

ANNUAL REPORT 2018



Cabhair agus comhairle
do thomhaltóirí
san Eoraip



European Consumer Centre Ireland



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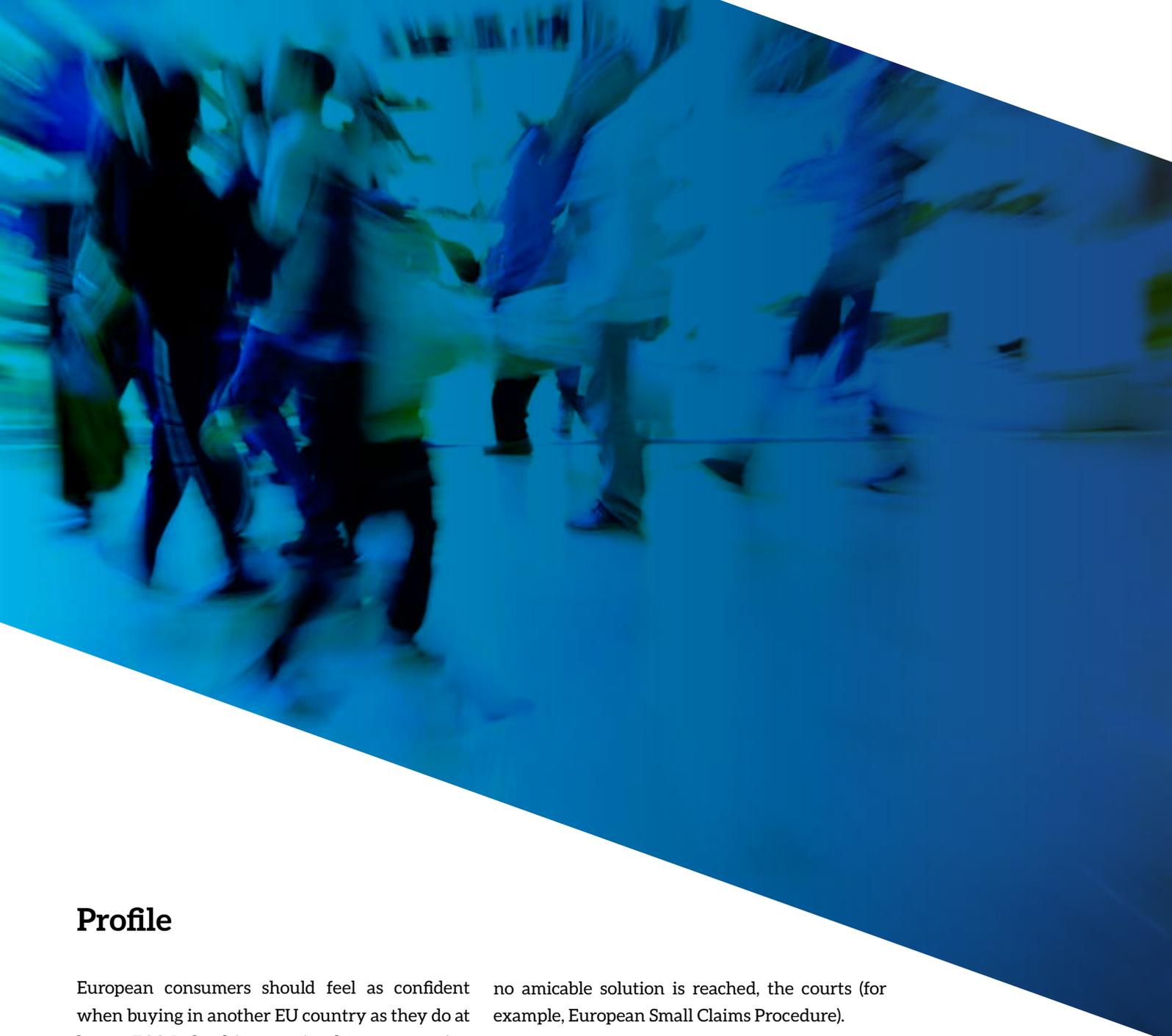
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Profile

European consumers should feel as confident when buying in another EU country as they do at home. ECC Ireland is committed to empowering consumers and helping them take full advantage of the internal market by providing, free of charge, information, advice and assistance in the resolution of cross-border consumer complaints within the EU/EEA. ECC Ireland endeavours to ensure a high quality standardised service.

Where appropriate, disputes may be referred to an Alternative Dispute Resolution (ADR) entity, a National Enforcement Body (NEB) or, if

no amicable solution is reached, the courts (for example, European Small Claims Procedure).

ECC Ireland also engages in promotional activities addressed to consumers, businesses, and ADR providers. It works closely with policymakers and enforcement authorities, and cooperates with other EU-wide networks, such as the Enterprise Europe Network (EEN), the Consumer Protection Cooperation (CPC) network, Europe Direct, FIN-Net, Solvit or the European Judicial Network (EJN).



DERMOTT JEWELL
Chairperson

The European Consumer Centre (ECC) Ireland is part of an EU-wide network of dispute resolution bodies solely focussed upon the resolution of EU cross-border complaints. They play an integral role for consumers who ever-increasingly make purchases from traders across the EU and who seek help when problems arise.

I have had the great pleasure, through my position in the Consumers' Association of Ireland (CAI), of being a founding member of the ECC in Ireland and have watched it grow in stature to become one of the most respected offices in the network. This is, of course, a result of the focussed resolution and expertise of the centre's manager and staff, past and present, supported by a small number of actively committed board members who generously contribute their time and significant experience in a voluntary, unpaid capacity.

In general, ECCs are established as an extension of a state agency or ministry and are funded accordingly. However, Ireland is one of the more unique structures that is established under the Companies Act with a board of directors responsible for its oversight and governance. In Ireland, therefore, ECC Ireland relies on annual funding from the Competition and Consumer Protection Commission (CCPC) that is matched in a co-funding model by the European Commission. Annual exchequer considerations and allocations, to and through the Department of Business, Enterprise, and Innovation (DBEI), therefore provide a constant challenge for the board to keep ECC budgeting and all medium to long-term considerations under constant review.

This annual report provides insight into the strong current levels of delivery which, we hope you will agree, represent a valuable return for the funds invested within the year.

I reflected in previous years how we had strategically adjusted internally to meet changing consumer demand and legislative change, for example, in terms of Online Dispute Resolution (ODR) and Geo-blocking provisions. However, the external environment continues to change with a rapidity that demands continual reviews to determine how we manage and deliver our services, now and into the future, in circumstances where funding is finite.

At the time of writing, Ireland and the European Union are, as much as is possible under uncertain and undetermined matters of procedure and legality, focussed upon the effects that Brexit will bring to its citizens. I must reiterate how ECC Ireland has always faced, and met, a particular challenge in the context of the numbers of complaints it receives and manages from our nearest neighbours in Britain and Northern Ireland. This presents a serious challenge and the board holds concern for the pressure the Brexit strategy could have on the capacity of ECC Ireland to meet its contractual commitments with the European Commission which is, currently, at its limit in terms of resources.

We therefore enter into the next period with concern but, with a focus upon the necessity for positive change and review where required and essential. This will not be a simple process but we have experience and we have confidence that ECC Ireland will meet its challenges, matched, of course, with the practical support that this will necessitate and demand.

Dermott Jewell
Chairperson
July 2019



DERMOTT JEWELL
Chairperson

Dermott Jewell (*B.Sc. (Mgmt.) Law (TCD)*) is Policy and Council Advisor at the Consumers' Association of Ireland.

His current representations include:

Chairperson/Director of ECC Ireland; Member of the Legal Services Regulatory Authority (LSRA); Member of the Financial Services Ombudsman Council; Director of the Investor Compensation Company Limited (ICCL) at the Central Bank of Ireland. He is Ireland's representative on the European Consumer Consultative Group (ECCG) of the European Commission and a Member of the Banking Stakeholder Group of the European Banking Authority. Dermott is a member of the Chartered Institute of Arbitration (Irish Branch) (CI Arb) with accreditations in Employment Investigation and Mediation. He is a Member of the Mediators' Institute of Ireland (MII).



PAUL BRENNAN

Paul Brennan is an official of the Department of Business, Enterprise, and Innovation and serves as the Departmental representative to the Board of the ECC Ireland. Paul joined the Board of the organisation in 2013.



