

Buying services everywhere in the EU

A practical guide
for consumers



**Europe Direct is a service to help you find answers
to your questions about the European Union.**

**Freephone number (*):
00 800 6 7 8 9 10 11**

(* The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

More information on the European Union is available on the Internet (<http://europa.eu>).

Luxembourg: Publications Office of the European Union, 2014

ISBN 978-92-79-38692-3

doi:10.2780/69795

© European Union, 2014

Reproduction is authorised provided the source is acknowledged.

Printed in Luxembourg

PRINTED ON ELEMENTAL CHLORINE-FREE BLEACHED PAPER (ECF)

Contents

▶ Foreword by Commissioner Barnier	4
▶ How can I be sure that I'm not being discriminated against when buying services in another country?	6
1. Can I really shop online everywhere in the EU?	8
2. What information should I get to understand the offer when I shop online?	9
3. Can I pay everywhere in the European Union with my own credit card?	10
4. Will traders always deliver to my country?	11
5. What happens if you order e-books, music or video from a foreign website? No problems here?	12
6. What if I want to go on holiday abroad?	13
7. What if I want to rent a car abroad?	14
8. Should my nationality really matter to traders?	15
9. I'm still not satisfied! Is there anyone to help me?	16
▶ What does EU law say? (The principle of non-discrimination)	17
▶ Bodies designated to help consumers facing discrimination when buying services in the EU	18

Foreword



The EU single market, which celebrated its 20th birthday last year, has radically transformed the way in which Europeans travel, study, do business and acquire goods and services. Thanks to the single market, consumers may now gain access to services and goods that are not always directly available in their country of residence or that are more expensive in their own country than across the border. Companies, including the smallest SMEs, have the possibility to sell to a larger customer base. This is a win-win situation: More business for companies, better choice and often lower prices for consumers.

The widespread use of the internet offers consumers more possibilities than ever to look for the best offers outside their national borders. But at times and often for no good reason - the service a consumer wants is not available or is only available at a higher price.

EU rules are there to prevent this from happening. The Services Directive, which applies to a big part of the services sector, prohibits unjustified discrimination on the basis of nationality or place of residence as regards access to a certain service.

Businesses have an important role to play in making sure that consumers from other countries who try to access their services do not experience discrimination. Terms of sale are sometimes unclear and more often than not vary between countries. There may be good reasons for this, but these should be stated clearly and explained to potential customers.

Increased upfront transparency by business would help avoid consumer dissatisfaction. Consumer trust is an important factor for companies. Being more transparent about the conditions for accessing services is one important way of building this trust.

Thanks to the single market, consumers may now gain access to services and goods that are not always directly available in their country of residence or that are more expensive in their own country than across the border

Consumers can also drive changes in the market themselves. Enquiring about certain business practices or getting in touch with a seller or service provider can be a powerful way of triggering businesses to reflect on and adapt their practices. So is contacting Consumer Centres – they are there to help consumers to enforce their legal rights in the single market.

This brochure is aimed at consumers who want to make the most of the opportunities that the single market has to offer. It provides nine concrete tips on how to do this.

I hope that you will find it useful.

A handwritten signature in white ink, appearing to read 'Michel Barnier', positioned above the printed name.

Michel Barnier

Vice-President of the European Commission,
in charge of Internal Market and Services

► **How can I be sure that I'm not being discriminated against when buying services in another country?**

Consumers in the EU/EEA rightly expect to receive fair treatment regardless of where you are from. In many situations you won't experience problems with purchasing the products and services you want. But consumer complaints show that refusal to access a service or being quoted different prices compared with residents of other countries is a real concern.

The most common situations in which consumers have reported cases of feeling discriminated in the EU were when they were shopping online with traders located outside their own country or when they travelled into the trader's country.

In a digital world, there are still a number of legitimate reasons that may impede the consumers from purchasing services. But not every reason is legitimate and can be used as a justification by businesses to limit consumers' choice.

Legitimate reasons can be additional costs for business incurred because of the distance involved in delivery, specific risks linked to rules and regulations in force in other Member States, different market conditions such as pricing by competitors, or lack of intellectual property rights.

The most problematic situations arise when consumers travel to other countries. There is hardly any reason for which the consumer should be expected to pay more than the locals or consumers from other countries.

The EU has adopted a number of non-discrimination provisions that are there to protect consumers. The Services Directive contains one of them. Passenger rights legislation in the field of transport (including air passengers) contains additional and more specific safeguards to protect transport users when travelling in the EU.

