

# Can you trust air ticket selling sites?

An internet sweep by the Enforcement network

Mid-term Report  
(situation as of 22/02/2008)



30 April 2008

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## Summary

The Consumer Cooperation Network carried out in September 2007, under the coordination of the Commission, its first joint market surveillance/enforcement exercise in the form of an internet inquiry, referred to as a «sweep», on air tickets selling websites.

Participating authorities checked over 400 websites for compliance with legal requirements. In this first phase of the inquiry, they found potential irregularities in half of the sites checked which were investigated further in the subsequent “enforcement phase”. During this second phase of the exercise, authorities are taking appropriate follow up action to have the sites corrected. The report gives a state of play of the situation as of 22 February 2008 in 13 out of the participating 16 countries.

The main findings of the Sweep relate to the information given on the prices of air tickets and on the availability of the promotional offers as well as the lack of clear information on the applicable terms of the contract. Some sites were found not to comply fully with the minimum legal information requirements applicable, for instance concerning the traders contact details.

The most common practice revealed by the sweep was that final prices are often divided up in several components making it difficult to compare prices. Often this is done to advertise on the basis of the lower air fare and it is only at later stages of the booking procedure that consumers are informed about the final price. Businesses are already required not to mislead consumers as to the final price of the flight. The legal framework will be further reinforced when a key EU legislative initiative for a Regulation on Common Rules for the Operation of Air Transport services in the Community<sup>1</sup> is adopted later this year. Final prices will be understood to include all applicable fares, taxes and other fees that can not be avoided and are foreseeable at the time of publication of the price. The Unfair Commercial Practices Directive<sup>2</sup> has also raised the level of protection adding some further elements to the previous legal regime.

Seven months after the sweep, following intensive investigative and enforcement work undertaken by the national authorities, half of the sites for which the authorities' inquiry confirmed the suspected irregularities, have been corrected. The enforcement work continues, mostly through the Enforcement Network that is handling a significant number of the cases still outstanding.

The practical experience of this first sweep also shows that there are some lessons to be drawn about how the **Enforcement Network is working** and, more particularly, how the

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<sup>1</sup> COM(2006)396 final.

<sup>2</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’).

sweep was carried out. This first common exercise was a promising start for this new way of doing enforcement in Europe, but it is also disappointing to see that so far the enforcement via the Enforcement Network is taking longer than expected. More work is needed to ensure that the Network reaches its full potential.

## Introduction

The Consumer Protection Cooperation Network was established at the end of 2006 by the Regulation on Consumer Protection Cooperation<sup>3</sup>. This Enforcement Network links up the enforcement authorities responsible for consumer protection in the 27 Member States and in two EEA<sup>4</sup> States (Norway and Iceland). It is fully operational since 29 December 2006.

A key feature of the Network is that it provides a framework for the enforcement authorities to carry out joint market surveillance and enforcement actions. The Commission coordinated the first such investigation at the end of September 2007.

It took the form of an internet check of over 400 websites selling air tickets for compliance with legal requirements, notably with information requirements. The results from this first fact finding phase of the exercise were publicized by the Commission in a press conference on 14 November 2007.

In the now ongoing enforcement phase, authorities are following up on detected, confirmed breaches to legal requirements.

The report describes in its first part the objectives, methodology and main findings of the first phase of the sweep. It then gives a state of play as of 22 February 2008 of the follow up given by the enforcement authorities of 13 out of the 16 participating authorities. The first trends that can be identified at this stage of the inquiry are also included. The second part of the report contains the national reports from the network authorities.

It is to be noted that authorities in the different Member States (and EEA countries) must abide by different legal requirements and procedures in their enforcement work which determine the detail of information they are allowed to disclose during and at the end of their proceedings. The enclosed national reports reflect these constraints.

For this report, no detailed data from Malta could be obtained as enforcement work is still in progress and will be published at a later stage once available. Portugal provided the information too late to be included in Part I of the report, but Part II contains this data in the relevant country fiche. Norway only provided detailed feedback on the cross border cases handled through the Enforcement Network which is shown in the country fiche

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<sup>3</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

<sup>4</sup> European Economic Area.

## **Part I: The Internet sweep**

### **1. The Internet sweep**

#### **1.1 What is a sweep?**

In an **internet sweep**, enforcement authorities investigate a particular online business to consumer activity in order to check compliance with existing consumer legislation. In this particular context, the sweep involved searching for relevant websites and checking them against a list of pre-defined legal requirements, such as the inclusion of compulsory pre-contractual information requirements or the exclusion of misleading and/or deceptive messages. Websites that do not seem to comply fully with these requirements are flagged for further scrutiny.

This first fact finding phase is followed by a thorough analysis of suspected breaches to the applicable legal requirements and, appropriate follow up actions are taken to ensure that sites are amended. This second stage is referred to as the "enforcement phase".

#### **1.2 Why the sweep?**

The purpose of the sweep was threefold:

- Show markets that the newly established Enforcement Network was actively monitoring them to make sure that businesses comply with applicable consumer protection laws not only at national level but also across the Internal Market;
- Facilitate further action by authorities in the light of valuable information revealed by the sweep with regard to trends and compliance problem areas and so raise the level of consumer protection;
- Help broadening consumer awareness by releasing information through the media and strengthening consumer confidence as the sweep shows that authorities are actively ensuring that consumer rights are being enforced

#### **1.3 What was the Commission's role and who participated?**

In consumer protection, investigative and enforcement powers are the sole responsibility of national authorities in the Member States.

The Enforcement Network was set up in December 2006 to ensure that national enforcement authorities can work closely and effectively together in cross border cases. These cooperation mechanisms can be triggered at any time by the national authorities, to stop deceptive commercial practices from traders established in one Member State but targeting consumers in other Member States.

Another key feature of the Regulation is that it foresees that national authorities coordinate their market surveillance and enforcement work at European level. The EU-sweep is the first joint exercise of the Enforcement network authorities' in this field.

Participation in EU sweeps is voluntary. Authorities assess their participation against a variety of factors such as available national resources, the theme chosen and other ongoing national activities.

Authorities from **15 Member States and Norway** took part in the first sweep of the Enforcement Network.

The **Commission** coordinated the exercise: It provided the general guidelines and common framework in which the exercise was carried out. It coordinates the preparation of the sweep report(s) and monitors the follow up in the Member States.

## **1.4 What did the authorities look for?**

The theme chosen for the first joint exercise of the Enforcement Network targeted **air ticket selling sites**.

EU Airline travel is a market of 700 million passengers per year. This includes internal and external travel (external being where an EU citizen travels beyond the EU).

More important this is a highly digitalised market that has drastically changed in recent years. A growing number of consumers prefer to book their flights directly on the internet rather than using intermediaries such as travel agencies, as was the common practice some years ago. In Europe, travel is the category of e-trade that generates the highest turnover<sup>5</sup>.

The Commission has evidence that a significant share of the complaints received by the European Consumer Centres relate to the air transport sector. Whilst these complaints mainly concern issues related to lost luggage and/or flight delays and cancellations, the EU sweep aimed at identifying other practices on the internet that are in breach of consumer protection law, notably misleading information in web pages offering tickets.

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<sup>5</sup> Forrester Research's forecasts in Financial Times 23 October 2007.

## Legal context

The decision was taken to concentrate the sweep on the compliance by businesses to the legal requirements regarding the provision of adequate information to consumers. The focus was on searching for misleading messages, notably but not exclusively related to the information given on the final ticket prices and, to a lesser extent, verifying some aspects related to the terms of contract.

- **Council Directive 84/450/EEC (Misleading Advertising Directive)<sup>6</sup>**

Articles 2 and 3 of the Directive define misleading advertising as “(...) advertising which deceives or is likely to deceive the person to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour (...)”

[...] To determine “whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning:

- (a) The characteristics of goods or services, such as their **availability** (...);
- (b) The **price** or the **manner the price is calculated**, and the **conditions** on which the goods are supplied or the services provided (...)”

It is to be noted that in 2007 the rules concerning business to consumers’ practices were replaced by the provisions of the Unfair Commercial Practices Directive<sup>7</sup>. Some authorities therefore based the sweep on the equivalent provisions in the Unfair Commercial Practices Directive.

The Unfair Commercial Practices Directive has raised the level of protection and added some further elements to the previous legal regime. Failure to provide consumers with clear, appropriate and complete information relating to the price and any other cost associated to the provision of a service may constitute an unfair practice under the Directive. The Directive covers misleading actions and omissions. Under the Directive, professionals must provide consumers in a timely and clear manner with the information they need in order to make an informed choice; this information includes prices and other possible charges.

In particular, the Directive requires that, if a trader makes an invitation to purchase (Article 7(4)), which is a commercial communication indicating the price of the goods or service being advertised, information relating to the price must include taxes. As to the charges, if they refer to services (e.g. booking fee or handling of luggage) or additional costs (e.g. fuel surcharge), which in any event will have to be paid by the consumer, they will also have to be included in the price.

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<sup>6</sup> Council Directive 84/40/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising.

<sup>7</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’).

- **Council Directive 93/13/EEC (The Unfair Contract Terms Directive)**<sup>8</sup>

**Article 5** specifies that “in the case of contracts where all or certain terms offered to the consumer are in writing, these terms must always be drafted in plain, intelligible language.”

The above described EU directives have all been transposed into national laws in the different Member States (and EEA countries)<sup>9</sup>. An overview of the applicable national laws on which authorities based their inquiries can be found in Annex 2.

### **Typical types of conduct authorities checked**

Against the above described legal background, the sweep focused on the following, typical types of conduct:

- **Indication on the final price:** Clear indication of the final price must be given on the website, i.e. clear indications of all the elements that make up the final price to be paid by consumers such as fees, taxes, etc. There is evidence that often consumers need to reach the end of the search, if not the actual booking, to find out the "real" price of the transaction.
- **Conditions to the offer:** any limitation as to the availability to the tariff should be clearly indicated. Prices are often used to lure consumers into booking a flight only to find out that there is no flight available on the preferred date and time, the price is higher (due to taxes, fees etc.) and/or the conditions to the offer are different than the advertising message seemed to indicate.
- **General contract terms:** the general contract terms should be clearly indicated and easily accessible to the consumer. They need to be drafted in clear and comprehensible language. An additional problem is that sometimes other services, related to the booking of a flight, such as travel insurances, are automatically offered to consumers by means of pre-checked boxes. Consumers who are not interested must explicitly opt out from the option, but this does not appear clearly.

## **1.5 How was the exercise carried out?**

The EU sweep was organised in three stages:

- Preparatory work
- Sweep days: 24 - 28 September 2007
- Follow-up action: the enforcement phase

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<sup>8</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

<sup>9</sup> The UCP Directive has been transposed in a majority of Member States; a few Member States are late in transposing despite the fact that the Directive had to be transposed by 12 June 2007 at the latest.

## **Preparatory work**

For this first joint exercise, participating authorities were given a general framework and guidelines to carry out the sweep.

The sweep's preparatory phase started in August 2007 with the Commission's proposal to the national authorities to carry out an internet sweep at the end of September.

A tight timeline was defined, to meet one of the sweep's main objectives: a clear message was to be sent to markets, before the end of 2007 and on the basis concrete results, that a new Enforcement Network<sup>10</sup> was in place and fully operational.

In September, the Commission sent a kit to the authorities who had confirmed their participation, describing how to carry out the Sweep days. This document outlined the theme, scope, focus and methodology of the exercise.

Authorities were nevertheless free to define – within the given, common framework of the kit – the specific operational details applicable at national level to take full account of national constraints, for instance in terms of resources that could be allocated to the exercise within the given timeframe.

## **Sweep days: 24 – 28 September 2007**

Authorities were invited to carry out the Sweep Days in the week of 24 to 28 September 2007.

The preliminary results from this first fact finding phase were reported to the press in a press conference by Commissioner M. Kuneva on 14 November 2007.

## **Follow up – enforcement phase**

During the Sweep Days, authorities identified the list of websites which after a first, rough assessment against a pre-defined checklist do not fully comply with the legal requirements. Websites which are apparently non compliant, are flagged for further scrutiny.

This is followed by a second phase, the “enforcement phase”, in which the national authorities take the necessary steps to verify whether the findings suspected can be confirmed and, in the latter case, to ensure that corrective action is taken.

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<sup>10</sup> The Consumer Protection Cooperation network, the Enforcement Network, was established by the Regulation (EC) No. 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation). It was formally launched by Commissioner M. Kuneva on 28 February 2007, but is fully operational since 29 December 2006. The Network links up the national enforcement authorities of the 27 Member States (and from Norway and Iceland) and provides a common framework to work closely together.

The type of enforcement measure taken varies depending on the breach detected and confirmed as well as on the Member State. Possible measures can include a request to a company demanding to change or cease a prevailing practice, to imposing and collecting fines or pursuing a case in court.