BRIAN FARRELL

Brian Farrell is Head of Oversight of Link Fund Manager Solutions (Ireland) Limited, a regulated fund manager and part of Link Group, a global provider of technology-enabled administration solutions. Prior to joining Link Group, Brian was Chief Financial Officer of Londinium DAC, an Irish investment manager. During the previous 10 years, Brian was a Vice President in the compliance and regulatory consulting practice, and also managed the financial reporting business, of Duff & Phelps, a global advisory firm. Previously Brian worked in a finance role with Goldman Sachs in Melbourne and a number of other investment firms in Australia and Ireland. Brian is a Fellow of the Association of Chartered Certified Accountants. Brian was appointed to the Board of ECC Ireland in September 2016 and is also Chairman of the Finance, Audit and Risk Committee.



CLAIRE LANIGAN

Claire Lanigan is Head of Division in the Central Bank of Ireland with responsibility for the Investment Banks and Broker Dealers Division (IBBD). Prior to her role in IBBD, Claire was Head of Division with responsibility for Asset Management Supervision Division (AMSD) and before this, Deputy Head of Division for Banking Supervision with responsibility for the supervision of five significant domestic banks operating in Ireland. Claire has more than 25 years' experience working in the financial services sector. Her previous experience includes working for Allied Irish Bank Corporate Banking in North America, and as Head of Credit for Cantor Fitzgerald (formerly Dolmen Securities Ltd), Dublin. Claire was awarded an MBA from Smurfit Business School (UCD) in 2004 and a Bachelor of Business Studies from Dublin City University (DCU) in 1994. Claire was appointed to the Board of ECC Ireland in October 2017.



GRAHAM LONG

Graham Long has worked in the Citizens Information Board since 2007 and has been involved in developing the organisation's information content and websites, particularly citizensinformation.ie. He is currently responsible for social policy, research, information resources, ICT and eLearning.



DR MUIRIS Ó CEIDIGH

Dr Muiris Ó Ceidigh is Chief Executive of the National Milk Agency. Muiris holds a Doctorate in Governance from Queens University Belfast. He is a member of Property Services Regulatory Authority and has extensive experience in consumer related issues. He is a member of the Medical Scientists Registration Board representing the public interest. He is also a Chairperson on CORU Education Review Panel. Muiris was appointed as a non-executive director of the Economic Research Institute of Northern Ireland by UK government in 2003. Previously he practiced as a commercial lawyer with A & L Goodbody solicitors – one of Ireland's leading law firms. His primary degree was a BA in law and sociology from NUIG and this was followed by an LLB. Muiris qualified as a solicitor in 1992. He holds both an MBA and an MSc (Economics) from Trinity College. In addition, he has graduated with an MA in Public Management from the Institute of Public Administration. Muiris has an interest in the restoration of buildings of the Regency and Georgian periods. Muiris is a Director of the Irish Council for Civil Liberties and a Trustee of the Institute for Conflict Research in Belfast Northern Ireland. He is a Fellow of the Irish Institute of Training and Development.



JOHN SHINE

John Shine is Director of the Brexit and International Division in the Competition and Consumer Protection Commission, with a brief that straddles both consumer protection and competition issues. Prior to 2014, John worked in the National Consumer Agency where he had responsibility for enforcement of consumer legislation. Earlier in his career, John held a variety of roles in the then Department of Enterprise and Employment and the Department of Finance. John is a graduate of Trinity College Dublin and has a post graduate Diploma in Regulatory Governance from University College Dublin.

FINANCE, AUDIT AND RISK COMMITTEE

The board of directors has for good governance established a Finance, Audit and Risk Committee to support the board in its oversight and monitoring of financial control, budgetary oversight, adequacy of internal controls and risk management. The committee, which is chaired by a qualified accountant, is comprised of four board members. The committee has responsibility for monitoring and reviewing the statutory financial statements and other financial information provided; the independent auditors including their qualifications and independence; the accounting, budgetary and financial reporting process; and the system of internal controls and enterprise risk management.

2018 was a record year in many respects for ECC Ireland. Of the 4,052 contacts received from consumers, 67.9 per cent (2,752 issues) were in connection with cross-border complaints representing the highest number of such complaints lodged with the centre in its 20 years of service. There was also a sharp increase of 60 per cent on 2017's figures in the number of cross-border complaints pursued on behalf of consumers based elsewhere in the EU/EEA and involving traders registered in Ireland. However, it must be noted that the vast majority of issues dealt with by ECC Ireland were as a result of complaints made by consumers resident in Ireland (1,621 out of a total of 2,752 cross-border complaints) who had disputes with traders based in another European country. Yet another record high was reached with respect to the number of cross-border complaints requiring further assistance and actively pursued by ECC Ireland (a total of 1,397) through the European Consumer Centres Network (ECC-Net), increasing by 35.5 per cent compared to 2017 and having doubled in the three years since 2015.

With 886 cross-border complaints concerning airlines based in Ireland from consumers resident elsewhere in the EU/EEA or pursued on behalf of consumers resident in Ireland about airlines based elsewhere in the EU/EEA, air travel was once again the sector that generated the most cross-border complaints. Other sectors that attracted a significant number of cross-border complaints include car rental (105), electronic products (91), hotels and accommodation (63) and furniture (54).

During 2018, ECC Ireland continued its work on the promotion of Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR) in Ireland by holding several consumer rights training events, in conjunction with the Citizens Information Board, conducting outreach and media activities to inform the general public about these redress options, as well as holding meetings with bodies such as NetNeutrals (a notified ADR entity).

It was another successful year for media coverage with 343 media interviews/mentions secured across print, radio, online, and TV. ECC Ireland promoted and provided consumers with information on a range of subjects including online dating scams, avoiding subscription traps, shopping online safely, faulty goods and guarantees, car purchase, booking accommodation online, air passenger rights, what to do when the trader goes out of business, scams, and geo-blocking. ECC Ireland also focused on improving website content, in particular, by providing accessible information to consumers about their rights through monthly blog articles; the efforts paid off as ECC Ireland was named a finalist in the Blog Awards Ireland 2018.

ECC Ireland continued to play an active role at ECC-Net level by hosting staff and study visits from the United Kingdom and Romania, taking part in study visits hosted by ECCs Spain and Sweden as well as attending events and workshops to discuss communications, case-handling, problematic traders, Alternative Dispute Resolution/Online Dispute Resolution and general ECC-Net activities in Austria, Belgium, and Bulgaria. We also assisted several ECC-Net research activities by providing information in relation to air passenger rights, geo-blocking, unfair contract terms, online shopping and more.

ECC Ireland continued to collaborate closely with our co-funders, the European Commission and the Competition and Consumer Protection Commission (CCPC) during 2018. Our legal adviser, Juan Bueso, took part in an expert panel for a National Consumer Dialogue on the New Deal for Consumers organised by the European Commission in conjunction with the Department of Business, Enterprise and Innovation. We also supported initiatives and took part in events organised by the European Commission Representation in Ireland office including the National Ploughing Championships. As well as holding several meetings to discuss issues affecting consumers in Ireland (on a national and cross-border level), ECC Ireland took part in CCPC's promotion of the new Geo-Blocking Regulation which came into force at the end of year. ECC Ireland also strengthened its relationship with a number of organisations such as the Consumer Council of Northern Ireland by participating in projects such as the creation and promotion of a cross-border car purchase guide, the Commission for Aviation Regulation by becoming a member of a new Passenger Advisory Group, and the Citizens Information Board by providing information material on consumer rights to its officers throughout the country. We also continued our cooperation with other stakeholders such as the Financial Services Ombudsman, the Enterprise Europe Network, the Europe Direct Network, and the European Movement.

Finally, ECC Ireland would like to thank its staff (past and present) for their commitment and dedication towards consumer protection, and for their professionalism at all levels in delivering high quality services during a year of exceptionally high turnover of cases and personnel. In addition, all the team at ECC Ireland would like to sincerely thank the Board of Directors for their valued contribution, in particular, the Chairperson who provided extensive assistance with the running of the centre and the fellow directors for their continued support and assistance throughout 2018.

Emma Byrne
Manager, ECC Ireland

ASSISTANCE TO CONSUMERS

4,052

total contacts dealt with by
ECC Ireland in 2018

67.9%

of contacts were
complaints

1,397

cases actively pursued by
ECC Ireland

MAIN PROBLEMS ENCOUNTERED



63.4%

of cases related to
air passenger rights



7.5%

of cases related
to car rental



6.5%

of cases related to electronic
products

COMMUNICATIONS



343

media interviews/
mentions in 2018



77.7%

of website sessions in 2018 were
unique visitors



20%

increase in Twitter
followers in 2018

OVERVIEW OF COMPLAINTS RECEIVED

In 2018, and for the third year in a row, ECC Ireland dealt with more than 4,052 consumer contacts (figure 1). Of these contacts, nearly one third (1,300 issues, i.e. 32.1 per cent) consisted of requests for information (for example, guidance on consumer law or referrals to relevant organisations). The remainder (2,752 issues, i.e. 67.9 per cent) involved cross-border consumer complaints within the EU/EEA. This is the highest number of such complaints lodged with ECC Ireland since the service began 20 years ago. It also represents a 15 per cent increase in respect of the previous year.

