



The EU and CONSUMERS

This leaflet is a brief guide to EU law on consumer protection. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland.





ROLE OF THE EU

The EU promotes the protection of consumers in conjunction with national governments. The EU has introduced a range of legislation which sets minimum standards. Member States may set higher standards if they wish but they are obliged to introduce at least the minimum standards set by the EU. Much of the consumer legislation in force in Ireland at present is derived from EU laws. The EU is also involved in promoting consumers' rights to information and education and it supports consumer organisations in the Member States.

Consumer Strategy

The Commission publishes a consumer strategy from time to time. The current one is the Consumer Strategy 2007 - 2013.

http://ec.europa.eu/consumers/strategy/index_en.htm

EU CONSUMER PROTECTION LEGISLATION

The following are the main EU consumer protection laws:

Product Safety

There is a range of EU Directives on product safety. These deal with general product safety and with the safety of specific products.

There is a general obligation on manufacturers, importers and traders to ensure that the products they put on the market are safe. They are also required to tell the national authorities if it comes to their attention that any product is unsafe. Unsafe products must be recalled and taken off the market.



RAPEX system

If a dangerous product is found in one country, information on the product is passed on to the other EU countries by means of a rapid alert system called RAPEX. The aim of the system is to facilitate co-operation between national governments and the EU in order to have dangerous products removed quickly from the market. There is a similar system in place for food.

Specific product safety

There is specific legislation on safety requirements for a number of products. It is illegal to sell products which do not meet these requirements. The products concerned include toys and electrical equipment. There are separate rules for food safety - see below.

Liability for defective products

If goods are defective and the defect causes injury or damage, the manufacturer is liable for the damage caused. You do not have to prove that the manufacturer was negligent; you have to show that the product was defective and that the defect caused damage.



Labelling

There are specific regulations and standards covering the labelling of certain household and electrical goods.

Further information on the general EU rules on product safety is available at:

http://ec.europa.eu/consumers/safety/rapex/index_en.htm

FOOD

There is a range of legislation governing food production - in particular, it deals with hygiene in the food production process and in the selling of food. It also covers food additives, labelling and animal health and welfare.

http://ec.europa.eu/food/index_en.htm



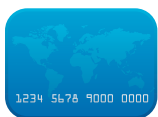
FINANCIAL SERVICES AND CONSUMER CREDIT

The EU legislation on distance marketing of financial services bans abusive marketing practices and restricts practices such as cold-calling and sending unsolicited emails. It also provides that, if you buy life insurance over the phone or the Internet, you have a cooling off period of 30 days during which you may withdraw from the contract and get a refund.

http://ec.europa.eu/consumers/citizen/my_rights/fin_serv_en.htm



Consumer credit



There is detailed EU legislation on the obligations of banks and other credit providers to give information to borrowers.

http://ec.europa.eu/consumers/citizen/my_rights/cons_credit_en.htm

PRICES AND CONTRACT TERMS

EU rules provide that prices must be clearly displayed. Unfair contract terms and commercial practices are banned by EU laws.

http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/ucp_en.pdf

RIGHTS OF AIR PASSENGERS

Air passengers who have been denied boarding due to over booking or have their flights cancelled may be entitled to compensation under EU legislation.

If you are denied boarding or your flight is cancelled or if there is a long delay, the airline operating your flight must offer you compensation and assistance provided you check in on time. There is no right to compensation for cancellation if the airline can provide evidence of extraordinary circumstances which could not have been avoided. These rights apply to all flights

- from an EU airport or
- to an EU airport from one outside the EU, when operated by an EU airline.



Denied boarding

If you fail to get on the flight because it has been overbooked, the airline must ask for volunteers to give up their seats. Such volunteers must get a choice of a refund of their tickets with a free flight back to their initial point of departure, where this is relevant or alternative transport to their final destination.

If you are not a volunteer and you still do not get a seat, you must get compensation of:

- **€250** for flights less than 1,500 km (half of this if you are delayed for less than 2 hours)
- **€400** for longer flights within the EU, and for other flights between 1,500 and 3,500 km (half if you are delayed for less than 3 hours),
- **€600** for flights over 3,500 km outside the EU (half if you are delayed for less than 4 hours)

You must also get a choice of either a refund of your ticket (with a free flight back to your initial point of departure, if this is relevant) or alternative transport to your final destination, and meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

Cancellation

If your flight is cancelled, you must get a choice of either a refund of your ticket (with a free flight back to your initial point of departure, if this is relevant) or alternative transport to your final destination, and meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

You are also entitled to compensation, at the same level as for denied boarding unless you get sufficient advance notice of the cancellation and an offer of alternative transport close to the original time.

Compensation must be paid within seven days.