Authorities can decide to use the Enforcement Network to handle cases with a cross border dimension. The Network offers authorities different options: they can either request relevant information to follow up a case or ask other authorities to act on their behalf to stop certain practices.

Section 3 of the report gives a state of play on the follow up given by the 22 February 2008.

## **2. Sweep findings**

### **2.1. General**

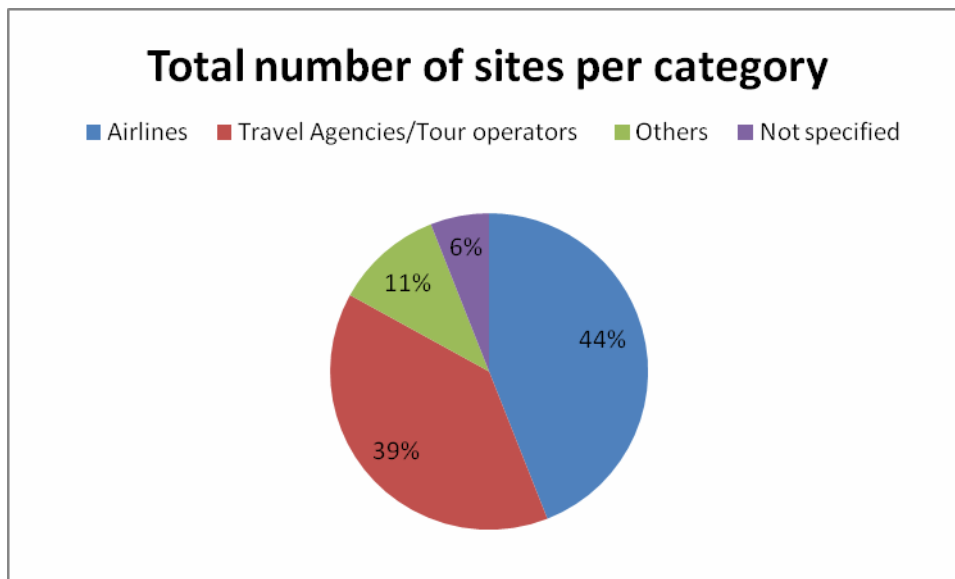
As outlined in Section 1 of the report, authorities could decide, within a given common framework, how to carry out the Sweep Days. This explains some of the differences in the results reported by the authorities.

In terms of resources, for instance, the Sweep kit suggested to allocate a minimum of one man/day to the Sweep Days. The national authorities' reports received show that the resources devoted to the exercise vary from a maximum of 11 sweepers for a full day in Belgium to one official for 4 hours in Spain.

As a result the total number of websites verified per authority varies from 8 in Cyprus to 61 websites in Denmark. In total 447 sites were checked during the Sweep Days.

Concerning the type of sites to target, the indication was to check sites selling air tickets and targeting national consumers.

Authorities checked mostly sites from airlines (44 %) and travel agencies (39 %); some also verified other types of sites (11 %), such as price comparing sites. For 23 sites the type was not provided and appears as "not specified". The sample of airlines included sites from regular and low cost carriers, which showed similar practices.



All authorities used the website’s language as the main criterion to assess whether a webpage targeted national consumers. The sites were generally chosen randomly with the help of a pre-defined list of search terms related to air tickets, such “air ticket”, “cheap flights”, etc. An indicative, non exhaustive list had been included in the sweep kit.

Some authorities used additional criteria to fine tune their search. **Belgium**, for instance, concentrated its investigation on sites offering tickets from and to national airports; **Spain** established a list of relevant companies based on the number and type of complaints registered in the database of the Spanish European Consumer Center; **Denmark** and **Estonia** also checked sites in which prices were quoted in their respective national currency. Countries adopted diverse strategies to narrow down the sites to check but all targeted websites that sold airline tickets to their residents.

The scope of the verifications varies also between the participating authorities. The kit specified that the main focus of the exercise was to search for misleading messages, notably related to price information, and listed typical practices to look for. Authorities were however given the possibility to adjust this to the specific national context.

All participating authorities focused on verifying the information provided on final air ticket prices and more specifically on how this information was presented to the consumer. Differences emerge from the other areas checked.

Most authorities, for instance, verified that websites made the applicable contract terms available to the consumer and that these terms were provided in a clear, comprehensible language. A few also looked into the actual terms or related aspects, i.e. mainly the practice of having pre-checked boxes for additional services offered in relation to air tickets (e.g. pre-checked travel insurance boxes) from which consumers have to explicitly opt out if not interested.

## 2.2. Main findings

The most prominent finding from the Sweep Days in September 2007<sup>11</sup> is that authorities detected findings of different seriousness in as much as half of the sites. All these sites were flagged for further investigative work and appropriate action whenever the in-depth analysis confirmed the first suspicions of a breach of legal requirements.

The tables below summarise the information received from 13 (out of the 16) participating authorities. A more detailed fiche per country can be consulted in part II of this report.

These thirteen authorities were able to report more in detail on the state of play of the investigative and enforcement work undertaken since the Sweep Days in September 2007. This information is summarised in the tables below. A more detailed country fiche is included in part II of this report.

The thirteen authorities checked a total of 386 sites in September (out of the total of 447).

The authorities from three of these countries (representing 11 % of the sites checked in September) reported no particular findings in the sites checked.

For the other sites that were flagged for possible breaches to consumer protection law, the in-depth analysis that followed the Sweep Days of September confirmed the authorities' first suspicions in 71 % of the cases and therefore reduced the total number of sites with irregularities from 191 to 137. There are different reasons for this. Sometimes the second screening of websites did not confirm all the irregularities that were first suspected. Bulgarian authorities, for instance, report that out of the 18 sites flagged in September only two cases required a follow up action, in the other cases no breach was eventually confirmed. In other cases the priorities established by the authorities within the common framework given for the sweep explain the differences in the total number of sites finally retained for follow up action. An example for this is Finland, which, due to resources constraints, gave priority enforcement at national level. Or 6 sites for which the Danish authorities did not take actions as, after further verification, they estimated that, though infringing, the sites had no practical significance in Denmark. This was in line with the general sweep focus to search sites targeting consumers in each authority's country.

This resulted in 35% of all the sites checked in the 13 countries reported being susceptible to enforcement actions.

Fifty five or 40% of the 137 sites flagged for a violation of consumer legislation had a cross border dimension. Of these 55 cases, a CPC network cooperation procedure was started for 42 cases. The Norwegian authorities handled three additional cases through the Network.

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<sup>11</sup> The Commission informed about these findings in a press conference on 14 November 2007.

**Table 1: Sites checked by the sweep and confirmed irregularities**

<b>Sites checked in September 2007</b>	<b>Sites with potential irregularities</b>	<b>Sites with confirmed irregularities</b>	<b>Cross border cases</b>	<b>Cross border cases handled by CPC</b>
386	191 (49% of total)	137 (35% of total)	55 (40 % of sites with confirmed irregularities)	42 (31 % of sites with confirmed irregularities)

Confirmed irregularities were widespread across all types of websites including airlines, travel agencies and other types of websites checked such as price comparison websites.

**Table 2: Confirmed irregularities by type of websites**

Type of site	Sites checked in September 2007	Sites with confirmed irregularities
Airlines	171	63 (37%)
Travel agency/ tour operator	149	56 (38%)
Other	43	18 (42%)
<b>Total</b>	<b>386*</b>	<b>137 (35%)</b>

\*) For 23 sites (6% of the total) found compliant with legal requirements the type of site checked was not specified by the authority.

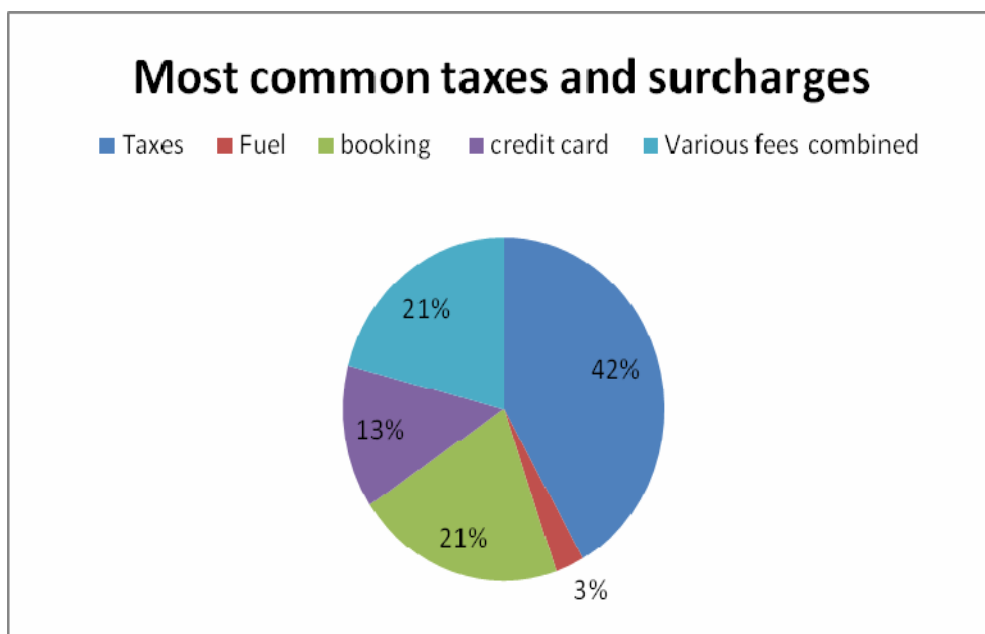
The following table provides a more detailed overview of the main findings detected by the authorities during the Sweep Days 2007. The table presents the number of times a particular violation was found. As a website can present more than one irregularity the number of particular irregularities found is higher than the number of sites with confirmed irregularities.

**Table 3: Number of irregularities found by type of problem**

<b>Type of site</b>	<b>Information on prices</b>	<b>Information on the availability of the offer</b>	<b>Information on terms of the contract</b>	<b>Other</b>
Airlines	44	12	26	3
Travel agency/tour operator	27	6	34	7
Other	8	3	7	3
<b>Total</b>	<b>79</b> <b>(44%)</b>	<b>21</b> <b>(21%)</b>	<b>67</b> <b>(37%)</b>	<b>13</b> <b>(7%)</b>

Most of the irregularities detected concerned the **information given on the final air ticket prices**. It should be noted that this was also the main focus of the sweep. A widely spread practice reported by authorities consists in dividing the final price of an air ticket into different components, using the airfare for advertising purposes and adding taxes, charges and fees later in the transaction process. These additional charges take a variety of forms such as airport charges, charges for credit card payment, handling or booking fees, fees for priority booking, fuel, or for any piece of luggage. In this way, businesses attract consumers to a given ticket selling site with what seem cheap flights that turn out to be in fact significantly more expensive. For the consumers, the final price to pay when actually booking the ticket is generally significantly higher and it only revealed very late in the booking process when the customer is less likely to initiate a new search for alternatives.

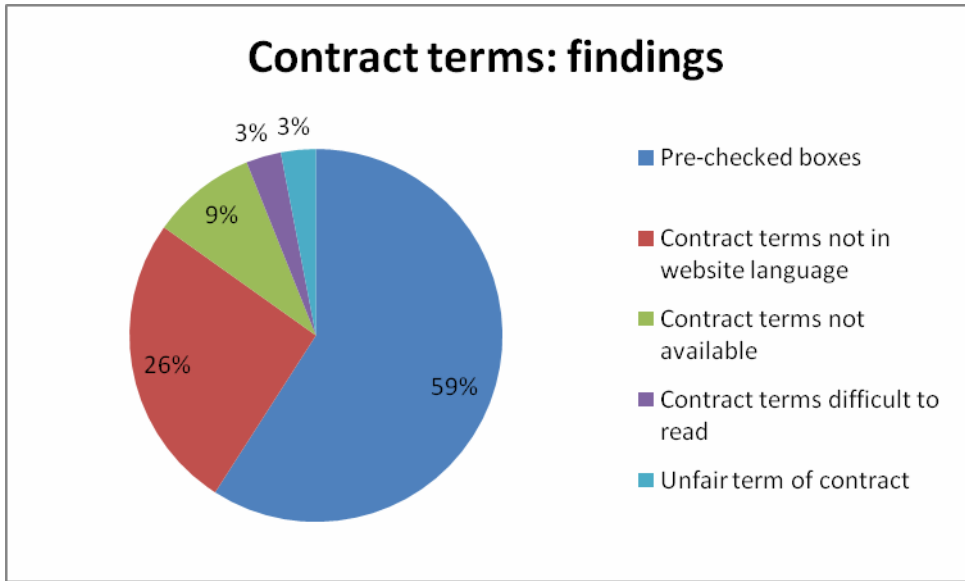
An overview of the most commonly used charges found in the sites checked is given below:



Authorities further noted that websites did not always contain sufficient **information concerning the actual availability of seats** and/or the conditions attached to the advertised flight prices (12 % of the total of findings). Particularly attractive offers are often used to lure consumers into certain sites only to discover that either no seat could be booked at the special offer price or that booking was available only in exceptional cases.