The EU has adopted a number of non-discrimination provisions that are there to protect consumers

This brochure guides consumers through the most common problems they may face when trying to access services (including distribution of goods) in other EU countries. It gives advice to consumers on how they can seek better deals in the single market and what they should not accept.

The following advice builds upon experience from dealing with consumer complaints addressed to the European Commission, European Consumer Centres and other bodies designated to help consumers facing discrimination when buying services in the EU. In particular, the present brochure refers in many instances to the recently published report of the European Consumer Centres on consumer complaints related to the non-discrimination principle.

1 | Can I really shop online everywhere in the EU?

A growing number of businesses sell their services to more than one country. If you would like to benefit from the service of a company in another EU country, get in touch with the trader. Your request may prompt the business to offer its services in your country as well.

A real life example

A Dutch family-run small business sold innovative trivia games and quizzes in the Netherlands. Its main channel of distribution was its website, but it only sold its products to customers living in the Netherlands. A consumer from Belgium learned about the rather unique offer and contacted the firm. The company reacted immediately and made cross-border sales of their games possible.

The facts

12 % of all respondents and 22 % of those who were active online shoppers confirmed they have experienced discrimination when shopping online because of where they lived (Special Eurobarometer 398, 23 September 2013). The highest complaint rate comes either from countries with a proportionately high number of online shoppers (Sweden and Denmark) or from smaller countries sharing a language with a larger one (Belgium, Ireland, Luxembourg and Austria).



2 | What information should I get to understand the offer when I shop online?

If you buy online, the product characteristics and price information provided on the website of the trader should be clear and comprehensible and should inform the consumer, prior to any purchase, of the total price, including taxes, freight charges or delivery restrictions, and the accepted means of payment.



A real life example

A Bulgarian consumer ordered cosmetics online from a French cosmetics producer. On the website of the seller, there was no clear information on restrictions for buying the cosmetics by a consumer from Bulgaria. The company received the payment, but blocked the shipment of the order and even refused to return the money, arguing that the consumer could buy the products from one of its Bulgarian trade representatives. After the European Consumer Centre in France intervened, the company changed its policy and now delivers directly to Bulgaria.

The facts

The highest number of complaints (74 %) received by European Consumer Centres, in relation to the Services Directive concern the distribution of goods (such as clothes), services and digital content (such as e-books, music and movies).

The Consumer Rights Directive strengthens consumers' rights when shopping online by obliging traders to provide consumers with complete information before they conclude contracts. This includes the total price inclusive of any freight, delivery or postal charges, the arrangements for delivery and payment. For digital products, the new Directive specifically requires traders to inform consumers about the functionality features (such as file size, type, resolution, internet connection, tracking, geographical restrictions and additional purchases needed) and the relevant interoperability (e.g. specific software and hardware requirements to use the digital product). These requirements apply to consumer contracts concluded after 13 June 2014.

3 | Can I pay everywhere in the European Union with my own credit card?

From the legal point of view traders can currently reject a transaction made with a foreign credit card. In such a case do not hesitate to ask your trader for the reasons behind the refusal to accept the payment with your card. If traders accept the transaction, however, you should not be charged fees that exceed the actual cost borne by the trader for the use of the credit card.



A real life example

A consumer resident in Estonia wanted to buy a TV bracket from a UK-based web shop. The consumer wanted to pay with his credit card which was issued by an Estonian bank. The trader refused the purchase and informed the consumer that payments by credit card were only accepted if the card was issued by a bank within the UK.

The facts

For retailers, accepting credit cards as a payment means is relatively expensive, in some cases even 3 % of the value of each card transaction. This is why traders in some Member States impose additional charges on consumers for the use of credit cards. However, to avoid possible abuses by merchants, the Consumer Rights Directive prohibits retailers from charging fees for the use of cards that exceed the costs of accepting these cards by merchants. These rights apply to all contracts concluded after 13 June 2014.

In addition to the costs borne by a trader for accepting electronic payment means such as credit cards in his own Member State, there are additional factors that come into play in a cross-border transaction, such as the trader's ability to detect fraud or the creditworthiness of a customer in another Member State. The mere fact that the card has been issued in another EU currency should not influence a trader's decision to accept or refuse payments made with such credit cards.

Sometimes, a trader's refusal to accept a foreign credit card can be linked to his/her commercial policy of not serving certain Member States. However, from the point of view of the consumer, it can appear as though the card has been rejected simply for being foreign, rather than for any other reason.