2018 was also a record year in terms of complaints pursued on behalf of consumers from other EU/EEA countries involving traders registered in Ireland, as these complaints sharply increased by more of 60 per cent (from 704 cases in 2017 to 1,131 cases in

2018). Nevertheless, the large majority of issues dealt with by ECC Ireland in 2018 (72.1 per cent) derived from consumers based in Ireland about traders based elsewhere in the EU/EEA - out of the total of 2,752 cross-border complaints, 1,621 (58.9 per cent) of these were lodged by Irish consumers (figure 2).

In the majority of cross-border complaints (from consumers resident in Ireland) dealt with by ECC Ireland, consumers were able to resolve their disputes directly with traders after receiving information about their applicable rights and how to avail of them, and so did not require further assistance. However, 266 cases (where Irish consumers and the EU/EEA trader had not reached an amicable resolution on their own) were actively pursued on consumers' behalf through the European Consumer Centres Network (ECC-Net).

FIGURE 1:

Total contacts dealt with by ECC Ireland in 2018

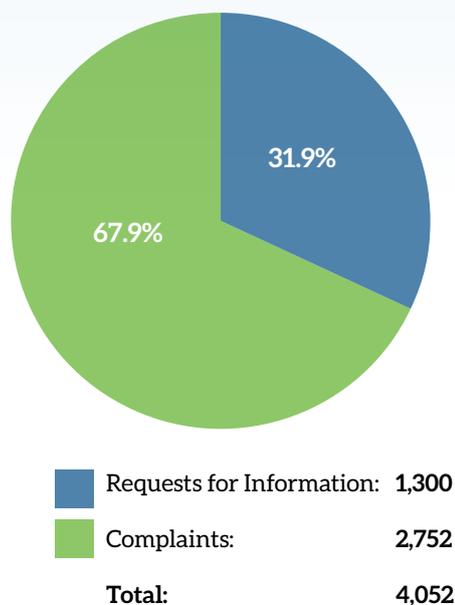


FIGURE 2:

Cross-border complaints with an Irish component dealt with by ECC Ireland in 2018¹



¹ Only cross-border complaints dealt with by ECC Ireland are considered. Complaints registered by other ECC-Net members are not included, unless they sought assistance from ECC Ireland.

The overall number of cross-border complaints actively pursued by ECC Ireland on behalf of consumers was 1,397 (i.e. 266 cases involving consumers from Ireland and 1,131 cases involving consumers from other EU countries). This represents another record high, having increased by 35.5 per cent on 2017 and having doubled in the three years since 2015.

ECC Ireland pointed out in its previous annual report that “due to the intensification of the case handling and staffing constraints, ECC Ireland’s workforce was under pressure to cope with demand”. This situation was aggravated in 2018 given the rise in complaints, staff turnover, and the time and expertise required to actively pursue complaints on behalf of consumers. As a result, an unprecedented backlog of cases built up in mid-2018. In order to avoid service disruption,

the level of complaints was continuously monitored, and significant efforts were made by staff to reduce the accumulation of cases towards the end of the year, whilst maintaining workloads within manageable limits. Looking forward, it is expected that the backlog will clear within Q1 of 2019.

To gain a better understanding of the complaints actively pursued by ECC Ireland on behalf of consumers in 2018, we provide below a breakdown of the top-five areas of complaint (figure 3), as these represent over 85 per cent all the cases (i.e. 1,199 out of 1,397 cases).

FIGURE 3:

Breakdown by sector of cases pursued by ECC Ireland on behalf of consumers in 2018

TOP 5 AREAS OF COMPLAINT	NO. OF CASES	% OF TOTAL
1. Air Travel	886	(63.4%)
2. Car Rental	105	(7.5%)
3. Electronic Products	91	(6.5%)
4. Hotels and Accommodation	63	(4.5%)
5. Furniture	54	(3.9%)

More details regarding the top five areas of cross-border consumer complaint can be found in the following section of this report.

As in previous years, air passenger rights continued to be the sector attracting the greatest number of consumer complaints in 2018, accounting for more than 63 per cent of the total number of complaints requiring further assistance from ECC Ireland. In other words, almost two thirds of the complaints handled by ECC Ireland last year related to air travel, whereas this category represented only 37 per cent of the total number of complaints the previous year.

In 2018, ECC Ireland actively pursued 886 cross-border complaints on behalf of consumers. This represented a substantial 130 per cent increase in respect of the number of complaints handled in this category in 2017.

The majority of cases dealt with within this category involved complaints made by consumers based in another European country against Irish airlines. This is unsurprising given that Europe's largest air carrier is based in Ireland and was affected by multiple cancellations of flights in late 2017/early 2018, which were followed by further cancellations in quarter three of 2018 due to internal strikes.

In respect of the second issue, a decision of the Court of Justice of the European Union (CJEU), in April 2018 prompted a large number of complaints to ECC Ireland from affected passengers seeking compensation. In *Krüseman v TUIFly* (Case C-195/17), the CJEU found that a wildcat or unofficial strike by airline staff did not constitute extraordinary circumstances and therefore the airline remained liable to pay compensation to passengers affected by cancellations and long delays. However, the CJEU reiterated that each strike must be assessed on a case-by-case basis and the test when determining whether a strike action is an extraordinary circumstance remains whether the strike action is inherent in the normal exercise of the activity of the airlines, and whether it is beyond the carrier's actual control. The interpretation of this judgment, particularly how it relates to internal strikes led by industrial bodies, by enforcement authorities and local courts has not been consistent and therefore the wider impact of this judgment remains to be seen.

Given the impact of the mass flight cancellations experienced in 2018, it is not surprising that complaints relating to the application of Regulation (EC) No. 261/2004 formed the largest category of complaints under this heading.

While a large portion of these complaints concerned passengers seeking financial compensation from the airline,

the largest proportion related to reimbursement of expenses incurred as a result of flight disruption. While airlines are obliged to provide care and assistance to passengers affected by cancellations and delays, it is not uncommon for passengers to face difficulties obtaining this assistance, particularly during periods of severe disruption, and frequently find themselves having to make their own arrangements. Claiming reimbursement of expenses incurred in respect of refreshments, accommodation or transportation can prove extremely challenging for passengers where no relevant receipts are retained, or alternative travel arrangements are made without prior agreement with the airline.

The other major cause for consumer complaints in 2018 were issues of a more general nature. Such issues are typically not governed by legislation but rather by the terms and conditions of the contract of carriage between airlines and their passengers, the provisions of which can vary substantially from airline to airline. For instance, there is no consistent policy among airlines as to what remedy, if any, is offered to passengers whose flight has been subject to a schedule change or to what recourse is open to a passenger who is unable to travel on medical grounds.

Damaged, delayed or lost luggage and problems with the baggage policy of the airline were another major source of consumer complaint in 2018. Obtaining adequate compensation for misplaced or damaged luggage remains challenging, particularly where passengers fail to report any irregularities as soon as they arise and are unable to furnish evidence supporting their claim (for example, photos of a damaged suitcase or receipts for purchases made while waiting for a delayed luggage).

A final issue which generates many complaints is difficulties faced by consumers who book their flight tickets via online third-party booking websites. While such websites can offer competitive prices, adding an additional layer to the transaction can add cost and complications for passengers who need to make modifications to their booking or who are affected by a flight disruption. Airlines generally insist that any queries are directed via the booking agent, who often charge steep administration fees to liaise with the airline on the consumer's behalf and may not do so effectively. When problems arise consumers often find themselves passed between the airline and the agent and it can be difficult for consumers to understand where the liability for the issue lies.

CLAIM FOR DAMAGED BAGGAGE REFUSED

A Portuguese consumer suffered damage to his baggage when travelling with an Irish airline. The consumer reported the damage at the airport and claimed compensation from the airline. The airline refused the consumer's claim on the grounds that the damage was merely cosmetic. Given that the damage to the two handles on the bag rendered it unusable, the consumer did not share this assessment and contacted ECC-Net for assistance. ECC Ireland contacted the airline to highlight the extent of damage caused and the airline offered the passenger €43 as compensation.