Regarding the **general terms of the contract**, the practice of using pre-checked boxes to offer additional services with the purchase of the airticket, such as a travel insurance, ranks among the most frequent irregularities found by the authorities. In these cases, consumers must be careful to notice the pre-checked box and explicitly un-tick it if not interested in the services offered. This finding also revealed different interpretations between authorities. Whereas many authorities consider the practise of pre-checked boxes to be unfair, others are of the opinion that what matters is that the information alerting the consumer that he has to explicitly opt-out is clearly displayed.

The sweep also revealed in a surprisingly frequent number of cases that websites did not display the general terms of the contract or not in the language of the website (i.e. typically in English in for example a site in Lithuanian).



Authorities discovered a series of other findings, mostly related to breaches of the legal information requirements which provide that the company maintaining a site must be clearly identifiable to the consumer by identifying the trader, giving its address and VAT number etc. This finding was particularly relevant in the few price comparison sites that were checked in the sweep.

Other findings	Number of occurrences
Breaches of legal information requirements (missing e-mail, identification of trader, VAT number etc.)	<b>8</b>
User of site must provide his/her personal data in order to access the services offered by the site	<b>2</b>
Presentation of information on the sites forces user to navigate through other pages of the site	<b>1</b>
Opt-out system to avoid receiving further information from the same trader	<b>1</b>
Incorrect information on the conditions to children flying alone	<b>1</b>

### 3. Enforcement phase: state of play as of 22 February 2008

The second phase of the Sweep concerns the investigative and enforcement work undertaken by the national authorities on the basis of the suspected findings during the Sweep Days.

This enforcement work varies depending on the Member State as well as on the seriousness and type of irregularity found. Possible measures can include a request to a company demanding to change or cease a prevailing practice, imposing and collecting fines, or in extreme cases also legal actions. Sometimes it was possible to clarify the issues in the framework of meetings arranged by the authorities with the companies' management and which resulted in voluntary compliance.

The situation of the enforcement work undertaken so far by the authorities is summarised in the following table. It reflects the state of play as of 22 February 2008 reported by 13 authorities.

**Table 4: Enforcement results as of 22 February 2008**

<b>Type of site</b>	<b>Sites with confirmed irregularities</b>	<b>Sites corrected after enforcement work</b>	<b>Sites for which enforcement work is in progress</b>	<b>Sites where no enforcement action in progress through the Network</b>
Airlines	63	18 (29%)	40 (63%)	5 (8%)
Travel agency/ tour operator	56	27 (48%)	29 (52%)	0
Other	18	10 (56%)	8 (44%)	0
<b>Total</b>	<b>137</b>	<b>55 (40%)</b>	<b>77 (56%)</b>	<b>5 (4%)</b>

The table shows that a significant share of the enforcement work is still in progress: in nearly 2/3 of the cases the proceedings had not yet been completed by late February<sup>12</sup> and only 40 % of the sites had been corrected by then. Recent updates from authorities however reveal that the number of corrected sites has reached in the meantime **50 % of the sites**. In particular Lithuania reports that all the sites have been corrected in the meantime increasing the total number of sites corrected to 68. It is further to be noted that some of the sites shown under the column of “enforcement work in progress” include sites for which authorities have already reported partial corrections. **The national country fiches in Part II of this report give a better picture of the enforcement situation by Member State.**

With regard to national cases, authorities generally report, with some exceptions for the more serious breaches for which proceedings are still ongoing, that the sites have been corrected in the meantime.

With regard to cross-border cases, i.e. cases enforced via the Enforcement Network, on the contrary, enforcement is taking longer than originally foreseen. Only four cases have been completely resolved so far, i.e. corrective action has been taken. The Norwegian authorities report two additional sites corrected through the Enforcement Network out of the three started.

This is partially due to the fact that more authorities need to be involved and that this takes time. Delay is further due to the increased complexity of some of the cases handled via the Enforcement Network due to the different legal standards applied by the authorities in the different Member States involved. In three cases this has led to the closing of the mutual assistance request without concrete actions being taken. In many others the legal assessment by the authority requested to take action has not yet been finalised, the corrective actions are therefore delayed. In at least one case that had been handled by the Enforcement Network, the enforcement of the decision taken by the authorities was contested by the company concerned and the appeal procedure is not yet complete. Finally, some authorities report that, contrary to what is established by the Enforcement Network’s applicable operational rules, some of the requests for mutual assistance that were sent have not yet been handled by the authorities receiving them.

The table below gives an overview of the cases that were identified as having a cross border dimension.

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<sup>12</sup> Two authorities were not able to report in detail on the work done, as the national legal situation only allows informing once proceedings are complete.

**Table 5: Enforcement in cases with cross border dimension**

Type of site	Sites with confirmed irregularities	Cross border cases	Cases handled by the Enforcement Network	Of which corrected sites	Of which enforcement work in progress
Airlines	63	47	36	5	31
Travel agency/tour operator	56	5	4	0	4
Other	18	3	2	0	2
<b>Total</b>	<b>137</b>	<b>55</b> <b>(40%)</b>	<b>42</b> <b>(31%)</b>	<b>5</b> <b>(9% of all cross border cases)</b>	<b>37</b> <b>(67% of all cross border cases)</b>

It is to be noted that authorities set different priorities to carry out their enforcement work. **Denmark, Estonia and Norway** focused on cross border cases. For these countries the sweep provided the opportunity to expand the work already undertaken with national operators to companies operating from other Member States. **Finland**, on the contrary, decided, due to the limited resources available for the follow up only to pursue national cases. Those with a clear cross-border dimension have therefore been left out from the investigative work and no enforcement proceeding will be initiated. **Sweden** has identified six cases for which it intends to use the Enforcement Network, but is still in the process of thoroughly assessing and preparing the files. The procedure has therefore not started yet.

#### **4. Conclusions and lessons to be learnt**

The 2007 EU-Sweep on air ticket selling sites was the first joint market surveillance and enforcement exercise carried out by the Enforcement Network. This network links up the enforcement authorities of the 27 Member States (and Norway, Iceland) and became fully operational end of 2006.

The preliminary findings, presented to the press by the Commission mid-November 2007, were surprising, with the number of sites (50 %) which in the light of a first rough assessment

end of September 2007 were not fully compliant with legal requirements, notably concerning the information given on the final prices of air tickets.

Booking a ticket online seems a straightforward, fairly simple procedure. The sweep results show that it requires careful and attentive consumers to make the right choices which best respect their interests.

The applicable legal framework ensures that consumers are not given misleading information, for instance on final prices. The number of findings in this sweep concerning the lack of transparency in the presentation of price information concerning air tickets shows that there is still an important effort to be made and that continuous monitoring is required to ensure that legal requirements are applied.

In the context of air transport, the legal framework will be further reinforced when a key EU legislative initiative for a Regulation on common rules for the operation of air transport services in the Community<sup>13</sup> is adopted. This should make the obligation of providing customers with final prices more explicit.

One of its provisions aims at providing passengers with full information about the final price to be paid. Airlines will have to give details on the exact fare plus the taxes, airport charges and other charges, surcharges and fees. Air fares and rates shall also include the applicable conditions. Final prices will be understood to include all applicable fares, taxes and other fees that can not be avoided, and are foreseeable at the time of publication of the price. Moreover, the proposal foresees that optional price supplements shall be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the customer should be on an "opt-in basis". The proposal is currently under examination in the Parliament and in the Council and will be adopted later this year.

The practical experience of this first sweep also shows that there are lessons to be drawn about how the **Enforcement Network is working** and, more particularly, how the sweep was carried out.

Seven months after intensive investigative and enforcement work undertaken by the national authorities, half of the sites for which the authorities' inquiry confirmed the suspected irregularities, have been corrected. So far the enforcement has been more effective at national level than at cross border level. The enforcement work continues, mostly through the Enforcement Network that is handling a significant number of the cases still outstanding.

This is certainly a promising start for this new way of doing enforcement in Europe, but it is also disappointing to see that enforcement via the Enforcement Network is taking in certain cases longer than expected. On the basis of the feedback received so far from participating

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<sup>13</sup> COM(2006)396 final.

authorities and of the mid-term results reported, the following first lessons may be retained from this first joint exercise:

- Cross border enforcement can be very effective but requires the active and full participation of all the authorities involved.
- The Network can only operate well, if and only if, all authorities operate in accordance with the rules and requirements established by the Regulation on Consumer Protection Cooperation and the relevant Implementing Measures adopted by the Commission to define the operational details of the cooperation mechanisms within the network. These establish for instance the time limits that apply when receiving a request for assistance.
- The results of the 2007 sweep revealed differences in the transposition of the EU Directives on consumer protection. It is critical for the good functioning of the Network that authorities find mutually satisfactory solutions. The entry into force of the Unfair Commercial Practices Directive should facilitate this with the introduction of a uniform set of rules in all Member States.
- Both the Sweep Days and the following enforcement work showed that authorities set different priorities and have different ways of operating. To ensure more consistency in enforcement, whilst leaving a certain margin of decision to the authorities to adjust to national constraints, it is important to define more precisely the objective, principles and common framework of the joint exercise.
- It is important to foresee sufficient lead in time to prepare and set up a joint exercise such as the sweep. Ideally this preparatory work should include at least one preparatory meeting with the participating authorities.

The ongoing preparatory work for the next common sweep of the Enforcement Network already takes account of many of the above conclusions. The Network is further engaged in a new common project that started in 2008 and which aims at developing and testing a common methodology for the Network's internet inquiries. The project will also reflect on how to ensure that the existing expertise is shared within the Network for future exercises.

More work is nevertheless needed at the level of the authorities to ensure that the Network reaches its full potential.

## **Part II: National reports from authorities**

This part of the report contains the different national reports received from participating and non-participating national authorities in the form of individual country fiches.

The country fiches have been sorted in two groups. Section 1 contains the fiches of participating countries with the details reported by the authorities (as per 22 February 2008) and including a brief description about how the sweep was organised and carried out by each authority. Section 2 contains the fiches from non-participating authorities providing their individual reasoning or motivation for non-participation in this particular exercise.

## **1. Country fiches from participating authorities**

# BELGIUM

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## I. Executive Summary

The Belgian authorities checked 48 websites as part of the sweep. Of these websites, after further investigation, 30 sites were found to have verified irregularities. The most frequent irregularities concerned the information given on the air ticket prices and on the terms of contract. Other issues detected were incomplete details on the trader.

Belgian authorities reported that a total of 13 sites had been corrected in February and that enforcement work was ongoing in 17 cases. Most of the outstanding cases (9) were being handled through the Enforcement Network

Belgium highlighted the differences in the interpretation of EU laws in this area. Three cases have thus been closed since February without further action being taken, as the authority requested to take measures does not agree on the existence of a breach to consumer protection laws. It also regretted that some authorities had yet to reply to the mutual assistance requests sent by Belgium.

## II. Detailed report

### Participating Authority

Authority	<b>DG Enforcement and Mediation</b>
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### Press Contact

Authority	<b>DG Enforcement and Mediation</b>
Press contact	<b>Ms Anne-Catherine Céciliot</b> <b>32 2 277 86 93</b> <b>Catherine .ceciliot@economie.fgov.be</b>

## Methodology

DG Enforcement and Mediation proceeded as follows during the Internet sweep “Can You Trust Air Ticket Selling Sites?”

1. Complaint handlers made a risk analysis and drew up a list of websites to be checked
2. A checklist of items was established
3. 11 agents were mobilized during one day to check websites using the checklists
4. Checklists were evaluated and prepared for the proper follow-up, national or cross-border

The preliminary risk analysis allowed setting up a fairly long list of websites to check.

The internet sweep concentrated on the websites that included Belgium in their destinations, i.e. offering flights to or from Belgian airports. This included sites from airlines, travel agencies and brokers.

The sweep took place in the week of 24 – 28 September 2007.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Council Directive 84/450/EEC</b></li> <li>• <b>Council Directive 93/13/EEC</b></li> <li>• <b>Directive 2000/31/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Act of 11 March 2003 transposing the E-commerce directive</b></li> <li>• <b>Trade Practices Act of 14 July 1991</b></li> </ul>

## Summary findings

1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	17	11	10	91	3	8	6
Travel agencies	12	11	1	9	4	7	1
Other	19	8	3	38	6	2	2
<b>Total</b>	48	30	14		13	17	9

## 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	10	4	8	2
Travel agencies	7	2	15	3
Other	4	3	3	1
<b>Total</b>	21	9	26	6

### Interpretation of the results

During the sweep days, DG Enforcement and Mediation verified a total of 48 websites, 46 were flagged as potentially containing irregularities that required further checking. The analysis following the sweep days confirmed the suspected irregularities in 30 cases and triggered appropriate follow up action to ensure that corrective measures were taken.

The majority of the sites that were followed up at national level have been corrected in the meantime; in 7 cases proceedings are still ongoing.

