

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 European Consumer Centre Network (hereinafter "ECC-Net") covers the Member States of the European Union and third countries members of the EEA or other countries signatories of the Consumer programme.
2. The aim of the ECC-Net is to provide consumers with information on their rights related to cross-border purchases of goods and services, advise and assist them where appropriate 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 Annex to the Consumer Protection Cooperation (CPC) Regulation¹ and its subsequent updates.
2. The ECC-Net assists consumers with complaints against traders which relate to legislation protecting their economic interests. The ECC-Net generally only deals with cross-border complaints involving at least one consumer and one trader located in two different countries. Where not in conflict with national arrangements, the handling of requests for information may, exceptionally, also cover cases which do not originate from a cross-border issue².
3. The ECC-Net **does not**:
 - a) represent the consumer before a Court or an out-of-court dispute resolution entity;
 - b) provide direct remedies to consumers for violations of their consumer rights;
 - c) enforce the law and/or apply sanctions on traders.
4. The ECC-Net does not handle the cases that:
 - a) are being processed before other bodies or pending before courts;
 - b) relate to disputes between consumers or between traders;
 - c) relate to complaints submitted by traders against consumers.
5. The services of the ECC-Net are free of charge for the consumer.

¹ Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

² Such activity should have an insignificant impact on the overall cost for running an ECC.

CHAPTER II

Specific objectives of the ECC-Net

Article 3

List of specific objectives

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

1. Case-handling
2. Supporting Redress and enforcement
3. Communication, information and promotion
4. Active participation in Network activities
5. Cooperation with stakeholders
6. Ensuring a uniformly high quality standardised service

Article 4

Objective 1: Case-handling and consumer assistance

1. ECCs shall deal with consumer queries, in particular:
 - a) provide consumers with information about procedures, consumers' rights and duties, available translation services;
 - b) provide advice on applicable EU or national law following a consumer query and encourage and help them to contact the trader in the first place before lodging a complaint with the ECC-Net or other appropriate body, where applicable;
 - c) facilitate a dialogue between consumers and traders to promote amicable solutions.
2. ECCs shall process consumer queries on the IT-Tool provided by the Commission in particular:
 - a) handle cases efficiently and effectively in line with the Networks' case handling protocol and other relevant guidelines;
 - b) register cases on the IT tool and ensure case data entered is comprehensive, accurate and in full respect of the GDPR;
 - c) provide case-handling information on request to the European Commission.
3. ECCs shall provide mutual and reciprocal case-handling assistance. Complaints/requests shall be introduced by the ECC where the consumer is resident and, in accordance with the case-handling protocol, may be shared with the ECC of the country where the trader is located.
4. Towards fostering a high quality of service to consumers, the ECC-Net shall develop experience in handling cases by sharing knowledge via activities such as meetings, joint projects, etc.

Article 5

Objective 2: Supporting Consumer Redress and Enforcement

The ECCs shall:

1. Assist consumers with cases that are not suitable for a dialogue with a trader or where the ECC intervention with a trader has not produced an amicable resolution. This may involve:
 - a) providing information on possibilities and schemes for problem solving e.g. identifying appropriate out-of-court entities (ADR), other networks such as SOLVIT and FIN-NET or judicial bodies (e.g. Court using the Small Claims Procedure (ESCP)³ or European order for payment (EPO)⁴);
 - b) providing consumers with information about these procedures, their advantages and disadvantages, including available translation services.
 - c) assisting consumers in referring or transferring cases to enforcement authorities, entities in charge of legal proceedings like ESCP and EPO, collective redress / representative actions, etc.
 - d) following-up, to the extent possible, on the outcome of these cases and registering the information in the IT-Tool.
2. Facilitate consumers' access to cross-border ADR by, for instance:
 - a) raising awareness about and promote the uptake of cross-border ADR;
 - b) signposting consumers or assisting them in transferring their case to a competent ADR entity or an ODR system;
 - c) helping consumers opening an ADR dispute e.g. sharing machine translation tools, where needed;
 - d) providing information about national ADR procedures across the EU/EEA.
3. Cooperate with national enforcement authorities and ADR entities, ADR networks (e.g. FIN-NET, etc.), ODR systems and assist national authorities in the promotion and development of cross-border ADR, to the extent possible.
4. Strengthen cooperation with enforcement authorities in all possible ways including, where appropriate by means of formal and informal cooperation agreements.
5. Provide enforcement authorities with information on systematic cross border breaches of consumer legislation by traders (e.g. through external alerts to the CPC network).
6. Supervise the activities of the ODR advisors in the case where the ECC has been appointed ODR contact point, in accordance with Article 7(1) of Regulation (EU) No 524/2013 on online resolution for consumer disputes.

³ Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

⁴ Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

Article 6

Objective 3: Communication, general information and promotion

The ECCs shall:

1. Develop a communication strategy adapted to the needs of their national consumers and the resources of their individual centre.
2. Organise advertising and promotional activities, including participation in any EU information campaigns on consumer rights and disseminating EU materials.
3. Organise or participate in events on consumer protection issues both stakeholders events and multipliers (conferences, seminars, workshops, participation at fairs etc.)
4. Keep abreast with legal and policy developments and, ~~where possible~~, issue/share contacts with the press, issuing press releases, write articles and monitor media response⁵.
5. Produce information materials (types of formats, main topics, languages, way of distribution etc.) related to consumer protection issues (e.g. sustainability) or targeting a certain group of consumers (e.g. young or vulnerable consumers).
6. Maintain and regularly update the national ECC website.
7. Contribute to the common ECC-Net website by participating in the editorial or optimisation team, or *ad hoc* collaboration, and actively promoting this website in national ECC channels and linking it to relevant new content.
8. Follow social media trends and develop, maintain, manage social media profile(s), create and share new content and engage users accordingly.

Article 7

Objective 4: Active participation in Network activities

1. The ECCs shall organise and/or actively participate in:
 - a) meetings of the Network (Cooperation day/Presidency event, strategy and project teams, directors etc.);
 - b) study visits, staff exchanges, mentoring schemes for new staff;
 - c) capacity building events related to consumer rights.
2. The ECCs shall:
 - a) be actively involved in activities within the ECC-Net coordination groups e.g. provide timely feedback to documents;
 - b) spread information or communication proposals, collaborate in and comply with the projects' requirements, coordination groups, shared tools and strategy of the network, pull network projects, by all centres;
 - c) take active part in at least 1 coordination group or project in line with the ECC-Net

⁵ Press activities may need to be carried out in accordance with the press policy of the host organisation, which should be described in the grant agreement.

Governance Charter;

- d) Assist by providing feedback in the preparation of the network strategy and programme plan which will be presented on a yearly basis to EISMEA and the European Commission;
 - e) Provide feedback when needed to the different Focus Groups, Joint Projects, etc.
 - f) Participate in the yearly Network evaluation surveys distributed by the Strategic Management Group.
 - g) contribute to EU dimension activities: as leader (when relevant) or as participating/contributing party (when applicable)
3. The number of projects should be reasonably limited and must represent a clear EU added value.
4. EU dimension projects⁶ should be discussed, planned and executed in line with the grant agreement and respect policy guidelines (e.g. on communications) of the European Commission, EISMEA and the respective co-financers of the participating ECCs.

Article 8

Objective 5: Cooperation with Stakeholders

1. ECCs shall collaborate with:
- a) EU institutions, Consumer Policy Network (CPN) members, Consumer Policy Advisory Group (CPAG), business and consumer organisations, MEPs, etc.;
 - b) other stakeholders in the field of consumer protection (including national representations of the European Commission), including other EU networks (e.g. EJN, EEN, Europe Direct, SOLVIT, Safer Internet Centres) and agencies e.g. EISMEA, EUIPO, academics, etc.;
 - c) traders (associations or professional bodies) at national and EU level;
 - d) similar consumer assistance bodies in third countries (when relevant); on the basis of reciprocal arrangements.
2. ECCs should, when requested, promptly respond to surveys or requests for information linked to ECC-Net activities from the European Commission.

Article 9

Objective 6: Ensuring a uniformly high quality standardised service

1. Objective 6 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) 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 approved by the European Commission and EISMEA.
 - b) comply with the requirements laid down in the case handling protocol of the Network;
 - c) acknowledge receipt of correspondence with consumers indicating at least the scope of the ECC intervention/action and timelines for handling the cases;

⁶ Which have been granted by EISMEA.

- d) 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.
 - e) comply with Commission directions regarding the use of the IT tool.
2. Should the name of the ECC Network be changed, this Vademecum may be adapted accordingly regarding the name without any amendment.

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Annex

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 or EEA country.

‘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.

‘Alternative dispute resolution’ (ADR) procedure means a procedure, for the out-of court resolution of domestic and cross-border disputes as set out in Directive 2013/11/EU on alternative dispute resolution for consumer disputes.

‘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 online 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.

‘Case’ means any request for information and/or complaint and/or dispute registered by a consumer with a European Consumer Centre in relation to a specific consumer purchase they have made or contemplated making.

‘Enforcement authority’ means an authority designated by a Member State/EEA for the purposes of enforcing Directives, as transposed into national laws, or Regulations referred to in the Annex to the CPC Regulation.

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

‘Redress’ means remedies such as compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, provided by a trader to a concerned consumer as appropriate and as available under Union or national law; unless another amicable settlement is sought by the interested parties.