



# 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. Over the past 50 years, the European Union has put in place a robust set of policies and rules to provide a high level of protection for EU consumers and to enable them to benefit from the social and economic progress Europe and its internal market have achieved. This includes an overarching **product safety policy** and legislation which prevents unsafe products reaching consumers and promotes the high quality of European exports. Strong **consumer law** sets an EU-wide framework to combat unfair commercial practice, unfair contract terms and misleading advertising, both in domestic and cross-border situations, whilst securing consumers' rights to withdraw from contracts and seek adequate redress. The recently adopted **Consumer Rights Directive** has substantially strengthened consumer rights, in particular by harmonising a number of rules applicable to online contracts. 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 European Consumer Agenda replaces the Consumer Policy Strategy 2007-2013. This European Consumer Agenda identifies the key measures needed to empower consumers and boost their trust. The European Commission has adopted its strategic vision for EU consumer policy which aims to maximise consumer participation and trust in the market. Built around four main objectives the **European Consumer Agenda** aims to increase confidence by: reinforcing consumer safety; enhancing knowledge; stepping up enforcement and securing redress; aligning consumer rights and policies to changes in society and in the economy.

[http://ec.europa.eu/consumers/strategy/index\\_en.htm](http://ec.europa.eu/consumers/strategy/index_en.htm)

# EU CONSUMER PROTECTION LEGISLATION

The following are the main areas covered by EU consumer protection law:

## 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, other than to the defective product itself, 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.



## Buying goods online

Shopping online offers great choice, value and convenience. You may be worried that you do not have the same rights when buying online as you do when buying on the high street but in fact, in most cases your rights are even stronger. If you buy something online, you are covered by consumer legislation just as if you buy it in person.

If you purchase goods that are not of satisfactory quality you may be entitled to a repair, replacement or refund, depending on the circumstances of the case.

Any description of information about goods or services should be accurate and not misleading. If you have been given false or misleading information you may be entitled to a refund.

You have additional rights under the EU Distance Selling Directive which are outlined below:

- The trader has to supply you with certain information.
- You have a right to cancel the order.
- If the goods are not available, the trader must inform you and refund your money.

For more information, check out:

[http://europa.eu/legislation\\_summaries/consumers/protection\\_of\\_consumers/l32014\\_en.htm](http://europa.eu/legislation_summaries/consumers/protection_of_consumers/l32014_en.htm)

## 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](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](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](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. Consumers are entitled to 5 key rights:

- Transparent advertising
- Key information in a clear manner
- Right to repay early
- Right to withdraw
- Right to pre-contractual information in a standardised format.

[http://ec.europa.eu/consumers/citizen/my\\_rights/cons\\_credit\\_en.htm](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](http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/ucp_en.pdf)



## AIR PASSENGER RIGHTS

Sometimes things can go wrong when you fly. If your flight is delayed, cancelled or you are denied boarding, you have rights under EU rules. Equally, if your luggage is damaged, delayed, or lost, you may be able to claim compensation. EU legislation also ensures that passengers with disabilities and/or reduced mobility are not discriminated against during reservation and boarding and that they are entitled to receive assistance at airports.

<http://ec.europa.eu/transport/passenger-rights/en/03-air.html>

### Cancellation, delays and denied boarding

In cases of denied boarding, cancellation or long delay of flights, passengers are entitled to reimbursement or rerouting, care and assistance from the airline and to monetary compensation in certain circumstances. The airline must provide each passenger affected with a written notice explaining their rights.

These rights apply to all flights:

- From EU airports
- To EU airports from outside of the EU, if the flight is operated by an EU airline.

### Cancellation

If your flight has been cancelled the airline must give you a choice between a refund of your ticket (and a free flight back to your point of departure if relevant) or rerouting to your final destination at the earliest opportunity, or at a later date of your choice subject to availability.

The airline must also provide adequate care and assistance to passengers awaiting the next available rerouted flight, including refreshments, food, access to a communication facility, hotel accommodation (if an overnight stay is necessary) and transportation between the airport and the place of accommodation.

In addition, you may be entitled to monetary compensation of €125 - €600, depending on when the airline informed you of the cancellation, the distance of the flight and the time you arrive at your destination. Financial compensation is not payable if the air carrier can prove that the cancellation was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken (e.g. bad weather, strike). However, even in such instances the airline must still offer care and assistance.

## Long delays

The EU rules also apply to flights delayed by:

- 2 or more hours in the case of flights of 1,500km or less
- 3 or more hours in the case of flights between 1,500 and 3,500km
- 4 or more hours in the case of all other flights.

Affected passengers are entitled to the same care and assistance as passengers whose flights have been cancelled and to a full refund if their flight is delayed by more than 5 hours.

Passengers who reach their final destination three hours or more behind schedule, may seek financial compensation from the airline of €125 - €600 unless the air carrier can prove that the delay was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

## Denied boarding

When a flight is overbooked, the airline must seek volunteers to give up their reservation in exchange for agreed benefits. In addition, the air carrier must also offer volunteers the choice between a full refund and rerouting.