12 out of a total of the total of 30 cases with confirmed irregularities required handling through the Enforcement Network in form of requests for information and/or enforcement, 9 proceedings are ongoing.

DG Enforcement and Mediation dealt with a total of 40 requests for mutual assistance through this Network. This includes cases in which it requested assistance from other Member State's authorities and cases in which it was requested to assist an authority from another Member State. In 14 cases it encountered some difficulties that could have been avoided if a methodology common to all participating authorities had been defined in the preparatory phase to the sweep.

The sweep revealed national differences in the interpretation and implementation of Consumer Protection Directives. The same practice was therefore assessed differently by the different authorities participating in the sweep. For this reason 3 cases were closed without further action being taken, the requested authority being of the opinion that there was no breach of law on which to take action.

This also means that the level of consumer protection varies across the Internal Market and that competition is not always fair as companies have to comply with different requirements.

This is compound by the delay or lack of reaction from the authorities in certain Member States.

# BULGARIA

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## I. Executive Summary

The Bulgarian authorities checked 54 websites as part of the sweep. Of these websites, after further investigation, 2 sites were found to have verified irregularities. One relates to the general terms of contract that were not available in Bulgarian and the second to misleading information concerning the terms under which children are allowed to travel. No irregularity was finally confirmed in 16 of the websites flagged in September for further checking.

As of 22 February 2008, two requests for mutual assistance had been introduced through the Enforcement Network. In both cases corrective action is still outstanding.

## II. Detailed report

### Participating Authority

Authority	<b>Commission for consumer protection</b>
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### Press Contact

Authority	<b>Commission for consumer protection</b>
Press contact	<b>Mariana Bratanova</b> <b>+ 359 2 933 05 11</b> <b>m.bratanova@kzp.bg</b>

### Methodology

The Sweep Days were carried out by two officials for 2 days, on 25 and 26 September 2007.

The websites were assessed by the experts who flagged them for further verifications when there were reasonable suspicions for an infringement.

### Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Council Directive 93/13/EEC</b></li></ul>
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## 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	5	2	2	100	0	2	2
Travel agencies	49	0	0		0	0	0
Other	0	0	0		0	0	0
<b>Total</b>	54	2	2		0	2	2

## 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	0	0	1	1
Travel agencies	0	0	0	0
Other	0	0	0	0
<b>Total</b>	0	0	1	1

## Interpretation of the results

During the first step of Internet Sweep 2007 Bulgarian authorities established that more of websites were not for direct on-line air ticket selling. They had only informational character.

Some websites offered a form for on-line questions about concrete direction and date of the flight which the consumers looks for. Consumers have a possibility to fill in this form and after that they receive from the trader detailed information about the flights, the date, the hour of the departure and arrival, the price.

During the follow-up actions we identified cross border cases. In 2 out of the 18 websites flagged for further scrutiny, breaches to legal requirements were confirmed during the enforcement phase. Both belong to foreign air companies. The infringement of the first company was a breach to the requirements of the Directive on misleading advertising. The second company infringed the Directive for unfair terms in contracts.

For each of these cases a request for mutual assistance was sent to the relevant authority through the Enforcement Network. The response is still outstanding in both cases.

# DENMARK

## I. Executive Summary

The Danish authorities checked 61 websites as part of the sweep. Of these websites after further investigation 13 websites were found to have verified irregularities, which resulted in 15 different cases in the Enforcement Network. The most frequent irregularity detected relates to the information given on final air ticket prices.

During the enforcement phase, following the Sweep days of September, Denmark concentrated on the websites that could lead to potential actions in the framework of the Enforcement Network. As of 22 February 2008, one website had been corrected and in 12 further cases the enforcement work was still in progress.

The Danish authorities highlight that eventually the success of the sweep depends on the final outcome of all the ongoing cases and regretted delays in some of the cases dealt with via the Enforcement Network.

## II. Detailed report

### Participating Authority

Authority	<b>Danish Consumer Ombudsman (DCO)</b>
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### Press Contact

Authority	<b>Danish Consumer Ombudsman (DCO)</b>
Press contact	<b>Carsten Stroejer</b> <b>+45 32 66 92 83</b> <b>cs@fs.dk</b>

### Methodology

On Tuesday 25 September 2007, 4 legal officers and a communications officer from the Danish Consumer Ombudsman (DCO) swept airline websites for approx. 2 hours.

The sweep took place partly as a CPC sweep, partly as an ICPEN sweep, but also as part of the DCO's national focus on airline transportation. Airline companies, flight booking agencies and travel agencies were checked.

The main problem discovered was misleading price indications. In this connection it was considered misleading, and a violation of provisions in the Danish Marketing Practices Act implementing the relevant Directive 84/450/EEC and Directive 2005/29/EC, if the first price shown was not the final price, i.e. if charges and/or fees or taxes etc. were added later on. If only a provisional price is displayed, clear and explicit information must be provided concerning extra charges, their type and the circumstances inducing such charges to be collected later on in the booking process.

Also unfair terms of contract were regularly encountered on the sites. Tacit agreement by pre-ticketed (or opt out) insurances, spam acceptance etc., are considered unfair and thereby violating the provision in Marketing Practices Act implementing Article 3 in Directive 93/13/EEC.

In October 2007 the suspicious pages flagged were further scrutinized for possible CPC actions, and in total 15 requests were made within CPC.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Council Directive 84/450/EEC</b></li> <li>• <b>Council Directive 93/13/EEC</b></li> <li>• <b>Directive 2005/29/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Marketing Practices Act</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	53	12	12	100	1	11	11
Travel agencies	8	1	1	100	0	1	1
<b>Total</b>	61	13	13		1	12	12

## 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	9	0	5	0
Travel agencies	0	0	1	0
<b>Total</b>	9	0	6	0

## Interpretation of the results

In Denmark, the aim of the sweep was to examine whether EU-based airline companies, travel and booking agencies whose marketing activities targeted Danish consumers by use of the Danish language or by quoting prices in DKK complied with the rules on price indication and the rules on fair terms of contract. To ensure the element of “community infringement” - and thereby the CPC relevance - first and foremost foreign companies were checked.

### Legal Background

#### *Price information*

It is the opinion of the Danish Consumer Ombudsman (DCO) that consumers have a right to receive correct, clear, relevant and unambiguous information. To this end, traders have a duty to inform their customers about the overall price including charges, costs, VAT and all other fees when introducing the price of a product or service *the first time*. The DCO believes that price indications *exclusive fees and charges* have little relevance for the consumer, and that the display of such price information only serves as an eye-catcher.

If only a *provisional* price is displayed, clear and explicit information must be provided concerning extra charges, their type and the circumstances inducing such charges to be collected later on in the booking process.

In the event of non-compliance with these rules, the price indication may constitute a violation of the misleading provision in Danish Marketing Practices Act which *inter alia*, is an implementation of the misleading provision in Directive 84/450/EEC - and as from 1 December 2007, Directive 2005/29/EC Article 7, 4.c.

#### *Unfair Terms of Contract*

During the sweep it also caught the DCO's attention that *pre-ticked travel insurances* appears at the final step in the booking process at some websites. This means that the consumer automatically takes out travel insurance and 7 or other services unless he/she actively opts out of this.

Where a consumer is required to opt out actively of receiving a service, this constitutes an instance of tacit agreement / formation of contract which – according to the DCO - is considered an unfair term of contract and thereby a violation of *the principle of good marketing practice*, cf. section 1 of the Marketing Practices Act. This also applies even if the page holds information about how and what the consumer should do in the event that he/she does not want to take out insurance, as this is considered of little relevance.

Section 1 of the Marketing Practices Act is *inter alia* an implementation of Directive 93/13/EEC on unfair terms in consumer contracts, including article 3.

### **The Sweep – and CPC requests**

In total, 61 websites were checked, out of which 29 seemed to have irregularities. After further scrutiny and screening the final number was 21.

This led to 15 different cases in the CPCs – either as Article 6 requests about national legislation or (partially as a follow up) as Article 8 requests. Though infringing the legislation, the remainder 6 websites were not estimated to have any practical significance and importance in Denmark - therefore no action was taken.

#### Concerning the outcome (end February 2008) of the actions / requests:

In 1 case the website in question has been changed with a positive result – even though the DCO received no response to their request.

In 8 cases the requested Competent Authorities have given positive response – i.e. taken or promised to take adequate enforcement measures to ensure compliance with the rules.

In 7 cases Denmark has received no response to their requests – whatever it is the initial Article 6 request or the follow up Article 8 request.

Denmark welcomes the 8 positive responses - even if no corrective measures at the websites have been taken so far. However, DCO underlines that the success of the sweep depends on *the final outcome and the bottom line*. Denmark therefore takes and hopes that the positive information received will be followed up by actions that will lead to corrective measures at the relevant websites. To ensure equal competition terms for the various airline companies in EU, this applies the more as some countries and some airline companies *have* taken the necessary measures. E.g. - and for comparison - an Article 8 request, dated 21 December 2007 and as part of the CPC Sweep, to Denmark from Belgium concerning misleading price information in the webpage of one airline, was closed early February 2008 where the website was brought into compliance with the Belgian enforcement request.

Concerning the 7 cases, where the DCO had received no response at all to their request, the Consumer Ombudsman finds the situation disappointing and unsatisfactory. In the case of one country Danish requests have not even been forwarded from the requested Single Liaison Office to the Competent Authority.

# ESTONIA

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## I. Executive Summary

The Estonian authorities checked 26 websites as part of the sweep. Of these websites, after further investigation, 14 websites were found to have verified irregularities. By far the most frequent irregularity detected concerns the information given on air ticket prices.

As of 22 February 2008, 11 websites were corrected, in 3 cases the enforcement work is in progress. All of these cases are being handled by the Enforcement Network.

## II. Detailed report

### Participating Authority

Authority	<b>The Consumer Protection Board of Estonia</b>
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### Press Contact

Authority	<b>The Consumer Protection Board of Estonia</b>
Press contact	<b>Hanna Turetski -Toomik</b> <b>+ 372 6 201 706</b> <b>Hanna.Turetski@consumer.ee</b>

## Methodology

The Consumer Protection Board (CPB) of Estonia carried out the Sweep "Can You Trust Air Ticket Selling Websites?" on 24 September 2007.

Four officials checked, for approx. 3 hours, websites of travel agencies and air companies selling flight tickets to Estonian consumers. The main focus was to verify the information given on flight ticket prices; in particular, checking whether the final price of the flight tickets had been indicated to the consumers and whether advertised tickets were actually available for consumers.

The Consumer Protection Act requires traders to inform consumers before providing a service about its price. This price must be the final price paid by the consumer for the service. For this reason, traders must indicate the price inclusive of all the costs related to the

selling of the ticket. It is for example not compliant with the Estonian law to show a fare price and separately a service fee, which will be then be added to the ticket price.

The first price shown to consumers has to be all inclusive of any charge. Traders are of course free to add information on the prices, for instance by explicitly showing the different components of the price, but only as "additional information" and after giving the full price first.

According to the Estonian Consumer Protection Act consumers have the right to:

- Obtain the necessary and truthful information on the goods and services offered in order to make a conscious choice, and timely information on any risks relating to the goods or services;
- Obtain information that is truthful, understandable and in Estonian.

Before the sweep, at the end of 2006, the Consumer Protection Board (CPB) of Estonia had already been actively discussing these issues with the Estonian airline, Estonian Air Ltd. The CPB requested Estonian Air Ltd. to end indicating the service fee separately from the flight tickets` selling price. Estonian Air Ltd. used to add a 50 Crowns service fee for flight ticket purchased online, 250 Crowns for ticket bought on the spot and for consultation. The CPB holds the position that these kind of fees must be included into the final price and should be indicated separately only for information purposes.

Estonian Air Ltd. contested the injunction in court. Later the company took its claim back and followed the CPB's prescription. At the same the company signalled that other air lines had a similar pricing policy.

The EU sweep offered an ideal opportunity to the CPB to check other airlines' sites.

## Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Council Directive 84/450/EEC</b></li><li>• <b>Directive 2000/31/EC</b></li><li>• <b>Directive 98/6/EC</b></li></ul>
National law	<ul style="list-style-type: none"><li>• <b>Consumer Protection Act</b></li><li>• <b>Advertising Act</b></li><li>• <b>Law of Obligations</b></li></ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	12	6	4	80	3	3	3
Travel agencies	14	8	0	0	8	0	0
<b>Total</b>	26	14	4		11	3	3

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	3	2	0	1
Travel agencies	7	1	0	0
Other	0	0	0	0
<b>Total</b>	10	3	0	1

## Interpretation of the results

The Consumer Protection Board of Estonia checked in the framework of the EU-Sweep days 26 websites of air companies and travel agencies. In 14 websites breaches were found and enforcement work was initiated. 10 websites were flagged for national follow-up action and 4 websites for follow-up action under the CPC.