Long delays

If the airline expects a delay of:

- 2 hours or more, for flights less than 1 500 km,
- 3 hours or more, for longer flights within the EU, and for other flights between 1,500 and 3,500 km,
- 4 hours or more for flights over 3,500 km outside the EU,

Then it must provide you with meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

If the delay is 5 hours or more, the airline must also offer to refund your ticket.

Implementing your rights

You should first claim from the airline operating your flight. The Commission for Aviation Regulation is the enforcement body in Ireland.

Commission for Aviation Regulation

Tel: **(01) 661 1700**

Website: www.aviationreg.ie

Damages which you may claim

If an EU airline is responsible for the delay of a flight anywhere in the world, you may claim up to 4,150 Special Drawing Rights (SDR) for any resulting damages. Special Drawing Rights are the standard currency used by the International Monetary Fund: their precise value varies from time to time but in January 2010 1 SDR was worth approximately **€1.18**.

You may claim up to 1,000 SDR for damage caused by destruction, damage, loss or delay of your baggage on a flight by an EU airline, anywhere in the world. For damage to checked-in baggage, you must claim in writing within 7 days of its return and for delayed or lost baggage within 21 days of its return.





You may claim for damages resulting from an accident on a flight by an EU airline, anywhere in the world. You have the right to an advance payment for immediate economic needs.

http://ec.europa.eu/transport/passengers/air/air_en.htm

PACKAGE HOLIDAYS

The EU legislation on package holidays aims to protect the consumer who buys a package holiday should the package not be satisfactory or if the operator goes out of business. It applies to all package holidays sold or offered for sale in the territory of the Member States.

A "Package" is defined as being a pre-arranged combination of any two of

- (a) transport
- (b) accommodation
- (c) other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package when sold or offered for sale at an inclusive price and when the service covers a period of more than 24 hours or includes overnight accommodation.

The legislation requires that;

- Any material describing the package holiday must not contain any misleading information. If there is a brochure, the information in it must be legible, comprehensible and accurate.
- The brochure must have information not only on price but on a number of other matters including the type of transport to be used, the type of accommodation, the meal plan and general information on visa requirements, passport and health formalities

If you are prevented from going ahead with the package, you are entitled to transfer the booking to another person after giving reasonable notice to the travel agent. The prices in the contract may be subject to revision only if it is specifically stated in the contract. From 20 days before departure, the price may not be increased.

http://ec.europa.eu/consumers/citizen/my_holidays/index_en.htm

TELEPHONE ROAMING CHARGES

The regulation sets a maximum charge limit for calls made and received when abroad. It also sets a limit on the cost of sending a text message and an automatic limit on data roaming while abroad.

<http://ec.europa.eu/roaming>



IMPLEMENTING EU CONSUMER LAWS IN IRELAND

Most of the EU consumer legislation is implemented in Ireland by the National Consumer Agency (NCA).

The National Consumer Agency

Consumer helpline: **1890 432432**

Website: www.nca.ie



It deals with, among other things, false or misleading claims about goods, services and prices; and unfair, misleading or aggressive trading practices. The NCA has responsibility to inform and advise consumers about their rights. There is a range of booklets and guides available from the agency and from the website:

www.consumerconnect.ie

European Consumer Centre (ECC)

Tel: **(01) 809 0600**

Website: www.eccdublin.ie

The European Consumer Centre is part of an EU- wide network of consumer centres. It provides a free information and advice service on consumer rights in the EU. It can help you to solve consumer disputes arising in other Member States of the EU. It does this by trying to solve the dispute directly and, if this fails, by referring your case to the European Consumers Network (ECC-Net).

European Consumers Network (ECC-Net)

The European Consumers Network (ECC-NET) consists of the European Consumer Centres in each Member State of the EU together with those in Norway and Iceland. The network provides advice and support to anyone with a cross-border complaint or a dispute to resolve and facilitates their access to alternative dispute resolution (ADR) mechanisms.

Food Safety Authority of Ireland

Tel: **(01) 817 1300**

Advice Line: **1890 336 677**

Website: www.fsai.ie



The Food Safety Authority is a statutory body which is mainly responsible for implementing the laws on food safety.

National Consumer Agency – Personal Finance Information

Consumer Helpline: Lo-call **1890 432 432**

Website: www.itsyourmoney.ie

The National Consumer Agency provides consumer information and education on financial products and personal finances.

FIN-NET: EU Out-of-Court Complaints Network for Financial Services

http://ec.europa.eu/internal_market/fin-net/index_en.htm

FIN-NET is an EU-wide (and Norway and Iceland) out-of-court complaints network for financial services. It has been designed to facilitate the out-of-court resolution of consumer disputes when the service provider is established in an EU Member State other than that where the consumer lives.

Citizens Information

www.citizensinformation.ie

0761 074000

Local Centres

Free & Confidential Service