4 Will traders always deliver to my country?

If you face delivery restrictions, ask the trader for a new offer and for the actual cost of delivery. For parcels up to 20 kg, at least one cross-border delivery option should be available in all Member States as required by the Postal Services Directive. Thus, deliveries should not be refused on grounds of a lack of delivery solutions. A lack of delivery solutions cannot be recognised as a legitimate reason for traders to limit consumers' choice.



A real life example

A consumer living in Malta wanted to order sports shoes from a German trader's website. The website stated that shipping was free to all EU countries, but Malta was listed among the other countries to which shipping would cost EUR 50. When contacted by the consumer, the trader confirmed that shipping to Malta would indeed cost EUR 50. The consumer complained and was informed that this was a decision taken by the company's executive committee. A European Consumer Centre contacted the trader, which subsequently changed the terms and conditions on its website to include Malta among the list of countries to which shipping is free.

The facts

Almost half of all consumers (46.7 %) in the EU declare that they are not interested in making cross-border transactions because the delivery and its costs are unclear. The delivery price charged by e-commerce and distance vendors to consumers is on average twice as high for cross-border than for domestic deliveries (EUR 16 versus EUR 8). There will be price differences when it comes to cross-border deliveries and these could be justified based on the underlying costs of the delivery service.

However, in most cases, at least one cross-border delivery option should be available in every EU Member State. Therefore, a distance seller, such as an e-commerce retailer, cannot argue that delivery is not possible.

5 | What happens if you order e-books, music or video from a foreign website? No problems here?

If you want to buy e-books, music or video content online, sellers may refuse to take your order on a particular country-specific website and instead redirect you to another country website of the same service provider where they may offer you a different price or product range or even refuse to sell. Such practice may be allowed in some instances and not in others. Don't hesitate to ask your trader for the reasons behind the refusal to sell or the reasons for higher charges.

A real life example

Consumers residing in the Netherlands and the UK wanted to purchase e-books from the German, Italian, French or Spanish website of a multinational e-commerce company. The consumers wanted to read the books in languages other than their first language. The company refused to allow the purchases and argued that the e-books were only available on the country-specific websites for residents of these countries due to intellectual property rights.

The facts

In 15 % of complaints analysed by European Consumer Centres, the traders claimed that the lack of intellectual property rights or restrictions by publishers were the reasons why they did not sell to other countries. Indeed, certain services offer digital content, such as e-books, music and movies, that can be protected by copyright and related rights, which are of national scope.

To be able to offer e-books, music or movies to customers in a Member State, a distributor may have to hold a licence covering that Member State. Where a trader is not in possession of this licence, he may refuse to sell if otherwise he would be accountable for an infringement of the existing right.



6 | What if I want to go on holiday abroad?

If you go to another country in the EU as a tourist, you should not automatically accept higher charges or requests for additional guarantees compared to consumers from that Member State.



A real life example

An Austrian family wanted to book a hotel on the website of an amusement park in France. At the end of the ordering process, the family learned that the booking required the place of residence to be in Belgium. There was no possibility to change the country of residence in the online reservation form. The family was consequently re-directed to the Austrian website of the leisure park. The price for the identical hotel room was, however, almost EUR 400 higher. A price comparison showed that the amusement park offered the following prices for identical hotel rooms: EUR 1 038 for consumers from Austria and Germany, EUR 858 for consumers from Italy and EUR 645 for Belgian consumers.

The facts

20 % of all complaints from consumers broadly concern services in the field of tourism and leisure (including accommodation and food).

A 'web-scraping' study carried out by the Commission and using IP addresses of different Member States so that the retailer websites 'thought' that they were being accessed by consumers located in different Member States analysed 26,884 travel options for a popular amusement park that has separate websites for different countries. Higher price quotes were found for IP addresses corresponding to Sweden, Italy, and Cyprus than for other Member States.

If the service is to be provided within the territory of the country where the provider is located, the consumer is in a situation very similar, if not identical, to that of consumers residing in that Member State. Consequently traders can hardly say that different treatment of EU consumers coming from different Member States is justified. So contact the trader directly through customer feedback phone lines or e-mail to insist on your rights.

7 | What if I want to rent a car abroad?

If you want to rent a car in another Member State, you should not accept higher charges or requests for additional guarantees.

A real life example

A consumer from Germany wanted to rent a car in the UK. The webpage of the car rental company originally set the price at EUR 70. Once the consumer informed the company about his country of residence (Germany) the price was raised to over EUR 140 and this was substantiated by the fact that the consumer was not a UK resident.