COMPENSATION FOR SIX-HOUR DELAY

An Irish consumer suffered a delay of six hours on a flight with a French carrier. The consumer contacted the airline seeking compensation upon her return but was unable to obtain a satisfactory response. ECC Ireland contacted our colleagues in France who liaised with the airline on the consumer's behalf. The airline then processed a payment of €400 to the consumer's account as compensation for the disruption suffered.

DAMAGE TO CHILD'S BUGGY

An Irish based consumer travelled with a Norwegian carrier and suffered damage to her child's buggy. The consumer sought compensation for the damage caused but the airline rejected the claim stating that they would only accept responsibility for the buggy if it was packed in a "pram pack". She sought the assistance of ECC-Net and via our Norwegian office we argued that the requirement to pack the buggy in a particular manner was not mentioned in the conditions of carriage nor at check-in, nor did the Montreal Convention foresee such a restriction. The airline continued to insist that they had no liability for the damage caused and referred to a section of their website which states that protective packaging is strongly recommended. We pointed out that this information does not state that such packaging is mandatory, nor that liability is excluded for a failure to do so. Furthermore, this information was not displayed in a prominent manner nor sufficiently brought to passenger's attention. The airline maintained their position and the case had to be closed as unresolved with the passenger referred to the European Small Claims Procedure for further redress.

CANCELLATION AND ALTERNATIVE ARRANGEMENTS

A UK consumer experienced a flight cancellation 48 hours before departure while travelling with an Irish carrier. The passenger contacted the airline's customer service to arrange re-routing and was informed that he would be rebooked onto a flight with an alternative carrier. This action was not carried out and the following day the consumer was advised to book his own flights and that these costs would be refunded. The passenger made arrangements to travel by flight and train to his destination incurring costs of €721.96. The passenger wrote to the airline seeking reimbursement, but this was refused on the grounds that no prior agreement was obtained for the alternative flights. ECC Ireland contacted the airline requesting that the claim be reassessed considering the full engagement with customer service by the passenger prior to booking the alternative flight and the explicit assurances provided that he would be refunded. Upon review the airline issued a payment of €600 to the passenger and reimbursed him for the unused flight.

In 2018, the second largest category of complaints dealt with by ECC Ireland were from consumers, in Ireland and other European countries, who had car rental related disputes.

Regarding the complaints, some of the cases were resolved in favour of the consumers while others were not resolved amicably and were referred to the European Car Rental Conciliation Service for assistance. Some complaints were ill-founded, and a small number of complaints were on-going at time of writing.

The main issues reported by consumers relate to terms and conditions of the car rental booking, charges imposed after the rental period because of alleged damage to the vehicle, delays in refunding deposits and heavy fines imposed on consumers for returning the vehicle in an unauthorised location. There were also many complaints in relation to insurance products. Consumers continue to report that they faced misleading or pressurised sales tactics at the rental desk, where their own third-party insurance is not accepted by the rental company and/or they are given the impression that the car rental's own insurance is mandatory and that it will cover all eventualities (for example, broken windscreens, tyres, etc). In some cases, consumers were not made aware of the liability for negligence while the vehicle was in their possession, for example, not being covered when there is a problem with the engine after driving into flood water.

Another issue of concern for some consumers was the fuel policy, in particular, where no refunds are offered for unused fuel and non-refundable administration fees that may apply. In some cases, consumers may believe that a term in the policy is unfair and this often leads to a dispute with the trader.

It is assumed that the consumer/renter is liable for any damage caused to the vehicle during the rental period. Therefore, it is essential to have the vehicle inspected at the time of delivery, and return, and mark all damages, if any, to the interior and exterior on the diagram (the check-out/check-in form provided by the rental company) in the presence of both the consumer and the vehicle provider. Some car rental companies may fail or refuse to carry these essential inspections, thus, leaving consumers vulnerable to subsequent claims and, on some occasions, find themselves facing extra charges for alleged damage, levied weeks after the rental period without notification.

Currently, there is no industry specific legislation in relation to car rental disputes. Directives 93/13/EC on Unfair Term in consumer contracts, 2005/29/EC on unfair commercial practices, and 2011/83//EC on consumer rights would appear to be too general to regulate the car rental industry and provide limited protection to consumers, therefore, specific legislation would be a welcomed addition to this area of consumer protection.

CHARGE FOR BURNT OUT CLUTCH

A French consumer, renting a car in Ireland, had to bring the car back to the car rental company after only five kilometres driving because of problems with the clutch. The consumer was provided with a replacement car but was charged with the excess of €1,500 for the alleged clutch damage. The consumer was subsequently sent an invoice for repair, totalling €782.65, and got a refund for the difference (€717.35). ECC Ireland contacted the car rental company to point out that whilst appreciating that consumers may be liable for damages sustained to the vehicle during the rental period, they should not be penalised for normal wear and tear, or for being provided with a car which was not in a sound condition, and to take into account the matter was reported straight away. Following our intervention, the consumer was refunded the €782.65 claimed.

DIFFERENT CAR AND FUEL POLICY

An Italian consumer made a car rental reservation via an Irish third-party online booking agent. He was informed that the vehicle would be delivered with a full tank of petrol, but unused fuel would be refunded however a service fee of €35 would be applied and this was non-refundable regardless of how much fuel was left in the tank. However, when the consumer collected the vehicle, he was provided with a different car and was felt compelled to sign a contract with less favourable terms - it was stated that the fuel tariff (full-to-empty) would be applicable and no refund would be given for the unused fuel. After contacting ECC Italy, ECC Ireland liaised with the trader who agreed to refund the consumer €101.08 for the unused diesel and the fuel service charge.

Electronic goods have consistently appeared in the top five areas of consumer complaints at ECC Ireland for past ten years, and 2018 was no different with this category representing our third largest area of complaint. The presence of a number of multinational electronic retailers in Ireland, as well as the increasing popularity of such products among consumers, goes some way to explaining why the number of complaints in this category is consistently so high.

Complaints in this category relate to the online and in store purchase of laptops/tablets, mobile phones, digital cameras, household appliances and other electronic goods. The most recurring issues reported relate to faulty/defective devices or warranty issues, while difficulties with delivery also account for a high proportion of complaints. Other areas of consumer complaints included the delivery of incorrect products, misleading commercial practices and products causing damage.

The distinction between redress available under consumer rights legislation and under commercial warranties is frequently an issue of confusion for consumers and this is particularly so in the electronics sector given the prevalence of manufacturers' warranties. ECC Ireland regularly receives

queries from consumers who either misunderstand their rights or have been given incorrect or misleading information from a retailer. Given that commercial warranties exist in addition to consumers' statutory rights, it is of great importance that consumers are aware that if a particular fault is not covered by a warranty, they may still be able to rely on statutory provisions to seek a remedy.

An emerging problematic issue noted in 2018 was the increasing number of complaints received related to the sale of hoverboards/balance scooters. The vast majority of these complaints were linked to one problematic trader and concerned faults arising soon after delivery with consumers experiencing significant difficulties in arranging for the product to be remedied or refunded. Although the company in question specifically targeted the Irish market, and had links to the UK and Germany, it appeared to operate from China and so our office was able to offer limited assistance. Affected consumers were encouraged to seek chargeback (from their bank/credit card providers) in order to facilitate redress but this remedy was not appropriate in all cases.

COSTS FOR RETURNING FAULTY LAPTOP

An Irish consumer purchased a refurbished laptop from a German online seller which came with a one-year guarantee. The device became unresponsive not long after purchase and the consumer returned it for repair. However, the issue presented again in the replacement machine rendering it unusable. The consumer sought a replacement and while the seller agreed they insisted that the consumer would have to cover the cost of postage. The consumer sought the assistance of ECC-Net and our German office referred the matter to a competent Alternative Dispute Resolution (ADR) body. The trader undertook to provide a replacement device of similar specification and arranged collection of the defective product from the consumer's home at no cost.

NO REFUND AFTER CANCELLATION OF ORDER

A Maltese consumer ordered a laptop directly from an Irish manufacturer and requested that it be delivered to a hotel in Dublin. The trader cancelled the order as they could not deliver to the address indicated. The trader apologised and invited the consumer to place another order, which was also to be delivered at an alternative Dublin hotel. This order was also cancelled by the trader, but no refund was processed to the consumer. The consumer engaged in substantial correspondence with the company but was unable to reach a resolution. ECC Ireland contacted the company on behalf of the Maltese consumer and the company processed a refund of €1,393.93 to the consumer's account.

For the third year in a row, the hotels and accommodation category has been one of the top five areas of cross-border complaint dealt with by ECC Ireland.

