VADEMECUM

European Consumer Centres’ Network (ECC-Net)

CHAPTER I

Aim, geographical coverage, scope of activity and definitions

Article 1

Aim and geographical coverage

1. The ECC–Net covers the Member States of the European Union, Norway and Iceland.

2. The aim of the European Consumer Centres’ Network (hereinafter "ECC–Net") is to provide consumers with information on their rights related to their cross-border purchases of goods and services, advise them in case of problems, assist them with the complaint handling so as to enable them to take full advantage of the internal market.

Article 2

Scope of the activity of the ECC-Net

1. The European legislation which is most relevant to the ECC-Net activity is listed in the Appendix to this Vademecum. The Appendix to this Vademecum may be adapted as required without any amendment to the present Vademecum.

2. For the handling of consumer complaints, the services provided by the ECC-Net cover issues arising in relation to legislation protecting consumers economic interests. The ECC-Net only deals with cross-border complaints involving at least one consumer and one trader. Where not in conflict with national arrangements, the handling of requests for information may also cover cases which do not originate from a cross-border issue.

3. The ECC–Net does not:

   a. deal with cases involving a trader established in the country of the consumer or outside the European Union, Norway and Iceland;
   b. represent the consumer before a Court;
   c. provide redress;
   d. enforce the law and/or apply sanctions on traders.

4. The services of the ECC-Net are free of charge for the consumer.
Article 3

Definitions

In relation to the operations of the ECC-Net the following definitions are used:

‘Consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, craft or profession, resident in any of the Member States of the European Union, Norway or Iceland.

‘Trader’ means any natural or legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in his/her name or on his/her behalf, for the purposes relating to his/her trade, business, craft or profession to, in relation to the promotion, sale or supply of a good or a service.

‘Request for information’ means any query by a consumer regarding a national or cross-border consumer issue not related to a complaint.

‘Complaint’ means a statement of dissatisfaction with a specific trader made by a consumer, in relation to the promotion, sale or supply of a good or a service, use of a good or a service or after-sales service.

‘Alternative dispute resolution’ (ADR) procedure means a procedure, for the out-of-court resolution of domestic and cross-border disputes concerning contractual obligations stemming from sales contracts between a trader established in the Union and a consumer resident in the Union through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution, which complies with the requirements set out in the Directive 2013/11/EU on alternative dispute resolution for consumer disputes, and is carried out by an ADR entity.

‘ADR entity’ means any entity, however named or referred to, which is established on a durable basis and offers the resolution of a dispute through an ADR procedure and that is listed in accordance with article 20(2) of the Directive 2013/11/EU on alternative dispute resolution for consumer disputes.

‘ODR’ means on line resolution for consumer disputes established by the Regulation (EU) No 524/2013. The purpose of this regulation is to contribute to the proper functioning of the internal market, and in particular of its digital dimension by providing a European ODR platform (‘ODR’ platform) facilitating the independent, impartial, effective, fast and fair out-of-court resolution of disputes between consumers and traders online.

‘ODR’ contact points means points designated by each Member State in order to support the parties involved in a dispute submitted through the ODR platform.

‘Dispute’ means a referral to an out-of-court entity or a Court in particular using the Small Claims Procedure or the European order for payment procedure.

‘Case’ means any request for information and/or complaint and/or dispute registered by a European Consumer Centre in relation to a specific consumer matter.

‘Enforcement authority’ means an authority designated by a Member State, Norway and Iceland for the purposes of enforcing Directives, as transposed into national laws, or
Regulations referred to in the Appendix to this Vademecum.

‘Case handling protocol’ means the document that the ECC-Net has agreed to use as a guide to standardise its case handling.