### *National cases*

The most frequent irregularity relate to unclear or misleading indications of the final price as follows:

- Problem of availability of offer (2 websites),
- Additional taxes (7 websites),
- Additional fuel charges (1 website).

A letter was sent to all 10 traders, explaining the legal requirements and requesting to remove and/or modify the misleading information detected on their website. All websites were corrected in the meantime.

### *Cross-border cases*

The most frequent irregularity relate to unclear or misleading indications of the final price.

- Additional credit card charges are added to the ticket and the ticket price is shown without taxes. (Enforcement request – in progress),
- All information on webpage is in Estonian, but the prices are expressed in Euros (Enforcement request – in progress) ,
- The trader did not indicate the final price in the initial steps of the booking procedure. Taxes were added later in the booking. (Enforcement request already in the summer 2007) After the Sweep Days we made an additional request to authority and the trader has corrected its website in the meantime.
- Problem of availability of offer (information request - in progress)

According to the Estonia authorities, the Sweep Day is useful and necessary exercise. It helps to even the protection of the consumers' rights and fair treatment of traders.

The Sweep 2007 indicated that there were problems with both national and international traders. Solving the violation issues with national traders was efficient and required less time than dealing with the cross border cases.

# GREECE

## I. Executive Summary

The Greek authorities checked 14 websites as part of the sweep. None of the checked websites were found to have irregularities. No enforcement actions were required.

## II. Detailed report

### Participating Authority

Authority	<b>Directorate for Consumer Policy Ministry of Development</b>
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### Press Contact

Authority	<b>Directorate for Consumer Policy Ministry of Development</b>
Press contact	<b>Eleni Alexandridou +30 2103801507 Alexandridou@efpolis.gr</b>

### Methodology

Between 24 and 29 September 2007 the Greek authorities searched 14 relevant websites.

No suspicious websites were detected/ flagged for further verification. All checked websites provided adequate information concerning clear indication of the total price of the air tickets and booking terms.

The checked websites were found to be user friendly.

### Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Council Directive 84/450/EEC</b></li><li>• <b>Directive 97/7/EC</b></li></ul>
National law	<ul style="list-style-type: none"><li>• <b>Law 2251/1994, Article 9</b></li><li>• <b>Law 2251/1994, Articles 4 and 4a</b></li></ul>

## Summary findings

	<b>Sites checked in Sept. 2007</b>	<b>Sites flagged for further verification</b>
Airlines	4	0
Travel agencies	10	0
Other	0	0
<b>Total</b>	14	0

## Interpretation of the results

The Greek authorities did not detect any irregularities during the sweep days 2007. No enforcement work was carried out.

# SPAIN

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## I. Executive Summary

The Spanish authorities checked 11 websites as part of the sweep. 7 websites were found to have verified irregularities. For the websites of the airlines, the most frequent irregularities related to the information on the terms of contract.

As of 22 February 2008, 2 websites were corrected, in 5 cases the enforcement work is in progress, of which 1 case is being handled by the Enforcement Network.

## II. Detailed report

### Participating Authority

Authority	<b>National Institute for Consumption</b>
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### Press Contact

Authority	<b>National Institute for Consumption</b>
Press contact	<b>Maria Luz Peñacoba Quintana</b> <b>+ 34 91 822 45 56</b> <b>cec@consumo-inc.es</b>

## Methodology

The exercise was done on 27 September 2007 during 4 hours by one sweeper with one computer with Internet and email access

The National Institute for Consumers Affairs (NIC) took part for the first time in a joint enforcement action. Taking into account the State legal structure, with enforcement competences widely entrusted to the Autonomous Communities Authorities, the approach of the NIC to the sweep was to present a report on the state of the art at a given time.

In order to define the scope of the search the cross border aspects of the initiative, the NIC requested information from the Spanish ECCs on the most complained airline companies, on line travel agencies and tour operator by individual consumers as well as on the way in which complaints were solved by the said companies.

A short list of 11 companies was made ready for the sweep on the concerted day. Web pages were first revised for 10 to 20 minutes. If signs of possible infringement or lack of transparency were observed in the first revision, the web was flagged for further revision. Seven out of the 11 were marked this way.

Second limitation to our work was the legal act they should be confronted with: we look for the final price; extra charges on taxes, luggage and insurance opt in by default.

Terms and conditions was a second item revised: language, clarity of wording and friendly use of the tool.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Council Directive 84/450/EEC</b></li> <li>• <b>Directive 2000/31/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Law 34/1988 of 11 November 1988</b></li> <li>• <b>Law 34/2002 of 11 July 2002</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	6	6	3	50	2	4	1
Travel agencies	1	1	0	0	0	1	0
Not specified	4						
<b>Total</b>	11	7	3		2	5	1

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	2	1	4	0
Travel agencies	0	0	0	1
Other	0	0	0	0
<b>Total</b>	2	1	4	1

## Interpretation of the results

All the seven web pages spotted confirmed irregularities in the presentation of final prices, special offers and destinations.

Only one clear infringement of the contractual clauses was detected which was quickly modified when the result was made public.

The report was presented to the press and media. Regional Authorities were informed at the Coordination Committee.

The largest national companies had a quick favourable reaction to the information and promptly proposed bilateral meeting to solve the found problems as well as to establish a better communication channel with the enforcement authority.

One of the most important outcomes of the sweep has been the consolidation of collaboration protocols for the handling of individual complaints between the two largest national airline companies and the Advisor of the Spanish ECC.

# FRANCE

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## I. Executive Summary

The French authorities checked 31 websites as part of the sweep. Of these websites after further investigation 12 sites were found to have verified irregularities. The most frequent irregularity detected concerns the presentation of the air tickets' prices.

As of 22 February 2008, 3 websites had been corrected and in 9 cases the enforcement work is still in progress, of which 4 cases are being handled by the Enforcement Network.

## II. Detailed report

### Participating Authority

Authority	<b>DGCCRF-CSCE Morlaix</b>
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### Press Contact

Authority	<b>DGCCRF – Bureau A1</b>
Press contact	<b>Gérard Péruilhé</b> <b>+33 1 44 97 23 19</b> <b>communication@dgccrf.finances.gouv.fr</b>

### Methodology

One official checked, for 4 days, sites chosen randomly on the basis of the search terms provided in the sweep kit, i.e. using terms such as “air ticket”, “flight”, “cheap flight” in Google, Altavista or Yahoo.

### Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Directives 97/7/EC</b></li><li>• <b>Directive 98/6/EC</b></li><li>• <b>Directive 2000/31/EC</b></li><li>• <b>Directive 2005/29/EC</b></li></ul>
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National law	<ul style="list-style-type: none"> <li>• <b>Code de la consommation: articles L. 113-3, L. 121-1 et L. 121-16 à 121-20-7</b></li> <li>• <b>Loi pour la confiance dans l'économie numérique n°2004-575 du 21 juin 2004</b></li> <li>• <b>Arrêté du 3 décembre 1987 relatif à l'information du consommateur sur les prix</b></li> </ul>
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## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	7	4	3	75	0	4	3
Travel agencies	13	6	1	14	2	4	1
Other	11	2	0	0	1	1	0
<b>Total</b>	31	12	4		3	9	4

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	4	0	1	0
Travel agencies	3	0	2	0
Other	0	0	0	2
<b>Total</b>	7	0	3	2

## Interpretation of the results

The main sweep findings were as follows:

1. Unfair commercial practices related to the conditions attached to the tickets offered, the sales' terms and to the prices;
2. The information given to consumers;
3. General contract terms.

# ITALY

## I. Executive Summary

The Italian authorities checked 11 websites as part of the sweep. Of these websites after further investigation 4 websites were found to have verified irregularities. The irregularities on the websites relate to the presentation of the air tickets' prices and information on availability of the offer.

As of 22 February 2008, 3 websites with irregularities were corrected.

## II. Detailed report

### Participating Authority

Authority	<b>Italian Competition Authority</b>
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### Press Contact

Authority	<b>Italian Competition Authority</b>
Press contact	<b>Emanuela Goggiamani</b> <b>+390 685821.492</b> <b>emanulea.goggiamani@agcm.it</b>

### Methodology

The Directive 2005/29/EC on unfair commercial practices has been implemented in Italy in September 2007. However, the advertising of air tickets is also regulated by article 3 of Law No. 40 of 2 April 2007. Pursuant to this Article, firms are required to indicate the price, inclusive of all charges which are payable by the consumer.

Moreover, article 3 of Law No. 40 of 2 April 2007 requires undertakings to indicate clearly any applicable limitations as to seat availability and/or period of validity of advertised prices.

In addition, for general information about proceeding regarding to air ticketing selling website concluded with a final decision, you can consult ICA website [www.agcm.it](http://www.agcm.it).

For the EU Sweep 2007 the Italian Competition Authority used two case-handlers who were involved in the exercise for two days.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Directive 2005/29/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Legislative Decree 205/2006</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	7	3	0	0	2	1	0
Travel agencies	1	1	0	0	1	0	0
Other	3	0	0	0	0	0	0
<b>Total</b>	11	4	0		3	1	0

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	1	2	0	0
Travel agencies	0	1	0	0
Other	0	0	0	0
<b>Total</b>	1	2	0	0

## Interpretation of the results

Some of the websites searched by the Italian Competition Authority during the sweep days appeared to be infringing unfair commercial practices law. In particular, consumers may be misled as to the total price they have to pay for the services on offer, since the relevant indications are often unclear or incomplete.

While most websites posted all the components of the final price, one of them appeared to mix optional services – which consumers may decide not to buy – with the mandatory charges. Some of the price components were presented on the websites as taxes, although their charge resulted from the free choice of the carrier.

According to the Italian Competition Authority, as of 22 February 2008, the air carriers amended their advertising practice, indicating in the context of the web-booking procedures both the final price and each of its components separately. Such practice has been considered by the Italian Competition Authority as compatible with the applicable rules on misleading advertising, inasmuch as consumers are not misled as to the final amount they have to pay.

Moreover, Article 3 of Law No. 40 of 2 April 2007 requires undertakings to indicate clearly any applicable limitations as to seat availability and/or period of validity of the advertised prices. The Sweep revealed only 4 company websites with the irregularities in this respect. Out of these companies, three companies have amended their advertisements after a moral suasion, the fourth company is now involved in proceedings.

It should be clarified that Directive 2005/29/EC on unfair commercial practices has been implemented in Italy in September 2007 and the rules of procedure implementing the new unfair commercial practices law has been enacted in the middle of December 2007, with a decision of Italian Competition Authority.

Overall, the airline companies quickly changed their internet advertisements and the Italian Competition Authority has achieved good enforcement results with a new procedural instrument, as moral suasion. Nevertheless, the Italian Competition Authority thinks it is important to keep checking this area.

# CYPRUS

## I. Executive Summary

The Cypriot authorities checked 8 websites as part of the sweep. None of the checked websites were found to have irregularities.

## II. Detailed report

### Participating Authority

Authority	<b>Competition and Consumer Protection Service of The Ministry of Commerce, Industry and Tourism of Cyprus</b>
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### Press Contact

Authority	<b>Competition and Consumer Protection Service of The Ministry of Commerce, Industry and Tourism of Cyprus</b>
Press contact	<b>Argyris Louca + 357 22 867190 alouca@mcit.gov.cy</b>

### Methodology

On 28 September 2007 eight (8) websites were checked by the Trade Service of the Ministry of Commerce, Industry and Tourism of Cyprus.

The websites of the airline companies and tourist agencies, which have been checked, were found to be in compliance with the E-Commerce Directive (Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain aspects of information society services, in particular electronic commerce, in the Internal Market).

### Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Directive 2000/31/EC</b></li></ul>
National law	<ul style="list-style-type: none"><li>• <b>The Law on Certain Aspects of Information Society</b></li></ul>

## Summary findings

	<b>Sites checked in Sept. 2007</b>	<b>Sites flagged for further verification</b>
Airlines	5	0
Travel agencies	1	0
Other	2	0
<b>Total</b>	8	0

## Interpretation of the results

The Cypriot authorities did not detect any irregularities during the sweep days 2007. No enforcement work was carried out.

# LITHUANIA

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## I. Executive Summary

The Lithuanian authorities checked 40 websites as part of the sweep. 21 websites were found to have verified irregularities. The most frequent irregularities found relate to the presentation of the air tickets' prices and the information provided on terms of contract.

As of 22 February 2008, 8 websites had been corrected and in 13 cases the enforcement work is in progress, all of them handled by the Lithuanian authorities.

Since February, the Lithuanian authorities have reported that all the sites have been corrected.

## II. Detailed report

### Participating Authority

Authority	<b>State Consumer Rights Protection Authority of the Republic of Lithuania</b>
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### Press Contact

Authority	<b>State Consumer Rights Protection Authority of the Republic of Lithuania</b>
Press contact	<b>Dalia Malinauskiene</b> <b>+370 5 2626783</b> <b>d.malinauskiene@nvtat.lt</b>

## Methodology

The Sweep on online air tickets sales was carried out by the State Consumer Rights Protection Authority.