The evolution of this sector has resulted in a gradual increase in complaints. More and more consumers are making their own bookings online – falling outside the scope of package travel legislation in most cases – and there has been a rise of accommodation sharing platforms, where not all hosts are professionals.

Of the complaints handled by ECC Ireland in 2018, the vast majority involved consumers from Ireland who sought assistance from our office in relation to their complaints with traders based in other EU/EEA countries.

Most of the complaints received concerned bookings made through online intermediaries/booking agents. Consumers often encountered difficulties when trying to cancel their booking, not realising that the accommodation provider and the booking agent may have separate and distinct cancellation policies. Difficulties also arose for consumers when seeking to determine whether their final contract was made with the intermediary or accommodation provider. A large proportion of complaints related to the accommodation being substandard or not as described.

There were also many complaints from consumers who encountered significant payment difficulties, either while booking online or at the accommodation itself, as well as problems with reimbursements of deposits or other types of refunds (this included complaints about the trader promising refunds or compensation but then not following through). Other complaints concerned overcharging or price increases, rooms not being available, hotels going out of business, issues with the terms and conditions, mistakes with booking details and other problems during the booking process.

The increase in popularity in so-called dynamic/DIY holidays, where consumers enjoyed little protection because of the limited scope of the 1990 Package Travel Directive, led to a new legislative approach to offer greater protection to consumers. The new EU Package Travel Directive (2015/2302/EU) became applicable across the EU from 1st July 2018 and has since been transposed into the domestic Irish law by S.I. No. 80 of 2019 and S.I. No. 105 of 2019. The new Directive not only increases the scope of travel arrangements falling under EU legislation to include customised packages and linked travel arrangements, but also improves the rights of consumers when a complaint or dispute arises.

OVERCHARGED STRAIGHT AWAY FOR 'RESERVED' BOOKING

An Irish consumer booked accommodation through a third-party intermediary for accommodation in Brussels on the understanding that it was only reserved, as it was advertised as having a free cancellation policy in place. However, shortly after booking the consumer was charged €1,400 by the accommodation provider; the amount not only exceeded the confirmed final amount but also went against the terms and conditions, which stated that only 30 per cent would be taken initially. The consumer contacted ECC Ireland who sought the help of colleagues at ECC Netherlands to liaise with the trader. Following this intervention, the consumer received a full refund plus €100 extra for the inconvenience.

COMPENSATION FOR SUB-STANDARD CAMPING ACCOMMODATION

An Irish consumer booked mobile home accommodation in France via a UK-based camping holiday trader. When the consumer and his family arrived, they immediately found the accommodation to be substandard; no radiators worked, the shower cubicle was broken, there were holes in the wall, it was filthy, and the twin room was meant to have a third bunk bed. These issues were reported to the representative on site but to no avail. After a few days, the consumer and his family were moved to a different mobile home which at first seemed okay but then the sink and toilet began to leak dirty water amongst other issues. As the accommodation was uninhabitable, the family left to stay with a friend living nearby for the rest of the holiday. In response to the consumer's initial complaint, the trader offered compensation of €100 plus a €200 discount off a future holiday. As this was deemed to be unacceptable given the significant inconvenience caused, the consumer contacted ECC Ireland for help, and with the help of UK ECC, the trader eventually agreed to provide compensation of €500.

Complaints involving furniture have been a regular feature in the top five categories of complaint at ECC Ireland in recent years with the volume of complaints increasing significantly year-after-year since 2016. With 54 complaints requiring further assistance from ECC Ireland, complaints relating to furniture experienced a sharp fall in the last year ranking this area fifth in the most complained about categories in 2018. More than 80 per cent of the total number of cases dealt with pertained to complaints about web-traders registered in Ireland.

Unfortunately, despite a drop in the volume of cases dealt with by ECC Ireland, consumers continued to experience difficulties. The number of complaints reported to ECC-Net about web-traders registered in Ireland in 2018 exceeded significantly the number of cases pursued by ECC Ireland on behalf of Irish consumers about traders based elsewhere in EU/EEA. With the volatility of certain traders in changing name, address, country of establishment, etc., securing redress for consumers proved problematic. Although registered in Ireland, certain traders appeared to operate primarily as a post box and onward transmission service with no back office or customer care centre located in this jurisdiction. Despite our attempts, the traders' refusal to engage and offer redress to affected consumers led to a significant number of complaints in this area remaining unresolved. The ECC-Net's effort therefore focused on encouraging consumers to consider alternative mechanisms of obtaining redress such as disputing transactions through chargeback schemes, where

possible, or reporting complaints to competent enforcement authorities.

Although some issues reported related to the quality of the goods and non-delivery, the vast majority of complaints related to unfair terms in consumer contracts, unfair commercial practices, and a failure of traders to comply with the pre-contractual information requirements and the withdrawal provisions under Directive 2011/83/EU on consumer rights.

The level of consumer detriment in this sector is often substantial given that transactions involving furniture typically entail above-average sums. Lengthy delivery periods compound the problem as they often have the effect of preventing consumers from availing of chargeback schemes operated by credit/debit card providers or other payment intermediaries.

The role of enforcement authorities is paramount to examine potential breaches and ensure that legislation is adequately complied with, particularly so in the context of high-volume infringements and the consequent difficulties for individual consumers to pursue their complaints. In all these cases, cooperation between competent authorities in different countries is essential, with a view to facilitating redress for consumers and securing effective public enforcement where appropriate.

FAILURE TO DELIVER AND PROVIDE REFUND

A French consumer ordered a replica design chair from a web-trader registered in Ireland. The consumer was advised that it would take several weeks to deliver his order. However, after the agreed delivery time the consumer had yet to receive his order. She then contacted the trader several times to request a full refund, but the trader did not respond. The consumer turned to her local ECC, who requested assistance from ECC Ireland. Following our intervention, the consumer was refunded the full €261.

TRADER GOES INTO LIQUIDATION

Several complaints against a web-trader registered in Ireland were brought to our attention by our counterparts in Germany and Austria last year. Orders placed by consumers and paid for by bank transfers were not delivered. Despite having engaged repeatedly with the trader on behalf of consumers, little progress was made towards resolving complaints amicably. Eventually, ECC Ireland learned that the trader ceased taking orders and was going into liquidation.

Despite ECC Ireland's best efforts, there are times when an amicable solution between a consumer and the trader is not possible due to various reasons. When this occurs, we will further assist consumers by referring their unresolved complaints to Alternative Dispute Resolution (ADR) or Online Dispute Resolution (ODR) where there is an applicable scheme available.

Alternative Dispute Resolution involves settling a complaint out of court with the assistance of an impartial dispute resolution body. Generally, such schemes offer an easier, quicker and more affordable means of resolving a dispute than going to court.

ECC IRELAND ADR/ODR ACTIVITIES

The ADR legislative framework, which came into effect with the implementation of a Directive on Consumer ADR in 2015 (European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015, S.I. No. 343/2015 and the European Union (Alternative Dispute Resolution for Consumer Disputes) (No. 2) Regulations 2015, S.I. No. 368/2015) and a Regulation on Consumer ODR in 2016 (European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015, S.I. No. 500/2015) assigns important roles to ECC Ireland. This includes assisting consumers with information and assistance in accessing ADR bodies as well as acting as the national ODR contact point to assist consumers, and traders, with the functioning of the ODR platform.

2018 was another busy year for ECC Ireland staff who continued to promote ADR and ODR among relevant stakeholders and in the media. Consumer rights training provided previously to citizens information officers, in conjunction with the Citizens Information Board, resulted in several articles and mentions about alternative forms of redress in regional newspapers in 2018. Other promotion activities included a 'what has the EU ever done for consumers?' blog article on ECC Ireland's website. Much of the content of this article, which also highlighted ADR and ODR, formed the basis of an article in the Irish Examiner newspaper.

The Online Dispute Resolution platform, developed by the European Commission, offers a single point of entry that allows EU consumers and traders to settle their disputes for both domestic and cross-border online purchases. This ODR platform acts as a link for all the ADR entities notified by the Member States in line with the ADR Directive. If consumers have a complaint about a product or service they have bought online, instead of going to court, they can choose to submit a complaint on the ODR platform

Staff from the ODR Contact Point and ECC Ireland manned a stand at the National Ploughing Championships in 2018 providing information to the public about consumer rights, shopping online, and redress options such as ADR/ODR. A public awareness talk took place at the Europe Direct centre at Portlaoise Library, the ODR guide was widely distributed via a mail-out to Citizens Information Centres nationwide and we also ran a digital advertising campaign with the Irish Independent.

