

Chargeback in the EU/EEA

- Legislation and time limits



This publication is made available to the ECC Network and the European Commission and can be published on the websites of the ECC offices.

(Further information can be found in the Annex II)

Layout

Danish Competition and Consumer Authority

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1. Introduction

Definition of chargeback

In a report from 2000 from the EU-Commission, chargeback is defined as the following:

“Chargeback is the technical term used by international card schemes to name the refunding process for a transaction carried out by card following the violation of a rule. This process takes place between 2 members of the card scheme, the issuer of the card and the acquirer (the merchant’s bank). The final customers of these 2 schemes members, the cardholder for the issuer and the merchant for the acquirer, do not have any direct relationship in the chargeback process.”

Chargeback is based on different legal basis in the EU, Norway and Iceland and you can read more about legislation regarding chargeback in this exposition.

Objective of the exposition

The objective of this exposition is to clarify in which countries in the EU, Norway and Iceland, national legislation exist regarding chargeback and to identify in which situations a consumer can get chargeback in the different countries. The aim of the exposition is also to determine if the consumers need to make their claim of chargeback within a certain time limit and whether the banks, credit card companies or cards issuers distinguish between credit cards and debit cards.

Background and methodology

The European Consumer Centre Network consists of 30 ECC-Centre’s based in the EU, Norway and Iceland. The ECC-network is co-financed by the European Union and by each of the participating States.

The main objective of the Network is to increase consumer confidence in the European Internal Market by providing consumers with information on their rights under European consumer legislation and to assist European consumers with individual cross-border complaints.

The European Consumer Centre in Denmark has led this project in close corporation with the Centre’s in Norway and Finland, who formed the working group for this project. The working group created a survey for the ECC Network to fill out and we have received responses from 29 ECC Centre’s. We did not receive a response from ECC Greece.

The results from the survey are considered an addendum to the ECC Network’s report on chargeback from February 2014 and therefore we recommend that the exposition is read along with the chargeback report.

We would like to thank all the ECC offices for participating in the survey.

The views and interpretation in this exposition are not those of the European Commission or the national funding bodies. They are solely those of the working group based on the answers to the survey from all the participating ECC offices.

2. Conclusions from the survey

National legislation on chargeback

The survey has shown that legislation on chargeback is used very differently in the EU, Norway and Iceland.

For instance 6 countries have specific national legislation regarding chargeback if the delivered good or service is not in conformity with the contract.

On the other hand 21 countries have national legislation in the situation where the trader has debited a higher amount on the consumer's account, than what has been agreed upon.

Please see question 1 to 6 for more detailed information.

Many ECC offices have stated that the consumers can refer to the international Visa/Mastercard operating rules in the situations where there is no national legislation regarding chargeback, so the results from the survey regarding national legislation must be read along with the international Visa/MasterCard operating rules.

You can find a link to the national legislation in the response from each ECC office in the attached annex I to the exposition.

The time limits in chargeback

The ECC offices have also provided information about the national time limits that the consumers need to be aware of. The consumer must contact his/her bank or credit card company or the card issuer within a certain time limits and the time limits vary widely from country to country.

The time limits seem to be 14 days for some cases regarding unauthorized payments in Denmark, 8 weeks from the time the amount was debited in some countries and up to 13 months in many countries. The consumers should always contact their bank as soon as possible to make sure that they make their claim before the time limit has expired.

Please see question 7, 8 and 10 for more detailed information.

You can also find the answer and possibly a comment from each of the participating ECC offices in the attached annex I to the exposition.

Legislation covering chargeback on debit cards

In many countries national legislation provides a better consumer protection when the consumer pays with a credit card. In these countries the consumers are given a better chance of receiving chargeback if the consumers pay using a credit card.

In some countries chargeback is also possible if the consumer paid using a debit card.

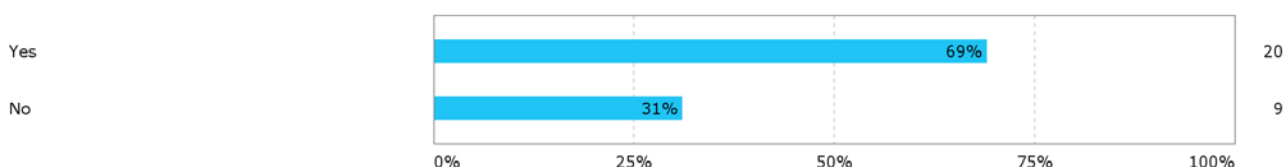
Please see question 9 to 10 for more detailed information.

You can also find the answer and possibly a comment from each of the participating ECC offices in the attached annex I in the exposition.

3. General results

Consumers “alleged” abuse of payment cards

Question 1: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a consumer’s alleged abuse of payment cards?