CHAPTER II

Specific objectives of the ECC-Net

Article 4

List of specific objectives

The main objectives of the European Consumer Centres are as follows:

1. Providing consumers with information
2. Assisting consumers with a complaint
3. Assisting consumers with a dispute
4. Organising promotional activities
5. Contributing to ADR /ODR activities
6. Networking and feedback
7. Cooperating with enforcement authorities
8. Collaborating with traders (associations or professional bodies)
9. Ensuring a uniformly high quality standardised service

Article 5

Objective 1:

Providing consumers with information

1. Objective 1 is to respond to requests for information emanating from consumers. It includes the following actions:

   a. To inform consumers about European legislation on consumer rights and, in the case of Directives, about the national transposition, or any additional national provision if applicable;
   b. To provide information material on consumer related issues to consumers upon request;
   c. To inform consumers about possibilities and schemes for problem-solving (ADR, National bodies and other networks such as SOLVIT and FIN-Net);
   d. To provide information to recipients of services for those ECCs notified as contact points in accordance to Art. 21(2) of Directive 2006/123/EC on services in the internal market.

Article 6

Objective 2:

Assisting consumers with a complaint

Objective 2 consists of providing consumers with help and support with a cross-border complaint. It includes the following actions:
a. To encourage and help consumers to make contact with the trader, where appropriate, and to assist consumers if requested in the process of handling a complaint;
b. To inform consumers of their rights and duties in terms of procedures and time-limits in relation to a complaint;
c. To inform consumers on the options available in case of a complaint;
d. To inform consumers about external translation services, when required;

2.

Article 7

Objective 3:

Assisting consumers with a dispute

1. Objective 3 consists of helping consumers involved in a dispute with a trader in cross-border cases. It includes the following actions:

   a. To identify the appropriate out-of-court entity (ADR) or a Court, in particular using the Small Claims Procedure or the European order for payment;
   b. To provide consumers with detailed information about these procedures. If more than one option is available consumers should be provided with details regarding the various possibilities in order to make their own choice;
   c. To inform consumers about the different characteristics that the proposed out-of-court resolution’s procedures, in particular time limits, costs or any other issue which may affect consumers’ ability to enforce their rights;
   d. To transfer complaints to ADR or other competent bodies where appropriate.
   e. To follow up, to the extent possible, the outcome of the case and introduce the information in the database;
   f. To inform consumers about external translation services when required.

Article 8

Objective 4: Organising promotional activities

1. Objective 4 is to raise awareness among consumers on their rights and duties when purchasing goods or services within the framework of the Internal Market. It includes the following actions:

   a. To promote the corporate image of the ECC-Network and to advertise the functions of the Network to ensure visibility across the respective country, using the means it deems most appropriate;
   b. To develop and maintain the national websites taking into account as far as possible the guidelines as approved by the Consumers, Health, Agriculture and Food Executive Agency ((CHAFEA);
c. To create, publish and distribute information materials in whatever format on the services of the Network and specific topics related to consumer protection;
d. To organise or promote appropriate knowledge sharing events on consumer protection issues such as conferences, seminars, workshops and to participate, when possible in EU information campaigns on consumer rights;
e. To co-operate with other stakeholders involved in the field of consumer protection.

2. In planning the above mentioned actions, the ECC–Network shall as far as possible co–ordinate such activities taking into account the activities of the European Commission/CHAFEA, the activities of other Institutions and networks of the European Union, such as rotating Council Presidency events, sessions of the European Parliament, etc).

Article 9

Objective 5: Contributing to ADR / ODR activities

1. Objective 5 consists of facilitating the ADR activities. It includes the following actions:

a. To ensure an efficient and effective co-operation with national ADR entities;
b. To assist the national authorities in the promotion of ADR procedures and the ODR platform;
c. To supervise the activities of the ODR advisors in the case where the Member State has conferred responsibility for the ODR contact point on the ECC, in accordance with Art. 7(1) of Regulation (EU) No 524/2013 on online resolution for consumer disputes.