An ODR contact point adviser, along with the Manager of ECC Ireland, attended a meeting of the network of ODR contact points as organised by the European Commission. The focus of the meeting was the exchange of feedback with the Commission regarding the national ODR Contact Points' experiences and interactions with the platform. Representatives from notified ADR entity NetNeutrals were also invited to ECC Ireland's offices to discuss the ADR/ODR legislation, the development of ADR in Ireland, engagement from traders in relation to the ODR platform and other related consumer issues.

ADR CASE HANDLING AND STATISTICS:

In 2018, 2.55 per cent of cases dealt with by ECC Ireland and not resolved directly with traders were subsequently referred to notified ADR bodies while 12.6 per cent of unresolved complaints were referred to other ADR bodies for assistance. The main sectors referred to ADR were those involving car rental, telecoms, and travel sector. Some of the ADR bodies to which cases were referred to include the European Car Rental Conciliation Service (ECRCS), SÖP (the German ADR for the travel sector), and Online-Schlichter (a German ODR body), and La Médiation des Communications Électroniques.

Due to the small number of notified ADR bodies, the number of referrals possible was limited at national level (i.e. unresolved complaints about Irish traders from ECC centres elsewhere). However, a positive development in 2018 was the increase in notified ADR bodies from one to four. These bodies are: The Commission for Regulation of Utilities, Financial Services and Pensions Ombudsman, NetNeutrals EU Ltd, and the Royal Institute of the Architects of Ireland (RIAI).

ODR CASE HANDLING AND STATISTICS:

The ODR Contact Point received a total of 158 contact regarding the platform and the ODR regulation, representing an increase of 20 per cent on figures for 2017. Of the 158 contacts received last year, almost 82 per cent were from consumers, almost 11 per cent from traders, and 7.5 per cent from other ODR Contact Points. These contacts overall included requests for information

as to how the platform works as well as requests for information on alternative means of redress when the cases have been closed. There has been a steady increase of contacts received through the ODR platform which perhaps indicates an increase in public awareness about the ODR platform.

MISSED CAR RENTAL DUE TO FLIGHT DELAY

An Irish consumer booked car rental for €474.86 via a third-party online intermediary website and set pick up time for 22:30. However, his flight from Dublin to Montpellier was delayed which meant the arrival time was changed to 23:31. He attempted to notify the trader but couldn't get through and when he got to the rental desk it was closed. He was then left with no other alternative but to hire a taxi to reach his holiday destination and hire another car the next day. While the airline reimbursed the consumer €400 for the taxi and the third-party intermediary paid a further €354.85 as a gesture of goodwill, the consumer was still out of pocket by €120 and sought ECC Ireland's help. ECC France liaised with the car rental company on behalf of the consumer, however, they continued to deny any responsibility stating that they did not receive the required flight information from the third-party intermediary. As no agreement could be reached, the complaint was forwarded to the European Car Rental Conciliation Service. Following this, the car rental company was required to reimburse the consumer for the requested amount of €120.

COMPLAINT REFUSED BY TRADER

A consumer submitted a complaint via the ODR platform about a money transfer trader, but the trader refused the complaint because it was prepared to resolve the issue bilaterally. However, the consumer received no further communication from the trader and so he was still not able to use the service. The ODR contact point advised the consumer to contact the trader directly to seek an update on the matter, to highlight that no contact had been made to resolve it bilaterally as previously promised, and to state what solution would be agreeable. If the trader fails to respond or the response is unsatisfactory, the consumer was further advised to re-submit their claim via the ODR platform again whereby he could avail of alternative means of redress.

Services Directive

The EU Single Market with more than 510 million people offering the free movement of goods, services, people and capital, has transformed the way in which European consumers travel and acquire goods and services. The adaptation and subsequent implementation of the Services Directive, covering sectors such as retail, tourism, cultural and sport activities, has been a key step in creating a well-functioning single market for services, widening choice for consumers and opening opportunities for business. By eliminating the legal obstacles preventing providers from offering their services in other Member States and fostering cross-border economic activity the Directive increased competitiveness of EU services and enhanced the rights of consumers receiving services.

Article 21

To strengthen the confidence of the service recipients in the single market and encourage them to engage the services of traders established in other Member States, Article 21 of the Services Directive introduced the right of service recipients to obtain, in their home Member State, general information and assistance on the legal requirements, in particular consumer protection rules, and on redress procedures applicable in other Member States.

ECC Ireland has been conferred responsibility for the purposes of performing the functions set out in Article 21, along with 21 other centres in the ECC-Net, and assist consumers by responding to requests for information on the following:

- General information on the requirements applicable in other Member States in relation to accessing or exercising services activities, in particular those relating to consumer protection - ECC Ireland, with the assistance of Article 21 Contact Points in other Member States, provides general information about the rights of consumers in other Member States and requirements applicable to service providers established in other EU countries.
- General information on the means of redress available in the case of a dispute between a provider and a recipient - ECC Ireland aims to provide

relevant information relating to alternative dispute resolution (ADR) mechanisms, regulatory bodies, trade associations, and ombudsman services available in another Member State.

- The contact details of associations or organisations from which consumers may obtain practical assistance in the event of a dispute with a trader established in another Member State.

Article 20.2

ECC Ireland's role under the Services Directive is not restricted to the provision of information coming under the scope of Article 21; ECC Ireland has a further role under Article 20.2 of the Directive, which explicitly prohibits discrimination based on the grounds of both the nationality and place of residence of service recipients. In this respect, along with advising consumers on their rights, ECC Ireland assists service recipients by handling their cases and attempting an out-of-court resolution through liaison with service providers on their behalf.

While Article 20.2 obliges all EU countries to ensure that traders do not discriminate against consumers by denying access to a service or applying higher prices due to the recipient's nationality or country of residence, it also provides that differences in the conditions of access to services can be applied "where those differences are directly justified by objective criteria". As such, not every difference in treatment will therefore constitute discrimination; businesses may have legitimate reasons for applying different conditions or impeding consumers from purchasing services. Legitimate reasons can be specific risks lined to rules and restrictions in force in another EU country, the technical characteristics of the service or the lack of intellectual property rights.

Unfortunately, complaints reported to ECC Ireland show that consumers too often face restrictions with no justification, or the ones invoked by traders are unconvincing and lack objective criteria. The wording of Article 20.2 is not sufficiently precise and the lack of clarity as to what constitutes 'objective criteria', allowing for differences in treatment by service providers, gives rise to arbitrary justifications. Consequently, a case-by-cases assessment is required each time and it has proven difficult to apply and enforce the principle of non-discrimination in practice.

Geo-blocking Regulation

Despite the progress made with the Services Directive, complaints reported to ECC Ireland in 2018 and previous years showed that consumers continued to face restrictions and different conditions when attempting to avail of services across the EU, especially online. Typical examples of business practices complained about in 2018 would be not permitting consumers from a particular country to shop directly from a trader's website and redirecting them to the trader's website in the country where the consumer is resident and where the goods are available at a price which can often be significantly higher. In this respect, ECC Ireland welcomed new rules put in place in December 2018 to combat discrimination and reduce legal uncertainty.

By defining certain situations where different treatment of service recipients based on their nationality or place of residence cannot be justified, Regulation (EU) 2018/302 ('Geo-blocking Regulation') aims to give all EU consumers equal rights to access a trader's goods or services, under the same terms, irrespective of their location.

Geo-blocking refers to various practices whereby service providers restrict online cross-border sales based on nationality, residence or place of establishment. These practices can include:

- Preventing users wishing to engage in cross-border transactions from accessing and purchasing goods, services, or digital content offered on a trader's website or app
- Limiting access to online interfaces
- Re-routing users to country-specific websites (possibly with different prices), or
- Refusing delivery or payment

Article 8 of the Geo-blocking Regulation requires Member States to designate a body to provide practical assistance to consumers in the case of a dispute between a consumer and a trader arising from the application of the Regulation. In Ireland, the designated body is ECC Ireland.

The Competition and Consumer Protection Commission (CCPC) is the designated body with responsibility (regulation no.3, SI No. 513 of 2018) for enforcement of the regulation in Ireland.

HOW TO COMPLAIN? - ARTICLE 21 SERVICES DIRECTIVE

An Irish consumer was having difficulty with the electricity supply in his holiday home in Spain and wanted to know how to complain and seek further assistance from a regulatory body.