The facts

Rental and leasing of cars account for 5.5 % of the complaints dealt with by European Consumer Centres. A 'web-scraping' study carried out by the Commission obtained price quotes for 29322 car-trip options in 2013. This study showed that prices vary depending on which country of residence is chosen: for UK residents, the price for renting a car may be up to 53 % higher than for Polish residents, regardless of the location in which the car is to be rented.

Price differences between the various country-specific websites of the same car rental company can be significant. Yet these price differences are often applied to the same service provision taking place in the same location and by the same provider. The costs incurred for supplying such services would therefore not appear to differ significantly on the grounds of the place of residence of the customer. Consequently car rental companies can hardly say that different treatment of EU consumers coming from different Member States is justified and constitutes a legitimate reason for charging higher prices.



8 | Should my nationality really matter to traders?

If traders refuse access to a service or charge a higher price simply because of your nationality, you must not accept this. There is no justification for such discrimination of EU citizens in the EU. The nationality of EU citizens can never be a legitimate reason for traders to limit consumers' choice.

A real life example

A group of climbers had to be rescued by helicopter in the Italian mountains. The private rescue service operator charged Italian members of the climbing party EUR 800 each for the rescue operation, but Bulgarian citizens who were part of the same group had to pay more than three times that amount. After a European Consumer Centre from Italy intervened, the service operator refunded the price difference. All EU citizens are now charged the same price for such rescue services.

The facts

75 % of consumer complaints related to consumers' residence rather than nationality and concerned mostly online transactions. However, there is still a significant number of cases where service providers invoke nationality as a reason for refusing to supply or for supplying the same or a very similar service under very different conditions.



9 | I'm still not satisfied! Is there anyone to help me?

If you are refused provision of a service or requested to pay more than consumers from other Member States, always ask the company for the reasons behind the refusal to deliver or the reasons for higher charges. If the company does not help immediately, you should ask for assistance from a European Consumer Centre (ECC) or another body designated to help consumers facing discrimination when buying services in the EU.

The list of relevant addresses can be found at the end of this brochure.



► **What does EU law say?** (The principle of non-discrimination)

The Services Directive prohibits discrimination against EU consumers of services with regard to their nationality or country of residence.

Yet consumers still experience such discrimination. It can be blatant or less obvious, for example in situations where nationality or country of residence are hidden behind requirements concerning the country of credit card issuance, the place of delivery or the IP address.

In some cases, businesses are permitted to treat consumers differently. However, this is possible only when they have an objective reason to do so. Any arbitrary discrimination is not allowed under EU law.

Objective reasons could include additional costs incurred because of the distance involved in delivery, the technical characteristics of the services, specific risks linked to rules and regulations in force in other Member States, different market conditions, such as pricing by different competitors or lack of intellectual property rights.

Unfortunately, it is not possible to say in general terms which reasons really are objective. It requires a case-by-case analysis.

Which services are affected by the non-discrimination rule?

- distribution of goods and services (retail and wholesale),
- tourism services (e.g. travel agencies),
- leisure services (e.g. sports centres and amusement parks),
- rental and leasing services (including car rental),
- the activities of most regulated professions and craftsmen,
- event organisation, advertising and recruitment services.

Bodies designated to help consumers facing discrimination when buying services in the EU

Links to all European Consumer Centres can be found here:

ec.europa.eu/consumers/ecc/contact_en.htm#map

List of Art. 21 bodies designated by Member States to assist consumers:

ec.europa.eu/internal_market/services/docs/services-dir/guides/bodies_designated_en.pdf

The report of the European Consumer Centres on consumer complaints related to the non-discrimination principle can be found here:

ec.europa.eu/consumers/ecc/docs/ecc-services_directive_en.pdf

Austria

Europäisches Verbraucherzentrum
Österreich

✉ info@europakonsument.at

🌐 www.europakonsument.at

Belgium

SPF Economie, PME, Classes moyennes
et Energie

✉ info.eco@economie.fgov.be

🌐 economie.fgov.be

Bulgaria

Point of Single Contact in cooperation
with the European Consumer Centre

✉ info@ecc.bg

🌐 ecc.kzp.bg

Croatia

European Consumer Centre Croatia
(ECC-Net)

✉ ecc-croatia@mingo.hr

🌐 www.ecc-croatia.hr

Cyprus

European Consumer Centre (Cyprus)
(ECC-Net)