ECC offices who responded “yes”

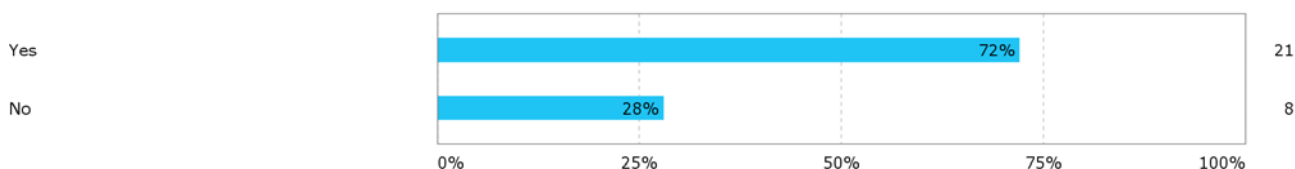
Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Latvia, Luxemburg, the Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, and Spain

ECC offices who responded “no”

Croatia, Cyprus, Estonia, Ireland, Lithuania, Malta, Poland, Sweden, and United Kingdom

Trader debited a higher amount than what has been agreed upon

Question 2: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if the trader debited a higher amount on the consumer's account than what has been agreed upon?



ECC offices who responded "yes"

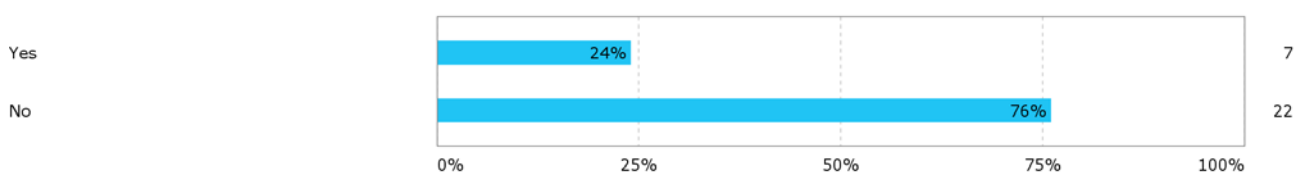
Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Luxemburg, the Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom

ECC offices who responded "no"

Austria, Croatia, Cyprus, Estonia, France, Ireland, Malta, and Poland

Non-delivery of goods and services

Question 3: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on non-delivery of goods/services?



ECC offices who responded "yes"

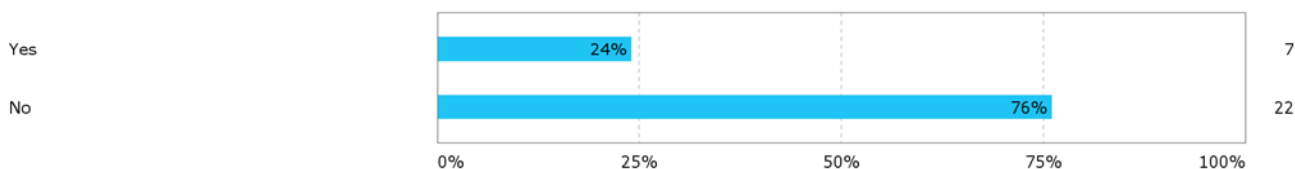
Denmark, Finland, Iceland, the Netherlands, Norway, Sweden, and United Kingdom

ECC offices who responded "no"

Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain

Trader has gone bankrupt or become insolvent

Question 4: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if the trader goes bankrupt/insolvency?



ECC offices who responded “yes”:

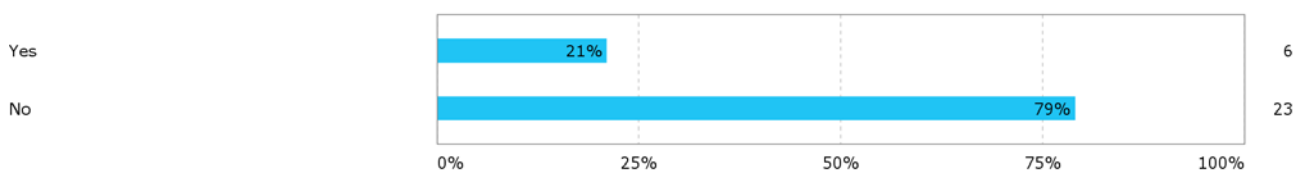
Finland, France, Iceland, Luxemburg, Norway, Sweden and United Kingdom

ECC offices who responded “no”:

Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain

The delivered good or service is not in conformity with the contract

Question 5: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if the delivered good/service is not in conformity with the contract?



ECC offices who responded “yes”:

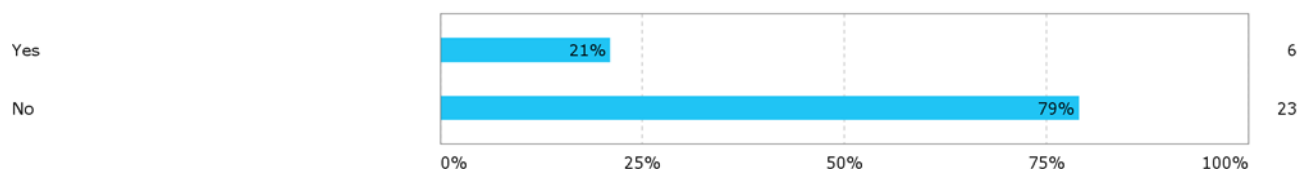
Finland, Iceland, the Netherlands, Norway, Sweden, and United Kingdom

ECC offices who responded “no”:

Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain

Consumer uses a right of withdrawal before the consumer has received the good or service

Question 6: Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if the consumer uses a right of withdrawal before the consumer has received the good or service?



