



**New Year brings good news for consumers**

January 1<sup>st</sup> 2009 saw the beginning of the cross-border European Small Claims procedure. Like the Irish Small Claims Court system, the new procedure will deal with cases concerning goods or services to the value of €2000 or less, and allows consumers to seek redress against traders based in another European country. An application costs €15, and no solicitor is needed.

Our consumer query comes from someone who is confused about their rights when purchasing goods in sales.

If you have had a problem with a purchase from another EU country, please contact us on 01 8090600 or at [info@eccireland.ie](mailto:info@eccireland.ie). For information on your consumer rights in Europe, see [www.eccireland.ie](http://www.eccireland.ie).

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**Editor**

**1. European Small Claims procedure –how will it work?**

An application form, available at [www.courts.ie](http://www.courts.ie) or from the applicant's local District Court must be completed. Once the form is submitted, the Registrar will assess whether the applicant has sufficient grounds for his/her complaint. If satisfied, the form must be sent to the defendant in the relevant member state within 14 days. The defendant then has 30 days to respond. If the claim is contested, the Registrar will attempt to negotiate a solution between the parties. If this fails, your claim will be referred to the District Court (in Ireland) for judgement. Neither the claimant nor the defendant need appear in court, but either can, if they wish, request an oral hearing. This judgement is binding on the other party and must be enforced in the relevant member state.

The European Consumer Centre will of course continue to assist consumers in resolving their cross-border disputes on a free and confidential basis. However, where a trader is unwilling to agree a solution, or where the problem is beyond our remit, the European Small Claims Procedure offers a welcome additional mechanism.

**2. I live in Dublin and bought an expensive jacket from a store in Newry before Christmas. I've now decided that I don't like it, but when I called the store, they told me that I am only entitled to the reduced 'sale' amount back. I'm furious, what are my rights?**

Your consumer rights in sales are the same as at any other time of the year. You are entitled to expect goods to be of merchantable quality, fit for their intended purpose and as described. If they are not, you are entitled to repair or replacement or, if these are unavailable, a refund.

You don't say whether there is fault with the jacket. If there is a fault with goods you bought at full price which are now on sale at a reduced price, your entitlement is to repair, replacement, or a refund of the full price that you paid, once you have proof of purchase.

If you buy goods at full price, change your mind, and there is no fault with the jacket, and it is now on sale at a lower price, the 'returns policy' is entirely at the store's discretion. They are under no obligation to give you full refund, and you may only be entitled to the reduced 'sale' amount if this is the store's policy.

If you do have a problem with goods or services purchased from another European country, and cannot resolve it yourself, perhaps we can help. **Contact us on 01 8090600 or at [www.eccireland.ie](http://www.eccireland.ie).**

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