

Money News

 Money News by Clodagh O'Donoghue

Consumer Rights Post-Brexit

ECC Ireland has outlined the rights and redress options that Irish consumers can rely on following the UK's departure from the EU.

Since the start of this year, the EU and the UK have become two separate markets with distinct regulatory and legal provisions but with preferential arrangements in a number of areas, including trade in goods and services, online and offline, that will ensure that consumers' rights continue to be respected. The European Consumer Centre Ireland (ECC Ireland) is the port of call for Irish consumers who encounter problems when shopping for goods and services in other EU countries, and it continues to offer assistance with complaints against UK traders post-Brexit in cooperation with the Consumer Centre UK. ECC Ireland has outlined the rights and redress options that Irish consumers can now expect when they deal with a UK trader.

Rights

Irish consumers enjoy clear rights when buying goods and services anywhere in the EU. These rights cover such areas as contract information, guarantees, returns, shipping and delivery. These consumer rights remain unchanged if you buy from a UK shop or brand that has a registered presence in Ireland.

Under the Brexit deal, the UK and the EU have committed to maintaining current EU-type consumer protections on a mutual basis. Generally speaking, EU consumer rules will apply to goods and services purchased in the EU, including where you have purchased from a non-EU online trader – which now include UK traders – that has specifically targeted EU consumers. However, since January 1st, where an Irish consumer has shopped directly from the UK (excluding Northern Ireland), attaching consumer rights will be set down in UK law, which is similar to and based on EU law. Under the agreed Protocol on Ireland and Northern Ireland, EU customs rules and procedures generally continue to apply to goods entering and

leaving Northern Ireland.

Redress options

Where Irish consumers buy from a UK trader that has a registered presence in Ireland, their rights to a refund, repair or replacement and their redress options are unchanged. If you have a complaint against a UK brand with a retail presence in Ireland, advice can be sought from the Competition and Consumer Protection Commission (CCPC) at ccpc.ie.

Consumers based in the Republic of Ireland who have a complaint involving a trader based in the UK (including Northern Ireland) can seek assistance from ECC Ireland, which in 2021 is working in collaboration with the Consumer Centre UK to facilitate resolution for disputes that were still ongoing as of 31st December 2020 and any new disputes arising in 2021. This arrangement will continue until further notice. For consumer complaints, ECC Ireland may be contacted through its website at eccireland.ie/contact-us/.

For disputes involving a trader based in the UK or outside the EU/EEA who has marketed goods in Ireland, it may be possible to initiate legal action through the Irish court system. However, asserting your consumer rights with a trader based outside the EU can prove difficult in practice. Moreover, EU customers will no longer be able to seek resolution for disputes with UK traders through the European Small Claims Procedure or the Online Dispute Resolution procedure and platform. In cases of non-delivery of a purchase from a UK or non-EU trader, the most convenient means of redress is to initiate a chargeback with your bank or financial institution, whereby the transaction may be reversed.

Additional costs

Since the beginning of this year, Irish consumers who shop directly from the UK (excluding Northern Ireland) and whose order is shipped from the UK will incur additional costs. However, where you buy from a UK website or brand that has a registered base in Ireland and you buy from the Irish company or your purchase is delivered from a base elsewhere in the EU, no additional costs will apply. The additional costs that apply when purchasing from UK traders operating from or through websites in the UK include import charges, duty and VAT – just as they do when you buy from any other third country outside the EU.

To avoid unwelcome surprises when ordering online from the UK, consumers should make sure to read the terms and conditions and the delivery information carefully. All websites that sell goods into the EU must inform consumers about the total price of goods and services, including all taxes and any other charges. If these costs cannot be calculated in advance, the consumer must be informed that additional charges may be payable.

Where an Irish consumer returns a purchase on which they have paid taxes to a seller in the UK, they may be able to claim these customs duties back. Revenue outlines the process on its website, revenue.ie.

Useful contacts

European Consumer Centre Ireland
eccireland.ie
tel: 01 8797620
email: info@eccireland.ie

Competition and Consumer Protection Commission
ccpc.ie
tel: 01 402 5555/1890 432 432