ECC offices who responded “yes”:

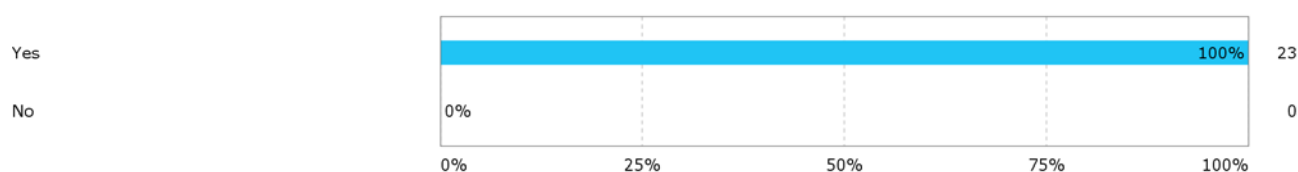
Denmark, Finland, Iceland, Norway, Spain, and Sweden

ECC offices who responded “no”:

Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, and United Kingdom

Time limits

Question 7: Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)?



Please note that only 23 ECC offices have answered this question. The remaining 6 ECC offices have answered “no” to all the questions above and therefore this question is not relevant for them! (Croatia, Cyprus, Estonia, Ireland, Malta and Poland)

ECC offices who responded “yes”:

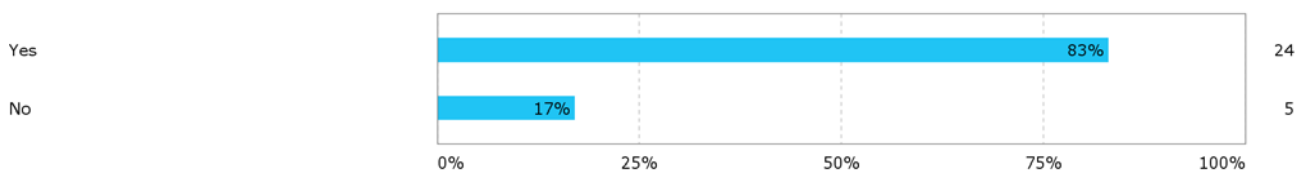
Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Luxemburg, the Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom

ECC offices who answered “no”:

None

Time Limits when the consumer wants to use the international VISA/Mastercard operating rules?

Question 8: Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international VISA/MasterCard operating rules? (If yes, please describe the time limit)



ECC offices who responded “yes”:

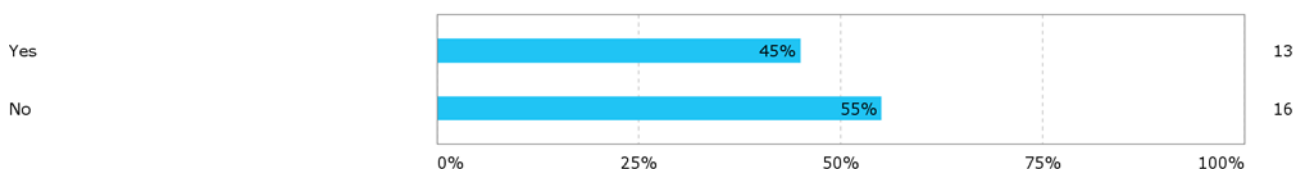
Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland, Latvia, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom

ECC offices who responded “no”:

Croatia, Germany, Italy, Lithuania, and Luxemburg

Is there a difference between debit and credit cards?

Question 9: Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?



ECC offices who responded “yes”:

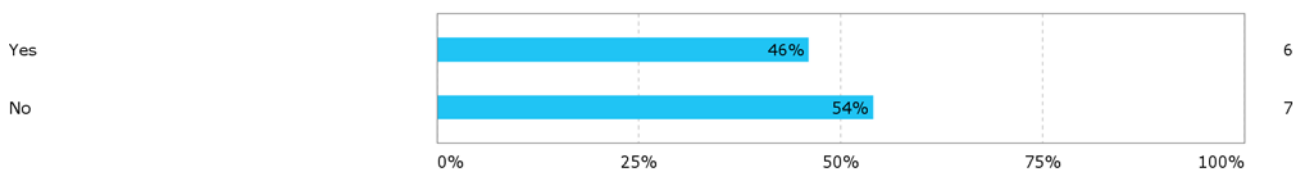
Denmark, Belgium, Estonia, Finland, Germany, Iceland, Ireland, Italy, Lithuania, the Netherlands, Norway, Sweden, and United Kingdom

ECC offices who responded “no”:

Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, France, Hungary, Latvia, Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain

Is there a different time limit that applies for debit cards?

Question 10: Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)



Please note that only the 13 ECC offices that answered yes to the above question, have answered this question!