DISCRIMINATION BASED ON NATIONALITY - ARTICLE 20.2 SERVICES DIRECTIVE

Having registered with the UK based retailer, an Irish consumer started to receive notifications about special website promotions and discounts online. However, offers were only available with orders for delivery in the UK and hence not available to the consumer. The consumer felt she was being discriminated against based on her country of residence.

ONLY IRISH WEBSITE OFFERS DELIVERY TO IRELAND - GEO-BLOCKING REGULATION

An Irish consumer attempted to place an order with a web-trader based in Germany but was advised that only the Irish version of the site offers delivery to Ireland. The consumer used to shop via the Irish version of the trader's website but discovered that the same goods were available on the trader's local site at a lower price. Having checked different versions of the same site, the consumer learned that prices of the same products vary between the sites.

It was another successful year for ECC Ireland's communications activities. We exceeded the target set for media mentions/interviews, the vast majority of which were secured as a result of our press releases, improved visitor numbers to the website as well as social media engagement, and was named a finalist in the Blog Awards Ireland 2018. This helped to raise awareness about EU consumer rights and the work undertaken by ECC Ireland and the wider European Consumer Centres Network (ECC-Net) to liaise with traders on behalf of consumers.

Media and Events

ECC Ireland secured 343 media contacts (media interviews and/or mentions) in total during 2018. Some of the headlines included:

- 'Remember your rights when bargain hunting', by Eithne Dunne, The Sunday Times Ireland edition, 14th January 2018.
- 'Faulty goods: know your rights if things go wrong', by Conor Pope, The Irish Times, 9th April 2018.
- 'Air travel is the most complained about consumer issue', RTÉ online, 27th August 2018.
- 'Your money: Avoid the blues for Black Friday', by Sinead Ryan, Irish Independent, 24th November 2018.
- 'How to stop the Grinch ruining your Christmas shopping spree', by Louise McBride, Irish Independent, 2nd December 2018.
- 'New geo-blocking rules come into effect today', by Petula Martyn, RTÉ Business, 3rd December 2018.

ECC Ireland was also busy on the radio with 196 interviews/mentions covering a wide range of consumer issues. We issued advice to the public on topics such as online dating scams, avoiding subscription traps, how to shop online safely, faulty goods and guarantees, car purchase, booking accommodation online, your rights when the travel agent or operator goes bust, and air passenger rights particularly in relation to the Ryanair strikes in the latter half of the year. Of the media mentions, nearly 72 per cent came about as a result of the 10 press releases issued to the media. The press release topics for 2018 were as follows: Reading the terms and conditions before signing up to subscription services, World Consumer Rights Day - call for traders to ensure staff are aware of EU consumers' entitlements when goods are faulty, the ECC-Net Flights Rights Calculator, ECC Ireland's Annual Report 2017, Car Buyer's Guide, the updated ECC-Net Travel App, Buying Refurbished Phones, Black Friday/Cyber Monday and your online shopping rights, the new Geo-Blocking Regulation, and Your rights when Christmas shopping in Northern Ireland. Coverage was also obtained as a result of individual queries from the media and ECC Ireland's continued efforts to build media relations,

thereby maintaining our reputation as an invaluable source of information on EU and national consumer legislation and general consumer advice. Other media mentions were achieved through ECC Ireland's continued collaboration with the news wire service EC Radio Ireland (funded by the European Commission Representation in Ireland), the monthly ebulletin, and blog posts published on ECC Ireland's website.

In December, ECC Ireland participated in the Competition and Consumer Protection Commission's promotion of the new Geo-Blocking Regulation by taking part in a photo call with the Minister of State for Trade, Employment, Business, EU Digital Single Market and Data Protection, Pat Breen.

On 19th September, ECC Ireland's legal adviser took part in an expert panel for a Consumer Dialogue to discuss and explain the European Commission's New Deal for Consumers package, which aims to modernise and improve enforcement of consumer rights across Europe. The event, held at the Davenport Hotel in Dublin, was organised by the European Commission in collaboration with the Department of Business, Enterprise, and Innovation and featured keynote speeches by Marie-Paule Benassi, Acting Director for Consumers at EC DG Just, and Pat Breen, Minister of State for Trade, Employment, Business, EU Digital Single Market, and Data Protection.

Continuing our cooperation with the European Commission Representation in Ireland, ECC Ireland also manned an information stand in the European Union marquee at the National Ploughing Championships in Tullamore. Other public outreach events included a consumer rights talk for the University of the Third Age (U3A) and the Europe Direct Centre in Portlaoise library, as well as manning information stands at other public libraries.

Website and Ebulletin

The main concerns for 2018 was to ensure that the website was compliant with the General Data Protection Regulation (GDPR), which came into force

across the EU on 25th May 2018. The privacy policy on the website as well as the 'Contact Us' section were updated to inform the public (visitors to the website as well as consumers contacting us) about how their data was to be used and stored. How subscribers sign up to the monthly ebulletin was also examined and changed to ensure that GDPR information is provided and appropriate consent for use of data is obtained.

ECC Ireland continued its efforts to create more consumer-friendly articles by establishing a dedicated 'blog' section. The articles are sent to subscribers via the monthly ebulletin and promoted using other channels such as Twitter and have proven extremely popular amongst readers. To put our blog to the test, one of the articles was entered into the Blog Awards Ireland 2018, and impressively made it through many rounds, beating some tough competition, to be named as a finalist in the 'Best Blog Post' category.



Google Analytics figures show that 2018 was another successful year with an increase in visitors and improvements in how visitors interact with the content. In total, there were 62,288 visitors to the website - 48,428 (almost 77.7 per cent) of these were unique visitors.

Social media

ECC Ireland is committed to building a strong social media presence, not just by increasing the number of followers, but by ensuring we provide regular consumer tips and relevant news items on our feed and that we engage with followers/non-followers, journalists and other stakeholders. The Twitter account - @eccireland - continued to be a valuable tool in the promotion of ECC Ireland's work, events, consumer news round-ups, ebulletin blog articles, reports, and ECC-Net news. At the close of 2018, ECC Ireland had 1,494 Twitter followers which represents an increase of 20 per cent on the previous year.

Advertising

ECC Ireland, in conjunction with the Department of Business,

Enterprise and Innovation, promoted the new geo-blocking regulation by running an online advertising campaign with the Irish Independent. We also carried out online advertising for Black Friday and Cyber Monday encouraging consumers to find out more about their rights on our website before purchasing.

A contact information insert appeared in the Institute of Public Administration's yearbook and diary. ECC Ireland was also included in the 'EU Services in Ireland' section of the European Commission Representation in Ireland information publication, the Public Relations Institute of Ireland (PRII) sourcebook members list, the Dublin of Chamber of Commerce members directory, and in the consumer rights section of a Home Economics Junior Certificate textbook published by Gill Education, as well as a Junior Cycle CSPE textbook by The Educational Company of Ireland.

Publications

In 2018, ECC Ireland worked in collaboration with the Consumer Council of Northern Ireland (CCNI) to produce a new Car Buyer's Guide. The guide provides information to consumers when making a cross-border car purchase in Northern Ireland, Republic of Ireland and Great Britain. Work continued in 2018 to ensure that ECC Ireland's information leaflets were up-to-date and mailed out to Europe Direct Centres and Citizens Information Centres. The 2017 Annual Report was also distributed to the centre's stakeholders, both national and within the EU.



Pictured (L - R): Press and Communications Manager, ECC Ireland, Martina Nee; Minister of State for Trade, Employment, Business, EU Digital Single Market and Data Protection, Pat Breen; and Competition and Consumer Protection Commission (CCPC) member, Fergal O'Leary. Photo by: Robbie Reynolds Photography.

ECC Ireland is part of the European Consumer Centres Network (ECC-Net), a pan-European network present in 30 countries (throughout the EU as well as Norway and Iceland). Being part of ECC-Net allows us to address consumer problems right across the EU internal market and beyond, thus building confidence among consumers and encouraging cross-border consumer transactions. At a national level, ECC Ireland enjoys partnerships with key consumer policy stakeholders, ensuring an effective exchange of information and maximising the resources available for problem solving in issues of concern to consumers.

Cooperation Ireland

The Competition and Consumer Protection Commission

The Competition and Consumer Protection Commission (CCPC) is the national funder of ECC Ireland. It was established when the former National Consumer Agency and the Competition Authority were merged to form a single entity, the Competition and Consumer Protection Commission, on 31st October 2014, under the Competition and Consumer Protection Act 2014.

