where you can write down all the details regarding the damages discovered and attach some photos of the damage. In this report, you must also append any receipts for the damages caused and request reimbursement from the airline.

Where the content of the luggage has also incurred damages, it is important to list these damages and provide fiscal receipts amounting to the value of that content. Our advice is to request a copy of this report and notify the carrier in writing, usually by sending an email within 7 days after you have received your luggage. You only have seven days to claim for the damaged luggage; after these days pass, you are not entitled to claim compensation for your damaged baggage.



Delayed and Lost Luggage

Recently, there were issues in European airports whereby passengers suffered luggage delays. Even in this scenario, filling in the Passenger Irregularity Report is vital and giving it to the Baggage Service officer. You must speak with the airline immediately if this is not possible. The luggage is considered delayed if it arrives within 21 days of your arrival unless the airline informs you within this period that the baggage has been lost.

After these 21 days, your luggage is considered lost automatically. During the delay, you may need to purchase some necessities such as medicine and toiletries. You will have the right to request a refund for these items if you retain the fiscal receipts. However, you may want to remember that if the luggage is delayed or lost during your return flight, the airline may refuse to reimburse you for these

necessary purchases as one is expected to find them at home. Airlines tend to compensate for essential items that you cannot do without, such as medicines and other personal effects. In exceptional circumstances and if you can provide the required documentation, airlines will also refund other necessities, such as formal clothes needed to attend a scheduled business meeting.



Reimbursement

The maximum amount the airline can reimburse any passenger is €1550. Where the damages and value of the luggage and content are less than this amount, the airline will refund you the total amount suffered and not the maximum allowed. However, if, on the other hand, the value of the luggage and its content exceeds this amount, the airline will only reimburse you the maximum allowed. Nevertheless, the law does not preclude you from seeking other legal measures in your country for additional compensation.



Hand Luggage

The above-mentioned passenger rights apply only to checked-in luggages. Carriers and airlines are exonerated from any responsibility related to hand luggages. It would help if you also remembered that items in the hand luggage are X-Rayed, so electrical, and liquid items should be removed and put in a separate tray. There are also rules regarding the volume of liquids that should not

exceed 1L in total except for medicines and baby food.

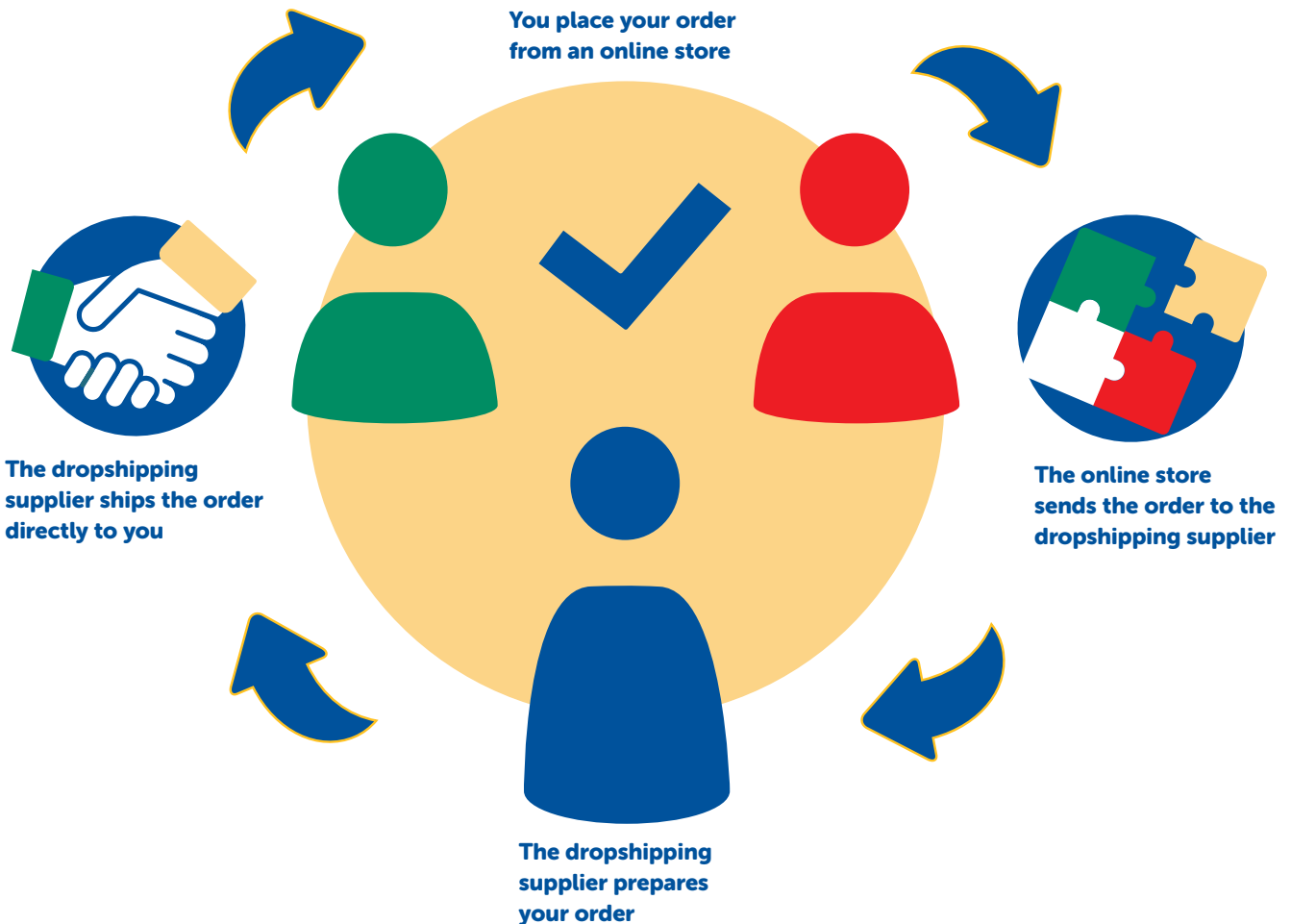
If you require any additional information on luggage issues, contact us via email at ecc.malta@mccaa.org. mt or call us on 21221901. We also encourage you to visit our new website <https://eccnetmalta.gov.mt/> where you can find all the information on your rights.