✉ epapachristoforou@mcit.gov.cy

🌐 www.ecccyprus.org

Czech Republic

Point of Single Contact

✉ posta@mpo.cz

🌐 www.mpo.cz

Denmark

Forbrugereuropa (ECC-Net)

✉ info@forbrugereuropa.dk

🌐 www.forbrugereuropa.dk

Estonia

European Consumer Centre Estonia
(ECC-Net)

✉ consumer@consumer.ee

🌐 www.consumer.ee

Finland

The Finnish Competition and Consumer
Authority (FCCA)

✉ palveludirektiivi@kkv.fi

🌐 www.kkv.fi

France

Centre européen des consommateurs -
France

✉ info@cec-zev.eu

🌐 www.cec-zev.eu

Germany

Bundesamt für Verbraucherschutz und
Lebensmittelsicherheit

✉ verbraucher@portal21.de

🌐 www.portal21.de

Greece

Ombudsman for Consumers

✉ ecc-greece@synigoroskatanaloti.gr

🌐 synigoroskatanaloti.gr

Hungary

European Consumer Centre Hungary
(ECC-Net)

✉ info@magyarefk.hu

🌐 www.magyarefk.hu

Iceland

Neytendastofa (Consumer Agency)

✉ postur@neytendastofa.is

🌐 www.neytendastofa.is

Ireland

European Consumer Centre Ireland
(ECC-Net)

✉ info@eccireland.ie

🌐 www.eccireland.ie

Italy

ECC-Net Italy

✉ info@ecc-netitalia.it

🌐 www.ecc-netitalia.it

Latvia

European Consumer Centre Latvia
ECC-Net (ECC Latvia)

✉ info@ecclatvia.lv

🌐 www.ecclatvia.lv

Liechtenstein

Amt für Handel und Transport

🌐 www.llv.li/#/11205/konsumentenschutz

Lithuania

European Consumer Centre in Lithuania

✉ info@ecc.lt

🌐 www.ecc.lt

Luxembourg

European Consumer Centre Luxembourg
(ECC-Net)

✉ info@cecluxembourg.lu

🌐 www.cecluxembourg.lu

Malta

European Consumer Centre (Malta)
(ECC-Net)

✉ ecc.malta@gov.mt

🌐 www.eccnetmalta.gov.mt

Norway

The European Consumer Centre (ECC-Net)

✉ post@forbrukereuropa.no

🌐 www.forbrukereuropa.no

Poland

Point of Single Contact

✉ epk@mg.gov.pl

🌐 www.eu-go.gov.pl

Portugal

European Consumer Centre (ECC-Net)

✉ euroconsumo@dg.consumidor.pt

🌐 cec.consumidor.pt

Romania

European Consumer Centre Romania
(ECC-Net)

✉ office@eccromania.ro

🌐 www.eccromania.ro

Slovakia

European Consumer Centre Slovakia
(ECC-Net)

✉ info@economy.gov.sk

🌐 www.economy.gov.sk / www.mhsr.sk

Slovenia

European Consumer Centre Slovenia
(ECC-Net)

✉ epc.mgrt@gov.si

🌐 www.epc.si

Spain

European Consumer Centre (Spain)
(ECC-Net)

✉ cec@consumo-inc.es

🌐 cec.consumo-inc.es

Sweden

The Swedish Consumer Agency (ECC-Net)

✉ info@konsumenteuropa.se

🌐 www.konsumenteuropa.se

The Netherlands

The Consumer Authority

✉ backoffice_ca@consumentenautoriteit.nl

🌐 www.consumentenautoriteit.nl

United Kingdom

The European Consumer Centre for
Services / Trading Standards Institute
(TSI)

✉ eccs@tsi.org.uk

🌐 www.ukecc-services.net

More information about your
consumer rights on:

europa.eu/youreurope

HOW TO OBTAIN EU PUBLICATIONS

Free publications:

- one copy:
via EU Bookshop (<http://bookshop.europa.eu>);
- more than one copy or posters/maps:
from the European Union's representations (http://ec.europa.eu/represent_en.htm);
from the delegations in non-EU countries (http://eeas.europa.eu/delegations/index_en.htm);
by contacting the Europe Direct service (http://europa.eu/eurodirect/index_en.htm) or
calling 00 800 6 7 8 9 10 11 (freephone number from anywhere in the EU) (*).

(* The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

Priced publications:

- via EU Bookshop (<http://bookshop.europa.eu>).

Priced subscriptions:

- via one of the sales agents of the Publications Office of the European Union
(http://publications.europa.eu/others/agents/index_en.htm).

