

ECC Malta extends its heartfelt gratitude to you for subscribing to our newsletter. As the festive season approaches, we would like to take this opportunity to wish you a joyful Christmas and a prosperous 2025.

In this edition, we focus on air passenger rights, shedding light on the protections offered by Regulation 261/2004, ensuring that consumers are well-informed when travel plans encounter unexpected disruptions. Additionally, we share two success stories: one involving a Romanian resident who purchased a flight ticket from an airline registered in Malta, and another featuring a Maltese resident purchasing a pair of shoes from a store registered in the UK. Lastly, we provide an overview of what ECC Net represents, accompanied by highlights and photos from events ECC Malta has participated. We hope you enjoy this edition and find it both informative and inspiring.



# Flying Abroad? Know Your Rights as an Air Passenger

As the festive season approaches, many of us are planning trips abroad to spend time with family and friends. While holidays are meant to be a time of relaxation, unexpected disruptions such as flight delays, cancellations, or issues with luggage can put a damper on your travel plans. Knowing your rights as an air passenger under Regulation 261/2004/EC can help you navigate these situations more effectively.

When planning air travel, consumers can choose to book directly with the airline or through an agent or booking platform. While both options can lead to successful travel arrangements, they differ in terms of responsibility, consumer rights, and the processes involved in resolving potential issues. Booking directly with the airline, you can communicate directly with the airline, simplifying communication whether you need to change, cancel, or file a complaint. Additionally, in case of flight delays, cancellations, or denied boarding, you can claim compensation

or assistance under EU Regulation 261/2004 directly with the airline, along with receiving immediate updates if there are any changes to your flight.

On the other hand, booking through an agent or online platform provides the benefit of comparing prices, routes, and services from multiple airlines in one place. However, it can complicate the process if you need to resolve issues such as cancellations, delays, or compensation claims, as the intermediary might be involved.

When choosing between booking directly with an airline or through an agent or booking platform, consumers should consider their priorities, such as simplicity, cost, or the need for additional services. Regardless of the choice, it is essential to review the terms and conditions carefully to ensure a clear understanding of responsibilities and rights in case of disputes or unexpected changes.

## When Does Regulation 261/2004 Apply?

This EU Regulation outlines your entitlements for compensation and assistance if your flight is delayed, cancelled, or you are denied boarding. The rules apply to:

- Flights within the EU operated by either EU or non-EU airlines.
- Flights arriving in an EU Member State from outside the EU, operated by an EU airline.
- Flights departing from the EU to a non-EU country, operated by either an EU or non-EU airline.

However, it's important to note that the Regulation does not apply to:

- Flights arriving in the EU from a non-EU country operated by a non-EU airline.
- Instances where passengers have already received compensation, rerouting, or assistance for the same issue.





### Rights for Delayed Flights

If your flight is delayed, your entitlement to care and assistance depends on the delay duration and flight distance:

- 2 hours for flights up to 1,500 km.
- 3 hours for flights between 1,500 and 3,500 km.
- 4 hours for flights over 3,500 km.

Care and assistance include: one free meal and refreshments; two free communications (calls, emails, etc.); and accommodation and transport between the airport and hotel if an overnight stay is necessary. If your flight is delayed by three hours or more, you may also be entitled to the same compensation as for a cancelled flight, depending on the circumstances.

### Rights for Denied Boarding or Flight Cancellations

If you are denied boarding or your flight is cancelled, you are entitled to:

- €250 for flights up to 1,500 km.
- €400 for intra-EU flights over 1,500 km or other flights between 1,500 and 3,500 km.
- €600 for flights exceeding 3,500 km.

The **airline may reduce compensation by 50%** if rerouting results in an arrival delay of no more than 2, 3, or 4 hours, depending on the flight distance.

In cases of overbooking, airlines are required to first seek volunteers to give up their seats in exchange for benefits and compensation. If no volunteers

come forward, passengers may be denied boarding but are entitled to a refund or rerouting and compensation.