On 27 September 2007 two officials of the Division of International and EU Affairs Coordination of the State Consumer Rights Protection Authority of the Republic of Lithuania searched the websites in order to check compliance of the services provided. The exercise took one working day using computers. Websites were selected at random and were checked in respect to their compliance with the requirements laid down in the legal acts.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• Council Directive 84/450/EEC</li> <li>• Council Directive 90/314/EEC</li> <li>• Council Directive 93/13/EEC</li> </ul>
National law	<ul style="list-style-type: none"> <li>• Law on Consumer Protection of the Republic of Lithuania</li> <li>• Civil Code of the Republic of Lithuania</li> <li>• Rules on Air Passengers, Baggage, Post and Cargo Carriage approved by the order of the Minister of Transport and Communication of the Republic of Lithuania</li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	2	2	0	0	1	1	0
Travel agencies	11	11	0	0	4	7	0
Other	8	8	0	0	3	5	0
Not specified	19	-	-	-	-	-	-
<b>Total</b>	40	21	0		8	13	0

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	1	0	1	0
Travel agencies	9	0	3	3
Other	4	0	4	0
<b>Total</b>	14	0	8	3

## Interpretation of the results

As a result of the sweep days in Lithuania, it appeared that 21 websites did not comply with the requirements laid down in the legal acts. The Civil Code of the Republic of Lithuania and the Law on Consumer Rights Protection of the Republic of Lithuania prescribe general

requirements for the provision of information to consumers about the products or services. The requirements for the air tickets sellers are also established in the Rules on Air Passengers, Baggage, Post and Cargo Carriage approved by the order of the Minister of Transport and Communication of the Republic of Lithuania.

Following the abovementioned legal provisions, the Authority found a number of infringements concerning the provision of incomprehensive and misleading information to consumers.

The majority of the websites provide information to consumers in the Lithuanian language; however, the tariff rules are provided in English.

The most common infringement was the indication of ticket costs excluding the airport taxes and additional fees, or misleading information given to consumer. For example, in the section 'special offers' of a website the indication is given that an airplane ticket to London costs 160 Lt. This may mislead consumers, as it is only when you want to book a ticket that it appears clearly that the cost indicated is for one-way journey, without the airport taxes. The total final price amounts to 291 Lt.

The Civil Code of the Republic of Lithuania requires that traders provide consumers with adequate, fair and full information about the products for sale: the price (including all taxes), quality, the way of consumption and safety, and characteristics of use, etc. In addition to this the information about the products for sale should not be misleading.

According to the results of web searching, the State Consumer Rights Protection Authority requests all services providers to focus on the Consumer Protection legislation requirements. Meanwhile, the warning letters have been sent to the administrators of the websites where inadequacies have been found, requesting to eliminate defects.

The majority of the service providers agreed to change unlawful data like misleading advertising or other defects in their websites and expressed a good will to follow all necessary legal rules. All service providers indicated that they required sufficient time to make changes in their websites according to legal acts: changes in electronic booking systems or correction of their internet pages need IT specialist which takes more time than the deadline given by the Lithuanian authorities.

The State Consumer Rights Protection Authority continues to watch the development in this area and is informed about all changes made by service providers.

# MALTA

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## I. Executive Summary

Enforcement work is still in progress in Malta. Detailed information will be made available as soon as it has been completed.

## II. Detailed report

### Participating Authority

Authority	<b>Consumer and Competition Division Ministry for Competitiveness and Communication</b>
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### Press Contact

Authority	<b>Ministry of Finance, the Economy and Investment</b>
Press contact	<b>Keith Zahra + 356 22 50119 keith.zahra@gov.mt</b>

# AUSTRIA

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## I. Executive Summary

The Austrian authorities checked 20 websites as part of the sweep. None of the checked websites were found to have significant irregularities that required enforcement actions.

## II. Detailed report

### Participating Authority

Authority	<b>Federal Ministry of Social Affairs and Consumer Protection</b>
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### Press Contact

Authority	<b>Federal Ministry of Social Affairs and Consumer Protection</b>
Press contact	<b>Arnulf Komposch</b> <b>+ 43 1 71100 2500</b> <b>arnulf.komposch@bmsk.gv.at</b>

## Methodology

The Austrian Federal Ministry of Social Affairs participated in the sweep “Can you trust air-ticket selling sites?”. The sweep took place in the week 24 – 28 September 2007.

The Ministry carried out the sweep in cooperation with the European Consumer Centre Austria (ECC Austria). The sweep focused on a total of 20 sites from both airlines and travel agencies of 10 EU-countries.

Austria envisaged the exercise as a market surveillance exercise. It therefore only performed a rough examination of the sites and checked if the price was correctly indicated including all additional costs (e.g. fuel charge, service charges) and if the general terms were easily accessible.

The Austrian authority checked in addition whether the sites contained other information important for the consumer concerning for instance cancellation rights and the transferability of tickets.

## Legal context

EU Law	<ul style="list-style-type: none"><li>• <b>Council Directive 84/450/EEC</b></li><li>• <b>Council Directive 2005/29/EC</b></li></ul>
National law	<ul style="list-style-type: none"><li>• <b>Unfair competition Act</b></li><li>• <b>Price Indication Act</b></li><li>• <b>Consumer Protection Act</b></li><li>• <b>E-commerce Act</b></li></ul>

## Summary findings

	<b>Sites checked in Sept. 2007</b>	<b>Sites flagged for further verification</b>
Airlines	14	0
Travel agencies	6	0
Other	0	0
<b>Total</b>	20	0

The Austria authorities did not detect any irregularities during the sweep days 2007. No enforcement work was carried out.

## Interpretation of the results

The Austrian investigations lead to the following quite positive result (however it has to be taken into account, that the sweep was carried out as a rough examination and searched only clear and severe violations): nearly no severe infringements have been found on the online booking systems for flights.

The price indication comprised also charges and other fees. Aggressive advertising for unbeatable prices usually stuck to the price promised.

However the transparency of the contract terms, especially the right of cancellation and the transferability of the flight was not given in several cases. Those elements would have been important criteria for consumers' decision, but their failure do not include a clear breach of law.

Austria received one enforcement request. It turned out that the airline company indicated the correct price in the website created for Austria but not on another country's website. After having consulted the airline the price indication was changed accordingly indicating now the full price.

# PORTUGAL

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## I. Executive Summary

The Portuguese authorities checked 16 websites as part of the sweep. 11 websites were found to have irregularities. The most frequent irregularities found relate to the presentation of the air tickets' prices and the availability of offers.

Enforcement work is still in progress in Portugal for 8 websites.

## II. Detailed report

### Participating Authority

Authority	<b>Direcção-Geral do Consumidor</b>
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### Press Contact

Authority	<b>Direcção-Geral do Consumidor</b>
Press contact	<b>Mr. José Manuel Ribeiro</b> <b>Director General</b> <b>+351 21 356 46 38</b> <b>jose.ribeiro@dg.consumidor.pt</b>

### Methodology

The exercise took place on the 25<sup>th</sup> and 26<sup>th</sup> of September 2007, the equivalent of 8 hours of work or of 4 hours per day. 2 persons were involved in sweeping the internet and 1 person in the coordination.

The websites were selected through search terms, such as "air line tickets", "airline travel".

### Legal context

EU Law	
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National law	<b>Decree-Law No. 173/2007, 8 of May (establishes the requirements in which the prices and the advertising of air transport tickets must comply)</b>
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## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	<b>Sites checked in Sept. 2007</b>	<b>Sites with verified irregularities</b>	<b>Cross-border cases</b>	<b>Cross-border cases in %</b>	<b>Corrected sites after proceedings</b>	<b>Enforcement work in progress</b>	<b>Of which CPC enforcement</b>
Airlines	-	11				8	
Travel agencies							
Other							
<b>Total</b>	<b>16</b>	<b>11</b>	<b>0</b>		<b>0</b>	<b>8</b>	<b>0</b>

### 2. Main irregularities detected (certain sites had more than one irregularity)

	<b>Information on prices</b>	<b>Information on availability of the offer</b>	<b>Information on terms of contract</b>	<b>Other</b>
Airlines	7	5	0	0
Travel agencies	0			
<b>Total</b>	<b>7</b>	<b>5</b>		

## Interpretation of the results

The results are directly connected to the Portuguese legislation that contains the following legal requirements:

- 1) in the advertising of plane tickets the price must correspond to the total amount to be paid by the consumer, including taxes and other fees (price indication and transparency);
- 2) it must also include information on availability of seats (i.e. information about seats available at the announced price);
- 3) it must also indicate, in a clear manner if the price refers to a round trip or to a one way trip.

# FINLAND

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## I. Executive Summary

The Finnish authorities checked 30 websites as part of the sweep. Of these websites after further investigation 15 websites were found to have verified irregularities. The most frequent irregularity found relates to the presentation of the information on air tickets' prices and the information given on availability of the offer.

Finland decided, mainly due to resource constraints, to concentrate the enforcement work on national cases. No further investigations were carried out for the sites which were clear cut cases for the Enforcement Network. As of 22 February 2008, 9 websites had been corrected, in one case the enforcement work is still in progress.

## II. Detailed report

### Participating Authority

Authority	<b>Finnish Consumer Agency</b>
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### Press Contact

Authority	<b>Finnish Consumer Agency</b>
Press contact	<b>Heidi Lahtinen</b> <b>+358 9 7726 7298</b> <b>heidi.lahtinen@kuluttajavirasto.fi</b>

### Methodology

The Finnish authorities checked in detail during 1-2 working days the 15 websites flagged during the Sweep Days out of the total number of 30 sites, randomly chosen companies selling flights in the Internet.

Particular attention was paid to the following factors:

- a) were prices given in total or split in pieces,
- b) were there enough flights for sale considering the visibility of marketing,

- c) how easily the sale prices were to be found from the website,
- d) could one search the flight on offer straightly by the price information (e.g. clicking the price),
- e) were the offer's restrictions clearly presented,
- f) were there any ready checked boxes for insurances or other optional and chargeable extra services,
- g) were there ready checked boxes in the approval of direct marketing.

In some homepages there were only minor infringements but there were also many websites that had bigger problems. The Finnish authorities contacted only domestic companies that had irregularities on their websites (in total 11 websites).

In December 2007 during one working day these domestic websites were re-inspected. Still, on six of them different types of irregularities were found. Thereafter, the Finnish authorities sent a letter to the respective companies demanding a commitment. All companies responded positively.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Directive 2005/29/EC</b></li> <li>• <b>Directive 98/6/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Consumer Protection Act</b></li> <li>• <b>HintamerkinÄasetus 1999/1359</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	21	10	8	73	5	0	0
Travel agencies	9	5	1	9	4	1	0
Other	0	0	0	0	0	0	0
<b>Total</b>	30	15	9		9	1	0

## 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	5	4	2	0
Travel agencies	0	2	2	0
Other	0	0	0	0
<b>Total</b>	5	6	4	0

### Interpretation of the results

The Finnish Consumer Agency (FCA) inspected 30 websites and found irregularities on 15 of them. The irregularities were very different in nature. Some of the websites would have passed without remark, but there were some smaller scale irregularities that the FCA tangled to, and then there were sites where the FCA found several and more severe irregularities.

In the enforcement phase the Finish Consumer Authority made a conscious decision to concentrate on domestic actors.

The Authority sent to the companies a general letter containing information about the ground principles of price marketing, unfair conducts and the permissibility of electric direct marketing. Five of 11 companies corrected their conduct after this first letter. The other six companies corrected their websites after the second letter.

The Finnish Consumer Agency is of opinion that the sweep was a very useful exercise. It allowed correcting irregularities at least in Finnish markets to some extent.

# SWEDEN

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## I. Executive Summary

The Swedish authorities checked 32 websites as part of the sweep. Of these websites after further investigation 19 websites were found to have verified irregularities. The most frequent irregularity found relates to the presentation of the air tickets' prices and pre-checked boxes for additional services, a practice that is considered unfair by the Swedish consumer authorities.

As of 22 February 2008, 5 websites had corrected, in 14 cases the enforcement work is in progress, of which 6 cases will be handled by the Enforcement Network. The Swedish are currently in the process of thoroughly assessing and preparing these cases. Requests to other authorities will be sent once this process is finalized.

## II. Detailed report

### Participating Authority

Authority	<b>The Swedish Consumer Agency</b>
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### Press Contact

Authority	<b>The Swedish Consumer Agency</b>
Press contact	<b>Henrik Hoffmeister</b> <b>+46 54194096</b> <b>henrik.hoffmeister@konsumentverket.se</b>

### Methodology

The EU Air Ticket Selling Websites Sweep was made by one person at the Swedish Consumer Agency on 24 September 2007. During the Sweep the Swedish Consumer Agency used the search engine Google (<http://www.google.se>) that is by far the most popular search engine in Sweden.