ECC offices who responded “yes”:

Finland, Ireland, Italy, the Netherlands, Norway, and Sweden

ECC offices who responded “no”:

Belgium, Denmark, Estonia, Germany, Iceland, Lithuania, and United Kingdom

4. Closing remarks

The survey has shown that the legislation covering chargeback vary greatly from country to country and that it can be easier to get a chargeback when the consumers pay with a credit card compared to payment with a debit card.

This means that consumers in the EU, Norway, and Iceland have a very different access to help via the chargeback rules. The chargeback rules have in practice proven to be an extremely effective tool in situations where money otherwise would be considered lost for consumers, for example when they have been victims of fraud.

The survey has also shown that the rules and time limits on chargeback are both complex and not united. The best advice to the ECC-network is to keep referring the consumers to contact their bank, credit card Company or card issuer to ask for charge back as soon as possible.



ANNEX I

Results from the survey

Chargeback in the EU/EEA

- Legislation and time limits

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Austria
Name of respondent Maria Semrad
E-mail address msemrad@europakonsument.at

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

In case of gross negligence the consumer (card holder) has to take the full liability for any damage.
In case of ordinary (slight) negligence the consumer has only to cover an retention of € 150,--.
In all other cases in which the consumer is not liable for any damage the bank has to take the risk completely.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

According to the Consumer Credit Directive 2008/48/EC Article 15 there is a legal institution called "Einwendungsdurchgriff" for "Linked credit Agreements". If there is no credit, banks or credit card companies are not obliged to carry out a chargeback.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Credit Card companies have time limits in which complaint files are handled (p.e. Card complete: 30 days to 13 month).

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

From 30 days to 13 month in case of an unauthorised payment.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

Distribution form

- ☒ E-mail
☐ Paper
☐ Merge distributionsform

E-mail

KGhysels@eccbelgium.be

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Belgium
 Name of respondent Ibtissame Benlachhab
 E-mail address ibenlachhab@eccbelgium.be

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☒ Yes
☐ No

Comments

The law transposed the EU Directive on Payment Services.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Yes, but the time depends on the problem. The Belgian law transposed thge EU Directive. So the law foresees two times as in the directive : 8 weeks and 13 months. For all other situations, it depends on the policy of the credit card company. In Belgium, consumers have 3 months since

the transaction to introduce his contestation at the credit credit company. Belgian credit card company are a little bit flexible. Some consumers have been able to get their money back even if the deadline of 3 months was expired. It depends on circumstances.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

We have no special law in chargeback. The rules are in the law that transposed the EU Directive on Payment Services. We can't refer to an explanation in English. Here the link to the Belgian law (in French) : http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2014041939.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

I am not sure to understand the question. If the problem is not covered by the law (like fraud), consumers have 3 months since the transaction to introduce his contestation at his credit card company.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Charge back is in principe only possible for credit cards.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

Charge back depends on the bank, not on the credit card company. Most Belgian banks refuse the charge back in case of transaction through debit cards.

If you have general comments to time limits regarding charge back - please write them here.

Last year, ECC-Net made a report on this topic. Some questions you ask were in the questionnaire we had to fill in for this report : http://www.cecbelgique.be/20140221/ecc-net-report-chargeback-in-the-eu-eea-a-solution-to-get-your-money-back-when-a-trader-does-not-respect-your-information-rights-Attach_s79291.pdf.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office Bulgaria
Name of respondent Georgi Kasabov
E-mail address g.kasabov@ecc.bg

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

☒ Yes

☐ No

Comments

In the Bulgarian Law on payment services and payment systems. If the abuse - stolen card, illegally taken card, was caused because the C. could not protect his PIN number, then C. is responsible and has to cover personally the lost for the first 150 euro, the amount above that is covered by the bank. C. is liable for all the loss, in case of an abuse, when C. caused them fraudulently or C. intentionally or by hard negligence did not fulfil some C.'s obligations.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

☒ Yes

☐ No

Comments

article 59 (1) para 2 of the Law.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Article 55 of the Law -
C. has to inform the card issuer without unjustified delay after C. became aware of the unauthorized or incorrectly executed operation, but in any case no later than 13 months after this transaction.
In reality banks claim in the General T&C that C. is aware of the problem when he receives the monthly statement of the credit card balance.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

http://bnb.bg/bnbweb/groups/public/documents/bnb_law/laws_payment_services_bg.pdf

http://bnb.bg/bnbweb/groups/public/documents/bnb_law/laws_payment_services_en.pdf

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

according the law - without undue delay on becoming aware of any unauthorised or incorrectly executed payment transactions giving rise to a claim, including that within the meaning of Articles 68, 69 and Article 70, paragraph 1, but no later than 13 months after the debit date.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Croatia
Name of respondent Danijela Marković Krstić
E-mail address danijela.markovickrstic@mingo.hr

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☐ Yes

☒ No

Comments

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC CYPRUS</u>
Name of respondent	<u>ANDRI IACOVOU</u>
E-mail address	<u>aiakovou@mcit.gov.cy</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