### Exceptions to Compensation

You will not be entitled to compensation in the following circumstances:

- Delays or cancellations caused by extraordinary circumstances (e.g., severe weather, security risks, airport strike).
- If the airline informs you of a flight cancellation 14 days or more before departure. In such cases, you can still request a refund for the unused portion of your ticket.

### Be Prepared and Know Your Rights

Being aware of your rights under Regulation 261/2004/EC empowers you to act in the right way if your travel plans are disrupted. Ensure you keep all relevant documents, such as your booking confirmation and receipts, and contact your airline promptly in case of issues. By understanding your rights, you can handle travel disruptions with confidence and make the most of your holiday season.

### Consumer Rights for Lost, Delayed, or Damaged Luggage

While flight disruptions can be challenging, luggage issues can also cause significant inconvenience for travellers. Whether it's delayed, damaged, or lost baggage, knowing your rights can help you address these problems effectively. If you encounter luggage-

related issues, it is essential to file a written complaint with the air carrier within the following timeframes:

- 7 days: If the luggage is damaged.
- 21 days: If the luggage is delayed, starting from the date it eventually arrives.

**If your checked luggage does not arrive within 21 days from the scheduled arrival date, it is considered lost.**

Under the Montreal Convention, passengers are entitled to compensation of up to 1,131 Special Drawing Rights (SDR) (approximately €1,400) for lost, delayed, or damaged luggage. Air carriers may vary in how they process claims, but they commonly require:

- Proof of the damage to the luggage.
- Documentation of expenses or losses incurred due to the damage or delay.
- Purchasing Necessary Goods

Consumers may need to purchase some "necessary goods" when luggage is delayed or lost. Where possible, it is advisable to consult with the air carrier about what qualifies as "necessary goods" under their policies. This can help avoid any misunderstandings when claiming reimbursement later.

For further information on Air Passenger Rights, visit our website <https://eccnetmalta.gov.mt/> or download our leaflet on Air Passenger Rights here: <https://eccnetmalta.gov.mt/wp-content/uploads/2021/11/APR-EN-Flyer.pdf>

# Dropshipping: A Consumer Guide

The European Union (EU) continues to prioritise consumer protection in online shopping. However, the European Consumer Centres Network has observed a rise in issues tied to dropshipping. This business model, while not new, is gaining popularity among those seeking to launch online businesses with minimal costs. Here's what consumers need to know to shop safely.

Dropshipping differs from traditional online selling primarily in inventory management. Traditional sellers maintain stock, while dropshipping stores pass customer orders to third-party suppliers—often based overseas—who ship products directly to consumers. This model became especially popular during the COVID-19 pandemic as online shopping surged. While dropshipping itself is neither unethical nor illegal, its setup can attract scammers who exploit it to deceive

consumers. These fraudsters often fail to comply with legal requirements, such as providing contact information, making it difficult to resolve issues like undelivered or wrong products received.

## How to Spot a Dropshipping Website

To identify websites operating through dropshipping, consider the following:

- **Trader's Location:** EU-based online stores must legally display a registered business address in their terms and conditions. The absence of this detail signals non-compliance and such sites are best avoided.
- **Private Address:** A listed residential address often indicates dropshipping. Verify this using tools like Google Maps.
- **Non-Original Product Images:** Stock photos copied from other platforms are common on dropshipping sites. Use reverse image search tools to verify authenticity.

- **Unclear Delivery Times:** Products shipped from distant suppliers, such as in Asia, may have delayed delivery times or might even be unavailable. Payment, however, is typically processed immediately.
- **Spelling and Language Errors:** Poorly written product descriptions often result from inaccurate translations.
- **Website Structure:** Many dropshipping sites are built on platforms like Shopify, Wix, or BigCommerce, often included in the website footer.