Article 10

Objective 6: Networking and Feedback

1. Objective 6 consists of collecting and analysing information on consumer cases for statistical and policy–making purposes and developing efficient collaboration within the Network. It includes the following actions:

a. To perform by a group of members of the Network joint projects targeting cross–border consumer issues;
b. To attend meetings of the Network either organised by the European Commission/CHAFEA or when possible organised by the members of the Network;
c. To participate, where appropriate, to study visits and mentoring schemes;
d. To contribute to consumer policy related consultations at EU level;
e. To organise the cooperation day and to participate to the Presidency event, when relevant.

2. Projects referred to in paragraph 1.a. shall respect the following criteria:
   I. The number of yearly projects should be reasonably limited and must represent a clear EU added value;
   II. Relevant topics for the projects should be discussed and agreed with the European Commission/CHAFEA and the co-financing competent national authorities;
   III. Each project should be discussed, planned and executed under the supervision of the European Commission, CHAFEA and the respective co-financers of the participating ECCs.

Article 11

Objective 7:

Cooperating with enforcement authorities

1. Objective 7 consists of cooperating with the national enforcement authorities responsible for the application of the consumer protection laws listed in the Appendix to this Vademecum, by sharing -where possible- information, evidence about complaints, systemic problems and emerging trends. It includes the following actions:
   a. Strengthen cooperation with the enforcement authorities in all possible ways including, where appropriate, by means of formal and informal cooperation agreements. ECCs should inform the European Commission and CHAFEA about such arrangements when finalised;
   b. To provide enforcement authorities with information on repeated breaches of consumer legislation by traders;
   c. To provide feedback to the European Commission and CHAFEA on concrete examples of collaboration with enforcement authorities and the outcome of such collaboration, if applicable.

Article 12

Objective 8:

Collaboration with traders (associations or professional bodies)

1. Objective 8 consists in collaborating with traders (associations or professional bodies) in view of enhancing their compliance with consumer protection laws. It includes the following actions:
   a. Promote collaboration, to the extent possible, with key business sectors with significant cross border exposure, in order to address specific issues related to consumer legislation;
   b. To provide feedback to the European Commission, CHAFEA and the co–financing competent national authorities on concrete examples of collaboration, if applicable.
Article 13

Objective 9:

Ensuring a uniformly high quality standardised service

1. Objective 9 consists of applying the common principles for the ECC-Net to deliver a standardised high quality service to consumers. It includes the following actions:

   a. To promote the identity of the Network, including the use of the name and logo of the Network for all publications, presentations, events and promotional actions including their use in the national ECC websites. The use of the name and logo shall respect the principles of the Network corporate image, as adopted by the European Commission and CHAFEA.
   b. To comply with the requirements laid down in the case handling protocol of the Network;
   c. To acknowledge receipt of correspondence with consumers indicating at least the scope of the ECC intervention/action and timelines for handling the cases;
   d. To undertake appropriate initiatives to ensure high quality of the service provided to consumers, including regular surveys in order to get feedback on consumer satisfaction and, if appropriate, follow up on the issues identified by the surveys.

2. Should the name of the ECC Network be changed, this Vademecum may be adapted accordingly regarding the name without any amendment.

Article 14

Case handling database

1. The Commission shall maintain an electronic database in which the cases handled by the ECC-Net must be introduced. Where appropriate, complaints should be introduced via the pdf/online complaint form. The details of a complaint shall be introduced in the database in accordance with guidelines provided by the European Commission and as indicated in the case handling protocol;

2. The ECC-Net shall provide to each other mutual and reciprocal assistance regarding the cases introduced in the database. Cases shall be introduced by the ECC where the consumer is resident and dealt with by the ECC of the country where the trader is located.

3. The ECC-Net shall develop experience in handling the cases by sharing such experience within the Network during its activities such as meetings, joint projects, etc.
**APPENDIX**

Indicative list of legislation relevant to the ECC-Net's activity  
(without prejudice to the application of the national legislation transposing the EU Directives)

Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006, concerning misleading and comparative advertising (Articles 1, 2(c), 4, 5, 6, 7, 8).


Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Articles 9 to 11 and 19 to 26).


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immovable property ('mortgage credit Directive').

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