ECC Ireland and the CCPC have signed a Memorandum of Understanding committing us to sharing information in relation to possible enforcement issues and signposting consumer queries where appropriate. In 2018, ECC Ireland staff met with the CCPC to discuss issues such as enforcement and problematic traders and assisting consumers as well as further opportunities for cooperation and public awareness. We also collaborated with the CCPC to promote the coming into force of the Geo-blocking regulation and the roles of both organisations.

Enterprise Europe Network

The Enterprise Europe Network (EEN) is an EU-funded network which provides advice and assistance to small companies, helping them to take advantage of business opportunities within the European Single Market. ECC Ireland, as part of ECC-Net, has a contractual obligation to work with business organisations and traders to ensure their compliance with consumer protection laws. ECC Ireland continued its cooperation with, and support of, Dublin Chamber of Commerce, host of the Leinster EEN, by attending trader events and distributing information leaflets for traders such as the 10 Tips for Online Selling (a leaflet produced jointly by ECC Ireland and Dublin Chamber) as well as the ODR platform guide throughout the EEN network.

The Consumer Council for Northern Ireland

This is a statutory body which promotes and safeguards the interests of consumers in Northern Ireland. The

Consumer Council and ECC Ireland, along with Trading Standards Northern Ireland, the Consumer Advice Centre Belfast City Council, the Department of Business, Enterprise and Innovation, and the CCPC are members of the North/South Consumer Organisations Working Group which meets periodically to share information on topics of interest and concern to consumers throughout the island of Ireland. ECC Ireland continued its cooperation with the Consumer Council by attending the first meeting of the year in Belfast and hosting the second meeting in Dublin.

ECC Ireland also cooperated with the Consumer Council on a number of projects in 2018, most notably by providing assistance to produce a cross-border car purchase guide. The guide, which provides advice for consumers when making a cross-border car purchase in Northern Ireland, Republic of Ireland, and Great Britain, was officially launched (by ECC Ireland in the Republic) at the National Ploughing Championships in Tullamore in September 2018; the Consumer Council had separate launch in Northern Ireland the following month. As well as promotion at the Ploughing event on Twitter, the guide was further promoted by issuing a press release to the media, the monthly ebulletin, and was included in a country-wide leaflet distribution mail-out.

Citizens Information Board

The Citizens Information Board (CIB) is a statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services, including consumer rights. In 2017, ECC Ireland strengthened its relationship with the CIB by providing several training workshops for information officers from Citizens Information Centres across the country, which then led to further public awareness in 2018 amongst its service users. ECC Ireland further collaborated with the CIB by mailing out more than 10,000 information leaflets to Citizens Information Centres nationwide and assisting Citizens Information officers with their queries when needed in order to help their service users with consumer issues.



The Consumer Dialogue panel. Pictured L-R are: Carina Törnblom, EC DG JUST; Marie-Paule Benassi, Acting Director for Consumers, EC DG JUST; Juan Bueso, Legal Adviser for ECC Ireland; Dermott Jewell, Chief Executive of Consumer Association of Ireland and chairperson of ECC Ireland; Fergal O'Leary, Member of Competition and Consumer Protection Commission; Cliona Kelly, Assistant Professor at Sutherland School of Law, University College Dublin; and Ian Talbot, Chief Executive of Chambers Ireland.

Other cooperation

We continued our cooperation with other consumer policy stakeholders such as the Department of Business, Enterprise, and Innovation, the European Commission Representation in Ireland, the Financial Services Ombudsman, the Commission for Aviation Regulation (CAR), the Europe Direct network and the European Movement. Most notably, ECC Ireland took part in a Consumer Dialogue, organised by the European Commission in collaboration with the Department of Business, Enterprise, and Innovation, to explain the New Deal for Consumers package as well as becoming a member of the new Passenger Advisory Group set up by the Commission for Aviation Regulation to improve understanding of what is important to passengers at Dublin Airport.



ECC-Net centres gathered in Vienna in October 2018 for the annual Communications Workshop.

Cooperation Europe

In 2018, ECC Ireland continued its cooperation with the European Commission by providing information in relation to various consumer rights issues, namely air passenger rights. We also continued to play an active role in ECC-Net, attending network meetings and participating fully in the role of the ECC-Net. ECC Ireland participated in ECC-Net research activities by providing information in relation to air passenger rights, geo-blocking, unfair contract terms, guarantees/warranties and consumers' statutory rights, online shopping and consumer's rights during sales, to name but a few.

Due to the high number of complaints shared between the two centres, ECC Ireland carried out a study visit to ECC Spain. The visit provided an opportunity to share experiences, improve case-handling and issues affecting Irish consumers who have disputes about Spanish traders and vice versa. Later in the year, ECC Ireland also carried out a study visit to ECC Sweden to learn more about our colleagues' experiences with Alternative Dispute Resolution (ADR) and discuss consumer issues of importance to each centre. We also attended the annual communications workshop (hosted by ECC Austria in 2018) to discuss communications objectives with a particular focus on improving the website of each centre so that consumers can find the information they need more easily.

UK ECC is our most important partner in the network as most of the complaints received by ECC Ireland from Irish consumers relate to traders based in the United Kingdom. Since 2009, we have held an annual meeting with UK ECC, and this has helped to improve communications between the two centres and enhance case handling practices. At the end of the year, ECC Ireland hosted a study visit attended by UK ECC and ECC Romania during which consumer issues such as problematic traders, case handling, ADR/ODR and communications were discussed.

ECC Ireland participated in the following events in 2018:

- Business Breakfast: The Future of Travel Technology organised by the Dublin Chamber of Commerce – Dublin Chamber of Commerce, Dublin
- Citizens Dialogue on the Future of Europe organised by European Movement – Royal Hospital Kilmainham, Dublin
- National Ploughing Championships, EU marquee, organised by the European Commission Representation in Ireland – Tullamore
- North/South Consumer Organisations Working Group hosted by Consumer Council of Northern Ireland – Belfast and Dublin
- Eurostat Essentials organised by the European Commission Representation in Ireland – Europe House, Dublin
- Coordinators' Day on Grant Agreement Preparation organised by the European Commission – Brussels
- IT Tool 2 Workshop organised by the European Commission – Brussels
- The 2018 Blog Awards Ireland organised by Ashville Media Group – The Tramline, Dublin
- Passenger Advisory Group meeting organised by the Commission for Aviation Regulation – Commission for Aviation Regulation, Dublin
- New Deal for Consumers Workshop organised by the European Commission – Brussels
- ODR Contact Point meeting organised by the European Commission – Brussels
- Consumer Summit 2018, organised by the European Economic and Social Committee (EESC) and the European Commission – Brussels

European Consumer Centre Network Events:

- ECC-Net Communications workshop hosted by ECC Austria
- ECC-Net Directors meetings
- ECC-Net Cooperation Day hosted by ECC Bulgaria

ECC Ireland provided training/expert speakers for the following:

- National Consumer Dialogue on the New Deal for Consumers organised by the European Commission in conjunction with the Department of Business, Enterprise and Innovation – Davenport Hotel, Dublin.
- Talk about consumer rights at the Europe Direct Centre in Portlaoise Library.

Legal opinion sought and feedback:

Contributing to policy making is a core objective of ECC Ireland. In 2018, we contributed to consultations in the following areas:

- The Department of Business, Enterprise, and Innovation's public consultation on the European Commission's proposal for an EU Directive on representative actions for the protection of the collective interests of consumers.



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Legal Adviser²



MARTINA NEE
Press and Communications
manager



CAROLINE CURNEEN
Legal Adviser³



ANNA HERYAN
Senior Dispute Resolution
Adviser/ Data Protection Adviser⁴



EMMA-JANE PRENDERGAST
Legal & Policy Consultant



JULIA ORR
Dispute Resolution Adviser
/ ODR Adviser



JULITZA HERNANDEZ
Dispute Resolution Adviser
/ ODR Adviser⁵



PAULINA PADLO
Dispute Resolution
Adviser⁵

OTHER PERSONEL

Catherine Lynch, ECC company manager
(from 03/18 to 06/18)

¹ Emma Byrne was Chief Financial Officer and Services Directive Adviser up to 09/18 before taking up her current role as ECC Ireland Company Manager.

² Juan Bueso was seconded to the European Commission for part of 2018 (from 01/18 - 03/18).

³ Caroline Curneen was on leave for part of 2018 (to 05/18).

⁴ Anna Heryan was Acting Legal Adviser until 03/18 and the Acting Assistant Legal Adviser from 04/18 to 05/18. She also took up the role of Data Protection Adviser from October 2018.

⁵ Paulina Padlo was a Dispute Resolution adviser until 05/18.

Cabhair agus comhairle
do thomhaltóirí
san Eoraip



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