## Consumer Rights in Dropshipping

Consumers retain the same rights when shopping from dropshipping websites as they do with traditional stores. Key protections include:

- **Cancellation Rights:** A 14-day withdrawal period allows consumers to return items without providing a reason.
- **Legal Warranty:** Sellers must address product defects or issues as mandated by EU law.

**It's crucial to verify whether the address listed on the site belongs to the seller or the product supplier. Returns to distant suppliers can incur high shipping costs, potentially discouraging returns altogether.**

In case of issues, consumers should contact the seller in writing as soon as possible. If the seller is unresponsive or found to be fraudulent, a complaint should be filed with our Centre if the seller is registered within the EU. Once we access the case, we might refer you to the police department's fraud division if located outside if we believe that you fell victim to a scam.

Dropshipping offers convenience for both buyers and sellers, but it also demands vigilance. By checking seller details, ensuring website legitimacy, and knowing your rights, you can navigate this shopping model safely and avoid potential scams. Stay informed, shop smart, and enjoy peace of mind while shopping online.



## SUCCESS STORY



A few weeks ago, we received a complaint from a Romanian consumer who, along with her family, was denied boarding a flight. At the time of the incident, no explanation was given, but the consumer later learned that the denial was due to overbooking. Under the Air Passenger Rights Directive (Regulation EC 261/2004), passengers affected by overbooking are entitled to compensation, assistance, and the choice between reimbursement or re-routing. The consumer requested compensation from the airline, but the airline initially refused, arguing that they had provided a meal as assistance while she awaited the re-routed flight, which the consumer had accepted.

After reviewing the case, we clarified with the airline that the provision of care does not replace the right to compensation. The directive entitles passengers to both assistance and monetary compensation in cases of denied boarding due to overbooking. Following our intervention, the airline agreed to compensate the consumer and her family. This included a €70 refund for the meal and €250 per person in compensation. Once the consumer submitted the necessary documentation, including the meal receipt and bank details, the airline promptly processed the payment. The consumer later confirmed that the funds were successfully transferred.

A Maltese consumer recently experienced a challenge when an online purchase from a UK-based trader did not meet expectations. After just a few weeks of use, a pair of shoes began to deteriorate. Seeking a solution, the consumer contacted the trader, who initially assured them that a return label would be provided to facilitate the return of the defective product. Unfortunately, the promised return label never arrived, and the trader ceased communication.

Turning to our Centre for assistance, the consumer sought help to resolve the issue. Recognising the need for further intervention, we escalated the case to the UK International Consumer Centre (UK ICC). The UK ICC promptly reached out to the trader, and their involvement led to a positive outcome. The trader agreed to issue a full refund of €156, which the consumer later confirmed receiving.

These cases highlight the importance of knowing your rights and seeking support when those rights are not upheld. ECC remains committed to assisting consumers in resolving cross-border disputes and ensuring their rights are respected.

# Reflecting on 2024: Advocating Consumer Rights Across EU Borders

Throughout 2024, we have been committed to our mission of supporting consumers facing cross-border challenges. From online shopping disputes and travel disruptions to defective products, our Centre has addressed various issues, ensuring that consumers' voices are heard, and their rights upheld. By collaborating closely with other European Consumer Centres within the ECC-Net, we successfully resolved most cases, securing refunds,

compensation, or appropriate remedies for those affected.

Beyond complaint resolution, we focused on educating and empowering consumers by providing valuable information through newsletters, articles, participation in radio programmes, and public events. These initiatives aimed to raise awareness about consumer rights and highlight the free services offered by the ECC Network. Additionally, we actively participated in nearly all ECC-Net meetings, both

online and abroad, to further enhance collaboration and share best practices within the network.

As we look forward to 2025, we remain deeply committed to advocating consumer rights and addressing cross-border issues through practical and effective mediation. We extend our gratitude for your continued support in 2024 and eagerly anticipate serving you in the year ahead.



**European Consumer Centre Malta**

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