- ☐ Yes
☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on alleged abuse of payment cards. However, there is legislation that obliges banks to credit the accounts of cardholders whose card was used fraudulently. Thus, for cases that, according to VISA/Mastercard rules, banks have chargeback right, they use it in order to minimise losses.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

- ☐ Yes
☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the bank issuer to carry out such charge back. However, international rules for VISA/Mastercard apply for such a case.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

- ☐ Yes
☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the card issuer to carry out a chargeback on non-delivery. However, international rules for VISA/Master card apply for such cases.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

- ☐ Yes
☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if the trader goes bankrupt/insolvency. However, international rules for VISA/Mastercard apply for such cases.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if delivery good/service is not in conformity with contract. However, international rules for VISA/Mastercard apply for such case.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

There is no national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if consumer uses the withdrawal right before he receives the good/service. However, international rules for VISA/Master card apply.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

The consumer needs to contact his bank/credit card company/the card issuer within certain time limit. However, time limits depend on each case.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

The banks do not distinguish between debit cards and credit cards in relation to charge back.

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

Distribution form

- ☒ E-mail
☐ Paper
☐ Merge distributionsform

E-mail

tvecl@coi.cz

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC CZ</u>
Name of respondent	<u>Tomas Vecel</u>
E-mail address	<u>tvecl@coi.cz</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

- ☐ Yes
☒ No

Comments

voluntary chargebacks based on Visa/Mastercard operating rules apply

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

voluntary chargebacks based on Visa/Mastercard operating rules apply

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Depends on the reason for the chargeback, in terms of chargebacks regulated by law (abuse of card) there is a time limit of 13 months. In terms of voluntary chargebacks based on Visa/Mastercard operating rules, usually 3/6 months apply.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time

limit in your country.

Links

<http://portal.gov.cz/app/zakony/zakonPar.jsp?idBiblio=69225&nr=284~2F2009&rpp=15#local-content>

unfortunately not available in English

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

3/6 months

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

Distribution form

- ☒ E-mail
☐ Paper
☐ Merge distributionsform

E-mail

lar@forbrugereuropa.dk

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Denmark
 Name of respondent Bettina Breinholt Groth
 E-mail address bbg@forbrugereuropa.dk

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☒ Yes
☐ No

Comments

The Danish Payment Services Act § 62

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☒ Yes
☐ No

Comments

The Danish Payment Services Act § 74, paragraph 1.1

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☒ Yes
☐ No

Comments

The Danish Payment Services Act § 74, paragraph 1.2

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☐ Yes

☒ No

Comments

It is possible for a consumer to use charge back when he uses VISA or MasterCard.

When a consumer uses a debitcard he can use charge back in the case of non-delivery of goods/services if the good/service has been ordered and paid. This does not apply if the consumer has accepting paying in advance or it is a trade custom to pay in advance. In this case the consumer has to contact the bankruptcy estate.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

It is not possible to ask for charge back if the product or service has a defect but if a completely different product has been delivered to the consumer, this can be interpreted as non-delivery of goods,

The Danish Payment Services Act § 74, paragraph 1.2

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☒ Yes

☐ No

Comments

The Danish Payment Services Act § 74, paragraph 1.3.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

The consumer must contact his bank as soon as possible.

In case of unauthorized payments the consumer must contact the bank as soon as possible and no later than 13 months after the money has been drawn. The Danish Consumer Ombudsman has come to a mutual understanding with the business and consumer organizations in Denmark about how to interpret "as soon as possible". A complaint sent within 14 days from the consumer's "positive knowledge" of the unauthorized payment is considered "as soon as possible". According to the Danish Consumer Ombudsman, a consumer is not obliged to check the statement of account from the bank every month. If the card issuer has contacted the consumer and informed about a possible unauthorized payment then the consumer has "positive knowledge" and must contact the card issuer/bank and ask for chargeback as soon as possible.

In other cases the consumer must contact the bank as soon as possible. If the consumer contacts his bank within 14 days from the time, the consumer found out or should have found out that an amount has been withdrawn, this can be considered within reasonable time. The Danish Bankers

Association has stated that a consumer should contact his bank no later than 1-2 months after it has become clear that the trader does not want to find a solution.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

The Danish Payment Services Act: <https://www.retsinformation.dk/forms/r0710.aspx?id=136858> - please note all the changes to the law in the right side of the website.

Information about the Danish Payment Services Act on the Consumer Ombudsman's website: <http://www.consumerombudsman.dk/Regulatory-framework/Payment-Services-Act>

Information about the new mutual understanding between the CPC and the business and consumer organizations:

<http://www.forbrugerombudsmanden.dk/Nyheder-fra-FO/Pressemeddelelser/2014/Enighed-om-indsigelsesfristen-ved-uretmaessige-traek-paa-kontoen?tc=042E76920BD94367AD5EEE9E06C8A24F>

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

The same time limits applies

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

The same time limits applies

If you have general comments to time limits regarding charge back - please write them

here.

Thank you for your participation!