The time and resources of the Swedish Consumer Agency were limited; therefore it was necessary to generate relevant hits from limited number of search terms. The Swedish Consumer Agency has used the search terms "flight ticket" and "travel agent". These search

terms generated such an amount of relevant hits that it was not possible to use more terms within the time frame given in this sweep. These circumstances might have shaped the investigation.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Directive 2005/29/EC</b></li> <li>• <b>Directive 98/6/EC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>Price Indication Act (2004:347)</b></li> <li>• <b>Marketing Act (1995:450)</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines	18	7	5	71	1	6	5
Travel agencies	14	12	1	8	4	8	1
Other	0	0	0	0	0	0	0
<b>Total</b>	32	19	6		5	14	6

### 2. Main irregularities detected (certain sites had more than one irregularity)

	Information on prices	Information on availability of the offer	Information on terms of contract	Other
Airlines	9	0	4	0
Travel agencies	1	0	11	0
Other	0	0	0	0
<b>Total</b>	10	0	15	0

## Interpretation of the results

The sweep identified three main problems:

1) Several travel agents offer additional products and services, for example cancellation insurance and general travel insurance. The travel agent has pre-checked the additional product/service and added the sum to the total cost before the consumer has been able to make a decision.

2) Several airline companies fail to show the total cost of a ticket on the first occasion that the consumer is informed about the price. The total price indicated when the customer is about to choose a flight does not include all costs (taxes, surcharges, reservation fees, etc.).

3) The terms and conditions of some airline companies are unclear.

The majority of the problems identified are connected to Swedish companies.

Two airline companies were using general terms of contract that must be considered unfair according to Swedish law. The Swedish Consumer Agency has written letters to the companies demanding that they change their general terms of contract in accordance with the law. Both companies have agreed to make changes, but the final result is yet to be seen.

Eleven companies have been using pre-checked boxes when marketing additional services or products in connection with selling airline tickets. A service or a product has already been chosen on behalf of the consumer and the amount has been added to the cost of the ticket. The Swedish Consumer Agency has written letters to the companies demanding that they change their respective websites in accordance with the law. In addition to this, there have been discussions between the Swedish Consumer Agency and the associations that represent a majority of the companies in question. Many of the companies considered pre-checked boxes a general practice in the business. They also expressed a strong conviction that their customers appreciated the use of pre-ticked boxes. The discussions lead to an increased willingness within the associations and their members to make corrections in accordance with the demands that were made by the Swedish Consumer Agency.

There were two problems connected to companies outside Sweden (but within the EU). In one case the price was not presented in a clear way to the customer. The price information given on the website has not been the total price, including all mandatory taxes and fees, on the first occasion that the consumer is informed about the price. On the same website, pre-checked boxes have been used when marketing additional services and products.

In the other four cases involving non-Swedish companies, the price presented to the consumer on the first occasion that the consumer is informed about the price has not been the total price.

It is not possible to draw any useful conclusions from this limited material, but when it comes to the non-Swedish companies, price information is the most frequent problem identified in this sweep.

# NORWAY

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## I. Executive Summary

The Norwegian authorities checked 31 websites as part of the sweep. The sweep complemented work in the air transport sector that the Norwegian Consumer Ombudsman had already undertaken at national level before. The most frequent findings concerned the information provided on prices and the pre-checked boxes for additional services offered.

The Norwegian Consumer Ombudsman has reported on the 4 cross border cases handled through the Enforcement Network, of which one was later withdrawn after further considerations. Of the three cases handled two have been corrected and in the third case the infringement identified by Norway was not confirmed as one by the other Network authority concerned. .

## Participating Authority

Authority	<b>Consumer Ombudsman</b>
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## Press Contact

Authority	<b>Consumer Ombudsman</b>
Press contact	<b>Hege Kristin Ulvin</b> <b>+47 97 172650</b> <b>hku@forbrukerombudet.no</b>

## Methodology

Even before the EU Sweep 2007, the Norwegian Consumer Ombudsman (NCO) had entered into discussions with the national airlines and websites selling the air tickets concerning the issue of the pre-checked boxes for additional services (for instance, insurance) that were used on the websites during the booking process for the flight tickets (negative option selling).

The Norwegian airlines had accepted to refrain from this unfair practice, and during the latter parts of 2007 all major travel websites selling the air tickets to the Norwegian consumers accepted to do the same (10 in total). Therefore, several problems had been corrected by the companies even before the sweep. However, the sweep gave the NCO an opportunity to

examine the foreign companies – the issue, on which the Consumer Ombudsman had not concentrated before.

When looking at the cross-border cases, the NCO used the practice set out in Norway regarding price information and negative option selling and tried to identify foreign airlines that did not meet the requirements set at the national level.

Three officers at the Norwegian Consumer Ombudsman's office were involved in the EU 2007 Sweep. They spent one day examining the websites advertising and selling the airline tickets.

## Legal context

EU Law	<ul style="list-style-type: none"> <li>• <b>Council Directive 84/450/EEC</b></li> <li>• <b>Council Directive 93/13/EEC</b></li> </ul>
National law	<ul style="list-style-type: none"> <li>• <b>The Marketing Control Act</b></li> </ul>

## Summary findings

### 1. Enforcement state of play as of 22 February 2008

	Sites checked in Sept. 2007	Sites with confirmed irregularities	Cross-border cases	Cross-border cases in %	Corrected sites after proceedings	Enforcement work in progress	Of which CPC enforcement
Airlines							
Travel agencies							
Other							
<b>Total</b>	31	n/a	3		2	0	0

## Interpretation of the results

The Sweep 2007 examination showed that there were some problems with the advertised prices that did not contain all price elements and thus were misleading. There were also problems with the additional services being added to the flight ticket through pre-checked boxes (negative option selling).

The Norwegian Consumer Ombudsman (NCO) initially found four cases that were registered through the CPCs but one case was later withdrawn after further considerations. This left the following three cases:

Case No. 1– The website of the airline Included insurance in case of cancellation as a pre-chosen option for customers. The case was referred to Finland and the airline changed its practice.

Case No. 2 – The booking fee of 100 NOK per ticket that was not included in the advertised prices on the front page of the company’s website. The case was referred to Austria and the advertising was amended to include all price elements in all advertising.

Case No. 3 – The airline charges a fee when booking with all credit cards other than Visa Electron. The size of the fee depends on what card the consumer is using. The fees are not included in the advertised prices. The matter was considered by the Irish CA, but they felt that the practice was not in conflict with the legal framework.

The same airline company also included the right to priority boarding as a pre-chosen option and charged a fee of 50 NOK for this. The NCO felt that this practice was unfair and the Irish authorities have now asked the airline to change this.

## **2. Country fiches from non-participating authorities**

# CZECH REPUBLIC

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## Press Contact

Authority	<b>Czech Trade Inspection Ministry of Industry and Trade</b>
Press contact	<b>Miloslava Fleglova +420 296 366 102 fleglova@mpo.cz</b>

## Statement

The Czech Trade Inspection decided not to participate in the EU Sweep 2007 due to organizational changes and new institutional arrangements adopted in April 2007.

Currently, the Czech Trade Inspection is ready to participate in a sweep. Controls of the air tickets selling websites have been included into the common national inspections to be carried out in 2008.

# GERMANY

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## Press Contact

Authority	<b>Federal Office of Consumer Protection and Food Safety</b>
Press contact	<b>Jochen Heimberg</b> <b>+ 49 30 18444-00200</b> <b>jochen.heimberg@bvl.bund.de</b>

## Statement

Germany did not participate in the first “sweep” of web pages selling air tickets proposed by the Commission. Current efforts concentrate on ensuring that German authorities participate in the future joint exercises that are planned in the area of consumer protection.

In this context, it is crucial for Germany to be actively involved from the preparatory phase, in order to ensure that due account is given to the specific characteristics of the German legal enforcement system and to national law requirements.

Germany therefore welcomes the Commission’s commitment to plan sufficient lead time to prepare future joint actions and to work closely with Member States as from the early planning stages.

This will also contribute to avoid the difficulties Germany faced for the first sweep. It was for instance already possible to set out the preliminary conditions that may ensure that the German organisations, responsible for the enforcement of consumer rights, take part in the sweep. The Federal Office of Consumer Protection and Food Safety (Bundesamt für Verbraucherschutz und Lebensmittelsicherheit) will most likely carry out the sweep together with private enforcement bodies.

Other sensitive (constitutional) legal issues that must be addressed before Germany is in a position to participate in the next sweep concern for instance the public naming of companies, which will require a careful case-related assessment.

All the above described issues could not be addressed in time for a German participation to the first sweep due to the tight timeline of the exercise.

# IRELAND

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## Press Contact

Authority	<b>National Consumer Agency</b>
Press contact	<b>Brendan Moylan</b> <b>+353 1 402 5534</b> <b>Brendan_Moylan@nca.ie</b>

## Statement

Ireland chose not to participate in the Sweep 2007 "Can You Trust Air Ticket Selling Sites?" since by the time of the Sweep the National Consumer Agency (NCA) had been investigating several aspects of the Irish airline sector for some time.

The areas covered by the investigation included the non-refundability of fees and charges, refundability of Govt taxes, up front pricing (ensuring all prices including taxes fees and charges are given on the front or home page of any advertisement), price transparency, opt-in/out charges, etc.

The NCA wrote to the airlines in January 2008 and is presently examining the responses from all three airlines with a view to determining future actions.

# LATVIA

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## Press Contact

Authority	<b>The Consumer Rights Protection Centre of Latvia</b>
Press contact	<b>Sanita Biksiniece</b> <b>+371 67388622</b> <b>Sanita.Biksiniece@ptac.gov.lv</b>

## Statement

The Consumer Rights Protection Centre (CRPC) of Latvia did not participate in the EU Sweep 2007 "Can You Trust Air Ticket Selling Sites?" because it did not receive the operational kit on how to carry out the Sweep in time to participate.

When this issue was cleared in October 2007, based on the available resources, the CRPC of Latvia was not in position to organise the Sweep on the air tickets selling websites without putting at risk other projects that had already been decided for 2007 in the framework of its annual action plan (examination of the credit contracts and information and contracts of insurance).

The CRPC decided therefore to include the examination of the air tickets selling websites in its annual plan of 2008 (from 01.02.2008. – 01.06.2008.).

# LUXEMBOURG

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## Press Contact

Authority	<b>Ministry of the Economy and Foreign Trade</b>
Press contact	<b>Robert Biwer</b> <b>+ 352 247 84349</b> <b>robert.biwer@eco.etat.lu</b>

## Statement

Luxembourg decided not to take part in the 2007 sweep on Air ticket selling sites.

The Ministry of Economy and Foreign Trade would not have been able to properly prepare and carry out the internet inquiry due to an extremely tight timeline.

# HUNGARY

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## Press Contact

Authority	<b>Hungarian Authority for Consumer Protection</b>
Press contact	<b>Katinka Klima</b> <b>+ 36 1 459 4838</b> <b>k.klima@nfh.hu</b>

## Statement

The Hungarian Authority for Consumer Protection takes an active part in the functioning of the Consumer Protection Cooperation Network.

The Hungarian authority welcomed and supported the first joint internet sweep on air ticket selling sites. Flying concerns a wide range of consumers all over Europe.

The Hungarian authority intends to participate in the future joint exercises carried out by the Consumer Protection Cooperation Network.

For 2007 it takes an active role in the two other common activities of the Network: common activities and the scheme for the exchange of officials. Regarding the EU-sweep in 2007, however, the Hungarian authority was not able to participate due to the short preparatory phase that preceded the sweep. It was not possible to fit this new action into the annual national plan of activities.

At international level, it participates regularly in the annual internet sweep coordinated by the International Cooperation and Enforcement Network (ICPEN).

# NETHERLANDS

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## Press Contact

Authority	<b>Netherlands Consumer Authority (NCA)</b>
Press contact	<b>Saskia Bierling</b> <b>+ 31 70 330 59 71</b> <b><a href="mailto:pers@consumentenautoriteit.nl">pers@consumentenautoriteit.nl</a></b>

## Statement

The Netherlands Consumer Authority (NCA) supports the idea of having a (internet) sweep within the framework of the CPC-network and is willing to contribute to such an initiative where possible. It is an excellent opportunity to create awareness for a topic relating to consumer protection and to raise the profile of the CPC-network and its participants.

The NCA did not participate in the 2007 Internet sweep. This is because the NCA nominated the topic of air ticket pricing as one of its (enforcement) priorities for 2007. In the Netherlands, the airline industry agreed on a Code of Conduct in which they promise to include all additional costs in the prices that are advertised. This Code of Conduct entered into force on April 1st, 2007.

The NCA keeps a close eye on the compliance with the Code, and is in regular contact with all interested parties (consumer organisations, the Advertisement Code Commission, and so on). Up till now, compliance with this Code generally has been good. There was no reason for the NCA to have an internet sweep on the abovementioned topic at that time. It would have interfered with the actions and initiatives that were already taking place.

