

CHARGEBACK IN THE EU/EEA - a solution to get your money back when a trader does not respect your consumer rights.

The ECC-Net receives a great number of cross-border complaints from consumers each year having experienced that their rights have not been respected, mainly when shopping online.

A new report from the ECC Network has mapped the consumer rights and the alternatives in the EU/EEA-countries regarding the right to be reimbursed from the card issuing bank through a chargeback procedure.

The findings in the report indicated that most of the countries have a similar procedure for the consumers to claim chargeback, and also that there are established an Alternative Dispute Resolution/mediation body that may handle disputes. There is also the possibility to take contact with FIN-NET for guidance on where to submit a complaint when the dispute is cross-border.

In all the Member States, consumers have a right to refund in the event of non-authorized payment, but they are obliged to take all reasonable steps to keep personalized security features safe. When consumers have purchased goods with a credit card, in most countries/situations, consumers will have a right to be reimbursed if the trader does not respect their consumer rights.

Reasons to turn to the bank for reimbursement may be when the trader doesn't respect the consumers' rights of withdrawal or cancellation of the contract, or if the trader has gone bankrupt, or in cases of non-authorized transaction. Chargeback might be the only solution left to be reimbursed out-of-court.

Consumers may claim chargeback based on EU/EEA legislation (CCD/PSD), national legislation and the banks operating rules. When it comes to non-authorized payment the rights are more limited where the PIN number has been used, although it is the credit card issuer that has the burden of proof to document gross negligence or fraudulent behaviour.

Tips for the consumers:

- Send a written complaint to the trader first to try to solve the case.
- If the trader does not reply/is bankrupt/rejects the claim, send a written complaint to the credit card issuer/bank.
- If the credit card issuer/bank rejects the claim, send the case to the relevant ADR/mediators.
- In all these steps act swiftly as deadline may apply

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