Success Story

This case relates to dropshipping. Dropshipping is similar to purchasing products online. However, there is a stark difference between an online shop and a dropshipping site. The difference lies in the stock. Unlike online traders, dropshippers do not have the stock they sell on their sites. When they receive an order, they forward it to the foreign supplier, who will send the product directly to you as the consumer. Recently we received a case whereby the consumer had purchased a pair of sneakers, which were not delivered. Upon reviewing the documents related to this case, we noticed that the consumer had purchased from a

dropshipping site. In dropshipping, the online shop has no stock, and the orders they receive are forwarded to a foreign supplier. Consequently, the supplier sends the package directly to the buyer. In addition, it gives the consumers an extensive selection of products. The consumer held that after two months from the order, she received an email from the dropshipping site, claiming that the consumer's address was incomplete; consequently, they could not affect the delivery. The consumer claimed this was false since she included all the required details. Hence, the consumer sent various reminders on the email address provided and messages on their social media account to no avail.

The consumer contacted our Centre, and we shared her complaint with our counterparts ECC Portugal, where the dropshipping company was situated. After their intervention, the trader contacted the consumer and argued that issues with the raw material were causing the delay. We advised the consumer to inform the trader that she will request a full refund if the product is not received within two weeks. After a couple of weeks, the trader told the consumer that the manufacturer had shipped the item. The consumer confirmed that she received the sneakers and that the product was made up of good quality as described.



NEWS

Amazon Prime has changed its cancellation practices



Amazon has recently committed to bringing its cancellation practices in line with European Consumer rules. Amazon will now enable consumers from the EU and EEA to unsubscribe from Amazon Prime with just two clicks through a prominent 'cancel button' complying with the Unfair Commercial Practices

Directive. Didier Reynders held that: "Opting for an online subscription can be very handy for consumers as it is often a very straightforward process, but the reverse action of unsubscribing should be just as easy". Amazon's commitment to simplify its cancellation procedure will, in effect, curb all the hurdles suffered by

European consumers when it comes to unsubscribing, complicated navigation menus, skewed wording, confusing choices, and repeated nudging. These changes have been implemented since the 1st of July 2022. The figure below shows the new cancellation procedure that Amazon has committed to implementing.

"Roam Like at Home"

extended for another 10 years



"Roam Like at Home" has been extended until 2032 since the 1st of July 2022. It is a scheme where consumers travelling within the EU and EEA can call, text, and surf the internet without extra charges. The European Commission is not only extending the old rules for an additional ten years but will also add more to these rules for the consumers.

The new rules:

Improve access to emergency communications across the EU and guarantee clear information about services that may be subject to extra charges.

- The consumer will enjoy the same quality of mobile internet abroad as they have at home.
- Oblige operators to protect their consumers and notify them if their phones switch to a non-terrestrial network. Moreover, operators should automatically interrupt services if the mobile services over non-terrestrial networks reach charges of €50 or another predefined limit.

- Operators should provide all information about phone numbers that may carry additional costs when consumers dial or access them from abroad.
- The emergency number 112 can be used anywhere in the EU. Operators should also send automatic messages to customers who travel abroad to inform them about the available alternative means of reaching emergency services, such as through real-time text or apps.
- Offer lower inter-operator prices:
- For data services, the new regulation sets the following wholesale caps: 2 €/GB in 2022, 1.8 €/GB in 2023, 1.55 €/GB in 2024, 1.3 €/GB in 2025, 1.1 €/GB in 2026 and 1 EUR/GB from 2027 onwards.
- For voice: 0.022 €/min in 2022-2024 and 0.019 €/min from 2025 onwards.
- For SMS: 0.004 €/SMS in 2022-2024 and 0.003 €/SMS from 2025 onwards.



European Consumer Centre Malta

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