Distribution form

- ☐ E-mail
☐ Paper
☐ Merge distributionsform

E-mail

KT77-1HXX-HM21

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Estonia
 Name of respondent Kristina Vaksmaa
 E-mail address kristina.vaksmaa@consumer.ee

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☐ Yes
☒ No

Comments

Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☐ Yes
☒ No

Comments

Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☐ Yes
☒ No

Comments

Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does your country have national legislation that obliges banks/credit card

companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☐ Yes
☒ No

Comments

Not as far as Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

- ☐ Yes
☒ No

Comments

Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

- ☐ Yes
☒ No

Comments

Rules of international card organisations apply. Although concrete rules adopted by national banks, including the e-commerce transactions, are not publicly available.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

Time limits are set by international card organisations and according to the banks it is 4 months.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

- ☒ Yes
☐ No

Comments

No chargeback is available in case of debit card payments (as far as ECC Estonia knows).

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

Not aware of any chargeback possibilities in case of debit cards.

If you have general comments to time limits regarding charge back - please write them here.

Although there are concrete rules adopted by national banks, including in case of the e-commerce transactions, these rules and possibilities are not publicly available.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC Finland</u>
Name of respondent	<u>Saija Kivimäki</u>
E-mail address	<u>saija.kivimaki@kkv.fi</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☒ Yes

☐ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time

limit in your country.

Links

Link to the national legislation regarding time limit and banks (only in Finnish):

<http://www.finlex.fi/fi/laki/ajantasa/2010/20100290#L7P79>

Short explanation in English regarding time limit and banks in national legislation:

There are actually two time limits.

The time limit regarding unauthorized use is regulated in Payment Services Act, Chapter 7 Section 70. According, to it the customer has to notify the service provider immediately having noticed the unauthorized payment and within 13 months of the payment date when the amount was debited or credited the the account.

The time limit concerning reimbursement due to a payment action, initiated by or through a payee, which is not stated in a clear manner in the authorisation and is higher than the payer could reasonably have expected taking into account his previous spending pattern, the conditions in his frameworks contract and relevant circumstances of the case is regulated in Payment Services Act, Chapter 7 Section 80. Accordingly the payer shall request refund within eight weeks of the payment date.

Link to the national legislation regarding time limit and credit card companies (only in Finnish):

<http://www.finlex.fi/fi/laki/ajantasa/1978/19780038#L7P39>

Short explanation in English regarding time limit and credit card companies in national legislation:

According to the Consumer Protection Act, Chapter 7 Section 39 where a consumer has the right to withhold payment or receive refund, compensation or another money payment from the seller or the service provider on the basis of a breach of contract of the latter, this right shall apply also in respect to the creditor who has financed the purchased service.

The section does not include anytime limit. The Supreme Court of Finland, however, has issued a decision related to this question. The case involved a consumer having ordered items from a foreign seller and payment was made via Visa card. Despite the consumer's repeated enquiries and complaints, the seller never delivered the products ordered. The consumer filed a complaint with the creditor (card payment service provider) after one and a half year from the order, demanding a refund of the purchase price. The creditor denied its responsibility as the consumer had not requested refund within the time limit (14 days) stated in the credit card terms. According to the Supreme Court of Finland however, such a limitation of liability can't restrict the consumer right to claim refund from the creditor. Therefore the consumer was entitled to refund.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Please note, in Finland the consumers right for charge back from a creditor is based on law and

therefore this question is not relevant for consumer. Regarding debit cards, there are banks that follow Visa/Mastercard rules but not every bank does so. Those banks which do use a time limit of two months.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☒ Yes

☐ No

Comments

There are actually two time limits.

The time limit regarding unauthorized use is regulated in Payment Services Act, Chapter 7 Section 70. According to it the customer has to notify the service provider immediately having noticed the unauthorized payment and within 13 months of the payment date when the amount was debited or credited the the account.

The time limit concerning reimbursement due to a payment action, initiated by or through a payee, which is not stated in a clear manner in the authorisation and is higher than the payer could reasonably have expected taking into account his previous spending pattern, the conditions in his frameworks contract and relevant circumstances of the case is regulated in Payment Services Act, Chapter 7 Section 80. Accordingly the payer shall request refund within eight weeks of the payment date.

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC France</u>
Name of respondent	<u>Bianca Schulz</u>
E-mail address	<u>schulz@cec-zev.eu</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☒ Yes
☐ No

Comments

but it is very restrictive

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

- ☐ Yes
☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

the consumer has a maximum of 13 months (but the possibility might be restricted for example in case of insolvency, the payment must have been done prior or at the latest at the moment of publication of the insolvency so that the cover can apply), the consumer must regularly check his bank account statements, inform asap the bank ...

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

article L 133-18 and following of the monetary code
http://www.legifrance.gouv.fr/affichCode.do;jsessionid=EA76D211B91DB27547D94C43F929223C.tpdjo10v_3?idSectionTA=LEGISCTA000020861595&cidTexte=LEGITEXT000006072026&dateTexte=20141126

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

as soon as possible, prescription is 13 months after debit

Do the banks/credit card companies/the card issuer in your country distinguish between

debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

Distribution form

- ☒ E-mail
☐ Paper
☐ Merge distributionsform

E-mail

biancaschulz@euroinfo-kehl.eu

To begin the questionnaire, please fill in the following information

Name of ECC Office Germany
 Name of respondent Patrick
 E-mail address oppelt@cec-zev.eu

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☒ Yes
☐ No

Comments

we have ticked yes at the charge back JP but I have a difficulty with alleged....