# POLAND

## Press Contact

Authority	<b>Office of Competition and Consumer Protection Press Office</b>
Press contact	<b>Kamila Kurowska kkurowska@uokik.gov.pl + 48 22 55 60314</b>

## Statement

The main reason for our non-participation is as follows: in Poland the Department of Consumer Policy of the Office of Competition and Consumer Protection (OCCP) had already conducted in late 2006 and early 2007 an inquiry of the passenger air transport services market, which had a similar scope as the sweep.

The **aim of the Polish inquiry** was to establish whether there were any infringements of the obligation to provide consumers with reliable, accurate and complete information, consisting of unfair or misleading advertising and other acts of unfair competition infringing collective consumer interests. The inquiry was also intended to determine if there were any unfair terms in contracts concluded by the airlines under examination with their customers.

The inquiry focused on the on-line process of making reservations and purchasing tickets, the form of presentation of air fares on the carriers' websites and in their advertisements and the procedures of dealing with consumer complaints. The OCCP also checked the terms of contracts concluded between the airlines and the passengers (general conditions of passenger and luggage carriage).

The inspection showed many irregularities, concerning, in particular, the methods of presenting the prices of airline tickets and the methods of booking and purchasing tickets, including:

- lack of the essential information in Polish on carriers' websites, such as general conditions of carriage, information concerning the protection of personal data, the rules of air ticket fares. The inquiry showed that four of the sixteen inspected air carriers operating on the Polish market did not have the general conditions of carriage for passengers and baggage in the Polish language version;
- misleading pricing information, i.e. prices of airline tickets published on the websites did not reflect the real costs that a passenger was obliged to pay, as they did not include taxes and other charges. Additional charges such as taxes, booking or credit

card processing fees were added at a later stage of the booking;

- misleading advertising information regarding the terms and conditions of promotions. In practice the advertised prices differed from the real price charged for the ticket, as there was only a very limited, however unspecified, number of seats available under the advertised offer.

The results of the inquiry provided a basis for a comprehensive report on protection of interests of Polish consumers using the services of air carriers. The OCCP prepared the *Report from the inquiry of consumer detriment in air transport* which was published and publicized during the press conference in March 2007. The Report is available on the Internet in Polish:

[http://www.uokik.gov.pl/pl/informacja\\_i\\_educacja/informacja/komunikaty\\_prasowe/art289.html](http://www.uokik.gov.pl/pl/informacja_i_educacja/informacja/komunikaty_prasowe/art289.html)

and in English: [http://www.uokik.gov.pl/en/press\\_office/press\\_releases/art77.html](http://www.uokik.gov.pl/en/press_office/press_releases/art77.html)

The OCCP is constantly monitoring the websites of airlines operating in Poland. Recently the OCCP has made five enforcement requests through the CPC system, which are still pending. We react to new irregularities that are being discovered following either our monitoring activities or consumer complaints.

Some improvement of the airlines activities regarding pricing and advertising policies can be attributed to the entry into force of the Act of 23 August 2007 on the unfair commercial practices (Dz. U. No 171, item 1206), which implements Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market. However, airlines seem to adapt their activities to the new legislation, rather than cease to infringe consumer interest and come up with different new fees and charges, which have not been applied before, such recent significant increase of charges for check-in luggage.

Therefore we consider that there is an urgent need for a European-wide piece of legislation concerning the airline tickets pricing and advertising.

# ROMANIA

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## Press Contact

Authority	<b>National Authority for Consumers Protection</b>
Press contact	<b>Laura Hora</b> <b>+40 21 314 34 61</b> <b>laurahora@anpc.ro</b>

## Statement

The National Authority for Consumers Protection of Romania could not take part in the 2007 on air ticket selling websites due to the tight timeline of the exercise and resources constraints.

# SLOVENIA

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## Press Contact

Authority	<b>Consumer Protection Office Ministry of Economy</b>
Press contact	<b>Mojca Burgar +386 1 478 3618 Mojca.Burgar@gov.si</b>

## Statement

Slovenia did not participate in the 2007 sweep because in Slovenia there is only one national aircraft carrier and relatively small number of other airline companies.

Our Market Inspectorate is doing initiatives of control over advertising and labelling of prices on the internet regularly and since there were no major problems detected, we did not decided to participate in the 2007 sweep.

# SLOVAKIA

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## Press Contact

Authority	<b>Ministry of Economy of the Slovak Republic Communication Department</b>
Press contact	<b>Branislav Zvara +421 2 4854 7073 zvara@economy.gov.sk</b>

## Statement

The Slovak authorities decided not to take part in the Internet Sweep 2007 “Can You Trust Air Ticket Selling Sites?” mostly due to the lack of human resources in view of preparatory work relating to the accession to the Eurozone.

# UNITED KINGDOM

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## Press Contact

Authority	<b>The Office of Fair Trading (OFT)</b>
Press contact	<b>Alex Hunter</b> <b>Head of News – Office of Fair Trading</b> <b>+44 20 7211 8900</b> <b>alex.hunter@oft.gsi.gov.uk</b>

## Statement

As the Office of Fair Trading (OFT) was already very actively involved with work in this area, it did not participate in the EU Sweep 2007. The OFT had just taken enforcement action against misleading online pricing by 13 airlines, including several major ones, based within the UK and elsewhere in the EU. The OFT's action was to ensure that all fixed, non-optional costs, such as taxes, are included in prices shown on websites and followed the OFT's warning to the holiday and travel industry about this matter in February 2007.

The OFT has also been considering a number of other issues in the holiday and travel industry, including some of those looked at during the EU Sweep 2007. The OFT is working with the Civil Aviation Authority (the UK's independent specialist aviation regulator) and its EU counterparts to ensure issues causing consumer detriment are resolved.

However, the OFT is entirely supportive of agreed co-ordinated sweeps and other initiatives by EU enforcement bodies under the auspices of the Regulation on Consumer Protection Cooperation to achieve maximum participation and impact.

## List of press contacts

### Belgium

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Press contact	<b>Ms Anne-Catherine Ceciliot</b> <b>32 2 277 86 93</b> <b>Catherine .ceciliot@economie.fgov.be</b>

### Bulgaria

Authority	<b>Commission for consumer protection</b>
Press contact	<b>Mariana Bratanova</b> <b>+359 2 933 05 11</b> <b>m.bratanova@kzp.bg</b>

### Czech Republic

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### Denmark

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Press contact	<b>Carsten Stroejer</b> <b>+45 32 66 92 83</b> <b>cs@fs.dk</b>

### Germany

Authority	<b>Federal Office of Consumer Protection and Food Safety</b>
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## Estonia

Authority	<b>The Consumer Protection Board of Estonia</b>
Press contact	<b>Hanna Turetski -Toomik</b> <b>+ 372 6 201 706</b> <b>Hanna.Turetski@consumer.ee</b>

## Ireland

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## Greece

Authority	<b>Directorate for Consumer Policy</b> <b>Ministry of Development</b>
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## Spain

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## France

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## Italy

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## Cyprus

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## Latvia

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## Lithuania

Authority	<b>State Consumer Rights Protection Authority of the Republic of Lithuania</b>
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## Luxembourg

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## Hungary

Authority	<b>Hungarian Authority for Consumer Protection</b>
Press contact	<b>Katinka Klima</b> <b>+ 36 1 459 4838</b> <b>k.klima@nfh.hu</b>

## Malta

Authority	<b>Ministry of Finance, the Economy and Investment</b>
Press contact	<b>Keith Zahra</b> <b>+ 356 22 50119</b> <b>keith.zahra@gov.mt</b>

## The Netherlands

Authority	<b>Netherlands Consumer Authority (NCA)</b>
Press contact	<b>Saskia Bierling</b> <b>+ 31 70 330 59 71</b> <b>pers@consumentenautoriteit.nl</b>

## Norway

Authority	<b>Consumer Ombudsman</b>
Press contact	<b>Hege Kristin Ulvin</b> <b>+47 97 172650</b> <b>hku@forbrukerombudet.no</b>

## Austria

Authority	<b>Federal Ministry of Social Affairs and Consumer Protection</b>
Press contact	<b>Arnulf Komposch</b> <b>+ 43 1 71100 2500</b> <b>arnulf.komposch@bmsk.gv.at</b>

## Poland

Authority	<b>Office of Competition and Consumer Protection</b> <b>Press Office</b>
Press contact	<b>Kamila Kurowska</b> <b>kkurowska@uokik.gov.pl</b> <b>+ 48 22 55 60314</b>

## Portugal

Authority	<b>Direcção-Geral do Consumidor</b>
Press contact	<b>Mr. José Manuel Ribeiro</b> <b>Director General</b> <b>00351 21 356 46 38</b> <b>jose.ribeiro@dg.consumidor.pt</b>

## Romania

Authority	<b>National Authority for Consumers Protection</b>
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## Slovenia

Authority	<b>Consumer Protection Office Ministry of Economy</b>
Press contact	<b>Mojca Burgar +386 1 478 3618 Mojca.Burgar@gov.si</b>

## Slovakia

Authority	<b>Ministry of Economy of the Slovak Republic Communication Department</b>
Press contact	<b>Branislav Zvara +421 2 4854 7073 zvara@economy.gov.sk</b>

## Finland

Authority	<b>Finnish Consumer Agency</b>
Press contact	<b>Heidi Lahtinen +358 9 7726 7298 heidi.lahtinen@kuluttajavirasto.fi</b>

## Sweden

Authority	<b>The Swedish Consumer Agency</b>
Press contact	<b>Henrik Hoffmeister +46 54194096 henrik.hoffmeister@konsumentverket.se</b>

## United Kingdom

Authority	<b>The Office of Fair Trading (OFT)</b>
Press contact	<b>Alex Hunter Head of News – Office of Fair Trading +44 20 7211 8900 alex.hunter@oft.gsi.gov.uk</b>

## List of national laws used in the framework of the sweep

### Belgium

National law	<ul style="list-style-type: none"> <li>• Trade Practices Act of 14/07/1991</li> <li>• Act of March 11th 2003 transposing the E-commerce directive</li> </ul>
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### Bulgaria

National law	<ul style="list-style-type: none"> <li>• Law of Consumer Protection</li> </ul>
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### Denmark

National law	<ul style="list-style-type: none"> <li>• Marketing Practices Act</li> </ul>
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### Estonia

National law	<ul style="list-style-type: none"> <li>• Consumer Protection Act</li> <li>• Advertising Act</li> <li>• Law of obligations</li> </ul>
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### Greece

National law	<ul style="list-style-type: none"> <li>• Law 2251/1994, Article 9</li> <li>• Law 2251/1994, Article 4 and 4a</li> </ul>
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### Spain

National law	<ul style="list-style-type: none"> <li>• Ley 34/1988 11 Noviembre</li> <li>• Ley 34/2002 11 Julio</li> </ul>
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### France

National law	<ul style="list-style-type: none"> <li>• Loi pour la confiance dans l'économie numérique n°2004-575 du 21 juin 2004</li> <li>• Art. L. 121-1 du Code de la consommation sur les pratiques commerciales trompeuses</li> <li>• Art. 113-3 Code consommation + Arrêté du 3 décembre</li> </ul>
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	<b>1987 relatif à l'information du consommateur sur les prix</b>
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## Italy

National law	<ul style="list-style-type: none"><li>• <b>Legislative Decree 205/2006</b></li></ul>
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## Cyprus

National law	<ul style="list-style-type: none"><li>• <b>The Law on Certain Aspects of Information Society Services, in particular Electronic Commerce, and Related Matters L.156(1) 2004 of 2004</b></li></ul>
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## Lithuania

National law	<ul style="list-style-type: none"><li>• <b>Law on Consumer Protection of the Republic of Lithuania</b></li><li>• <b>Civil Code of the Republic of Lithuania</b></li><li>• <b>Rules on Air Passengers, Baggage, Post and Cargo Carriage approved by the order of the Minister of Transport and Communication of the Republic of Lithuania</b></li></ul>
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## Norway

National law	<ul style="list-style-type: none"><li>• <b>The Marketing Control Act</b></li></ul>
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## Austria

National law	<ul style="list-style-type: none"><li>• <b>Unfair Competition Act</b></li><li>• <b>Price indication Act</b></li><li>• <b>Consumer Protection Act</b></li><li>• <b>E-commerce Act</b></li></ul>
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## Portugal

National law	<ul style="list-style-type: none"><li>• <b>Decree-Law No.173/2007, 8 of May (establishes the requirements in which the prices and the advertising of air transport tickets must comply)</b></li></ul>
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## Finland

National law	<ul style="list-style-type: none"><li>• <b>Consumer Protection Act</b></li><li>• <b>Hintamerkintäasetus 1999/1359</b></li></ul>
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## Sweden

National law	<ul style="list-style-type: none"><li>• <b>Price Indication Act (2004:347)</b></li><li>• <b>Marketing Act (1995:450)</b></li></ul>
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