



Last month Minister Michael Martin announced details of the proposed new Consumer Protection Bill. The Bill due to be published in Autumn will give the National Consumer Agency legal status and will transpose the Unfair Commercial Practices Directive into Irish law. We take a look at what are defined as unfair commercial practices in this month's e-bulletin.

Due to heightened security measures in airports across the world we have received many calls from consumers wanting to know what to do if items go missing from their luggage after being checked through by airline staff.

Mary Denise O'Reilly
Editor

- 1. What's bothering you? – What are unfair commercial practices?**
- 2. Consumer query of the month – What can I do if items go missing from my suitcase at an airport?**

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1. What's bothering you? – What are unfair commercial practices?

The Unfair Commercial Practices Directive lays down common rules prohibiting a range of sharp business practices. It requires the 25 EU Member States to put in place effective ways of ensuring that traders who break these rules are punished. The Directive must be transposed into Irish law by June 2007.

The new law will ban unfair advertising, marketing and other commercial practices used by businesses in their dealings with consumers. Thirty one practices in total will be outlawed by this Directive; some examples of such practices are as follows;

- False Claims about Goods or Services

It is misleading to give information that is false or in any way deceptive about a good or service where this affects consumer decisions.

- Prize Draw Scams

Creating the false impression that the consumer has already won, will win, a prize or other equivalent benefit, when in fact either:
there is no prize or other equivalent benefit; or
taking any action in relation to claiming the prize or other equivalent benefit is subject to the consumer paying money or incurring a cost.

- Pyramid Schemes

It is an unfair commercial practice in all circumstances to establish, operate or promote a pyramid scheme in which the opportunity to receive compensation is

derived primarily from the introduction of other participants into the scheme rather than from the sale of goods or services.

- Aggressive commercial practices

Creating the impression that the consumer cannot leave the premises until a contract is formed.

- Certain rules on advertising to children are also prohibited.

ECC Dublin looks forward to the full implementation of the Unfair Commercial Practices Directive in the proposed new Consumer Protection Bill.

2. Consumer question of the month – What can I do if items go missing from my suitcase at an airport?

The first step is to report the loss immediately to the airline at the airport and complete a Property Irregularity Report form. Under the Montreal Convention you must also make a formal written complaint to the airline within twenty one days if items are missing. Make sure to claim in time or else your claim will be invalid. The maximum level of compensation available is 1,000 Special Drawing Rights. If you suspect items have been stolen from your luggage it is vital that you also report this to the Police as it then becomes a criminal matter.

If you wish to email us your consumer queries please do so to info@eccdublin.ie

The European Consumer Centre is funded by the European Commission and the Office of the Director of Consumer Affairs.

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