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☒ Yes
☐ No

Comments

Generally yes but only under strict conditions. See legal text:

The payer has a right vis-à-vis his payment service provider to the refund of a payment amount which has been debited which is based on an authorised payment transaction initiated by or through the payee if

1. the precise amount was not stated on the authorisation, and
2. the payment amount exceeds the amount which the payer could have anticipated in line with his previous expenditure conduct, the conditions of the framework contract for payment services and the respective circumstances of the individual case; reasons connected with any currency exchange are not to be considered if the reference exchange rate agreed between the parties was used as a basis.

The payer is obliged on request by his payment service provider to explain the factual circumstances from which he derives his refund demand.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

the consumer has to act without delay and within a 13 months period in case of fraud.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

http://www.gesetze-im-internet.de/englisch_bgb/
§§ 675u-676c BGB

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☐ Yes
☒ No

Comments

I don't know , will depend on the contract

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

- ☒ Yes
☐ No

Comments

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

- ☐ Yes
☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

--

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC Hungary</u>
Name of respondent	<u>Attila Kriesch</u>
E-mail address	<u>a.kriesch@nfh.hu</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time

limit in your country.

Links

no such links

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

according to our knowledge yers, it depends on the operating rules of VISA/Mastercard

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

we do not know

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC- Iceland</u>
Name of respondent	<u>Ivar Halldorsson</u>
E-mail address	<u>ivar@ns.is</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

- ☒ Yes
☐ No

Comments

h

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

- ☒ Yes
☐ No

Comments

h

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

- ☒ Yes
☐ No

Comments

The card owner can take action against the lender, legislation does not however use the exact wording that it is obliged to carry out chargeback. He must first try to resolve the issue straight with the seller without getting the result according to a judgement thereof. Also one of the following criteria must apply. 1. Trader has gone bankrupted, 2. The estates of seller has been taken to composition agreement. 3. After enforceable action it is clear that the seller cannot pay their debts.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

- ☒ Yes
☐ No

Comments

See former answer

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

- ☒ Yes
☐ No

Comments

The card owner can take action against the lender, legislation does not however use the exact wording that it is obliged to carry out chargeback. He must first try to resolve the issue straight with the seller without getting the result according to a judgement thereof. Also one of the following criteria must apply. 1. Trader has gone bankrupted, 2. The estates of seller has been taken to composition agreement. 3. After enforceable action it is clear that the seller cannot pay their debts.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

- ☒ Yes
☐ No

Comments

Unclear- According to legislation: If a consumer uses his right to withdraw from a contract he is no longer bound by the loan agreement. No explicit reference to obligation of charge back.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

8 weeks from the time the fund was debited.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

<http://www.althingi.is/lagas/143b/2013033.html>
<http://www.althingi.is/lagas/139b/2011120.html>

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

Seems to be 8 weeks.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

in their terms they use „credit cards“

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

Legislation seems to make no differentiate between them. Legislation uses the wording "payment service".

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Ireland
Name of respondent Anna Heryan
E-mail address aheryan@eccireland.ie

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

In order to start a chargeback, a consumer should contact his/her card provider (the bank or credit card company who issued the card) immediately. Give them details of the transaction he/she is disputing and request that they follow it up with the supplier's merchant. Time limits for chargeback requests are strict (up to 120 days)

Do the banks/credit card companies/the card issuer in your country

distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Each card scheme has its own set of rules for chargebacks which can vary from scheme to scheme (Visa, MasterCard, Maestro). Most schemes offer full chargeback rights to consumers, but with some debit cards schemes the use of the chargeback facility may be limited in certain situations.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☒ Yes

☐ No

Comments

It may be. These are set out under the rules of the credit and debit card schemes.

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC IT
 Name of respondent Maria Pisanò
 E-mail address maria.pisano@ecc-netitalia.it

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☒ Yes
☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

- ☐ Yes
☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

- ☐ Yes
☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

According to the Italian Law (Legislative Decree n.11/2010) in case of unauthorised or incorrectly executed payment transactions the time limit is 13 months after the debit date, for the payer, or the credit date, for the payee. The 13-month term shall not apply where the provider has failed to provide or make available the information on such payment transaction.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

http://www.dt.tesoro.it/en/regolamentazione_settore_finanziario/servizi_bancari/dlgs_27012010_n11_attuaz_dir_ce.html
http://www.bancaditalia.it/sispaga/sms/normativa/sispag/bi/attuazione-dlg-11-270110/Provvedimento-050711_en.pdf

Please be aware that in Italy it doesn't exist a specific legislation on charge back

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☐ Yes
☒ No

Comments

consumer has to send a complaint by registered letter with 60 days from the notification of the bank statement