If you do not volunteer and still are unable to board the aeroplane, you are entitled to compensation of between €125 - €600 depending on the distance of the flight and the delays experienced before being rerouted. Refused passengers must also be offered the choice between a refund or rerouting.



## Luggage problems

You can claim compensation if your checked baggage fails to arrive in time or if it is damaged in transit. You can claim up to a maximum of €1,131 Special Drawing Rights (SDRs). Special Drawing Rights are the standard currency used by the International Monetary Fund: their value fluctuates daily but in August 2013 1 SDR was worth approximately €1.14.

Be aware that for damage to checked luggage you must make a claim in writing within 7 days of its return and for delayed baggage with 21 days of its return. Claims for lost luggage must be brought within 2 years.

## Passengers with reduced mobility

People with a disability or reduced mobility are entitled to special assistance when travelling by air. The legislation requires airports and airlines to provide assistance to passengers at all stages of their journey.

The Regulation not only applies to people with permanent or physical disabilities but also to anyone who has difficulty moving around, for example, because of their age or because of a temporary injury such as a broken leg.

Passengers wishing to engage assistance must inform the air carrier or tour operator at least 48 hours before departure.

[http://ec.europa.eu/transport/passengers/air/air\\_en.htm](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](http://ec.europa.eu/consumers/citizen/my_holidays/index_en.htm)

## TELEPHONE ROAMING CHARGES

EU 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 sets 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 432 432**

Website: <http://www.consumerhelp.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.

### **European Consumer Centre Ireland**

Tel: **01 8797620**

Email: [info@eccireland.ie](mailto:info@eccireland.ie)

Website: <http://www.eccireland.ie>

The European Consumer Centre (ECC) Ireland provides a free information and advice service on consumer rights in the EU. ECC Ireland is part of the European Consumer Centre Network (ECC-Net), a Europe-wide network of 30 centres who co-operate closely to help settle complaints between consumers and traders based in different EU countries. ECC Ireland can help to solve consumer disputes arising in other Member States of the EU by liaising directly with a trader via its sister centre in the country of purchase. ECC Ireland can also provide information on available Alternative Dispute Resolution (ADR) mechanisms if they are unable to find a solution to your dispute.



Welcome to FIN-NET

How to use FIN-NET?

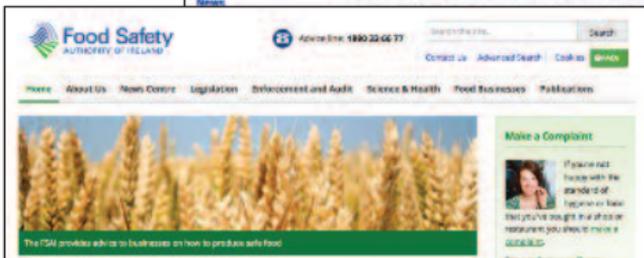
Members

Key documents

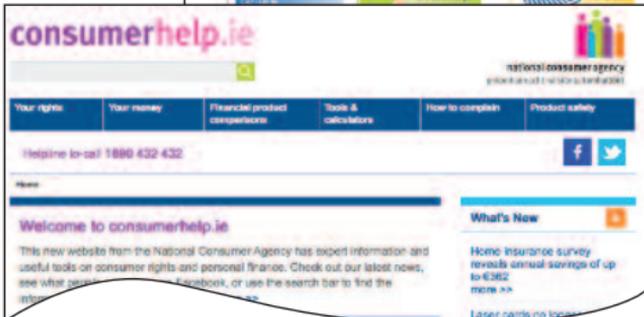
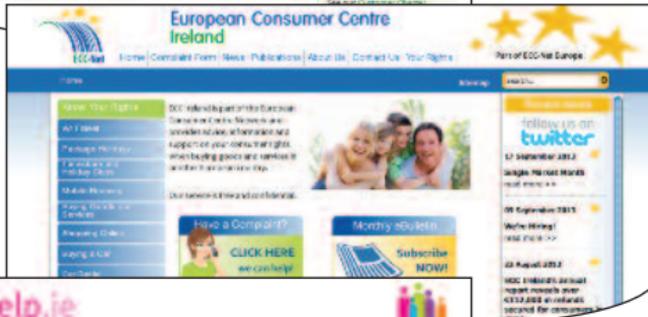
News

FIN-NET is a financial dispute resolution network of national out-of-court complaint and redress bodies in EU Member States plus Iceland, Liechtenstein and Norway. It facilitates the out-of-court resolution of consumer disputes between consumers and financial services providers, i.e. banks, insurance companies, investment firms and others. This network was launched by the European Commission in 2001.

consumers with easy access to dispute with a financial service provider in the relevant out-of-court



Our Role



### Food Safety Authority of Ireland

Tel: (01) 817 1300

Advice Line: 1890 336 677

Website: <http://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: <http://www.consumerhelp.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](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](http://www.citizensinformation.ie)*

*0761 07 4000*

*Local Centres*

*Free & Confidential Service*



EUROPEAN COMMISSION REPRESENTATION IN IRELAND  
18 Dawson Street, Dublin 2  
[eu-ie-info-request@ec.europa.eu](mailto:eu-ie-info-request@ec.europa.eu)