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

- ☒ Yes
☐ No

Comments

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

- ☒ Yes
- ☐ No

Comments

Chargeback procedure doesn't apply to debit card

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC Latvia</u>
Name of respondent	<u>Laura Grava</u>
E-mail address	<u>info@ecclatvia.lv</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

The time limit depends on contractual relations with payment service provider. It can be 120 days.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Charge back refers only to non-authorized payments and for authorized payments if trader has charged higher amount than consumer could expect.
<http://likumi.lv/doc.php?id=206634>

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Time limit depends on contractual relations with payment service provider. It can be 120 days.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Lithuania
Name of respondent Ausvydas Cebatorius
E-mail address ausvydas.cebatorius@ecc.lt

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

The payer shall have the right to request the refund of an authorised payment transaction initiated by or through a payee for a period of eight weeks from the date on which the funds were debited.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=419816&p_tr2=2

Law on Payments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☐ Yes

☒ No

Comments

it depends on the bank and his terms and conditions. But there aren't any legislation regarding this issue.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

usaly banks give better charge back conditions to the credit cards holders.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

there is no national legislation.

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office Luxemburg
Name of respondent Jean-Loup Stradella
E-mail address stradella@cecluxembourg.lu

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

No legislation, depending on the card issuer terms and conditions (commonly, the consumer has a good protection regarding non-delivery).

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

No legislation, depending on the card issuer terms and conditions (commonly, the consumer has a good protection regarding good/service not in conformity with contract).

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

13 months.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

The law in Luxembourg is only in French and does not exist in English:

file:///C:/Users/PC2/Downloads/loi-du-10-novembre-2009-relative-aux-services-de-paiement.pdf

For a general information in English about chargeback procedure from Luxembourg's bank association:

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☐ Yes

☒ No

Comments

I don't know to be honest.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Malta
 Name of respondent Phyllis Bezzina
 E-mail address phyllis.bezzina@mccaa.org.mt

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

☐ Yes

☒ No

Comments

Directive No.1 on the Provisions and Use of Payment Services issued by the Central bank of Malta transposes the payment Services Directive. Directive No. 1 lays down that the payment service user shall obtain rectification from the payment service provider only if he notifies his payment service provider without undue delay of any unauthorised transaction in his account or wrongly executed payment transactions giving rise to a claim. The payment service user has a time limit of 13 months after the debit date, unless, where applicable, the payment service provider has failed to provide or make available the information on that payment transaction in accordance with the Directive.

Directive No. 1 does not provide for rules in the above mentioned situations.

a) in the case of non-authorized use of card where PIN-code has been used.
 No specific rules apply as per Directive

b) in the case of non-authorized use of card, but without the PIN-code being involved.
 No specific rules apply as per Directive

c) when non-delivery of goods/ service or delivery of goods/ service not in conformity with contract occurs.
 No specific rules apply as per Directive. However, chargeback processes are regulated by Visa/Mastercard by Visa/Mastercard in terms of the timeframes in which case may be initiated and time in which a merchant may reply.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

☐ Yes

☒ No

Comments

No specific rules, chargeback processes are regulated by Visa/MasterCard in terms of the timeframes in which cases may be initiated and time in which merchant may reply.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☐ Yes
☒ No

Comments

Same as previous question

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☐ Yes
☒ No

Comments

No specific rules, as above

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

- ☐ Yes
☒ No

Comments

As above

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

- ☐ Yes
☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

One particular bank answered that the bank policy is of 3 months

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC Netherlands</u>
Name of respondent	<u>Eva Calvelo</u>
E-mail address	<u>ecalvelo@eccnederland.nl</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Articles 7:523, 7:526 and 7:528 Dutch Civil Code

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

8 weeks; article 7:531 Dutch Civil Code

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

<http://www.dutchcivillaw.com/civilcodebook077.htm>

Article 7:531 Requests for refunds for payment transactions initiated by or through a payee
- 1. The payer may, for a period of eight weeks after the day on which the funds have been debited, request for a refund as referred to in Article 7:530.

- 2. Within ten business days of receiving a request for a refund, the payment service provider shall either refund the full amount of the executed payment transaction or report that he refuses to make the requested refund.
- 3. When the payment service provider refuses to make the requested refund, he shall substantiate the reasons for his decision, mentioning as well the bodies for settling disputes to which the payer, if he does not accept the refusal, may refer the matter in accordance with Article 4:17, paragraph 1, point (b), of the Financial Supervision Act.
- 4. The payment service provider's right to refuse the requested refund, as provided under paragraph 2, shall not apply in the case set out in Article 7:530, paragraph 4.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

30 days after the consumer has received its statement of account.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

More possibilities to get a charge back in case the payment was made via credit card.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☒ Yes

☐ No

Comments

8 weeks; article 7:531 Dutch Civil Code

If you have general comments to time limits regarding charge back - please write them here.

In the law is mentioned that consumers need to contact their bank / credit card company within 8 weeks. But in the terms & conditions of Mastercard is mentioned that the time limit is 30 days.

As already mentioned in the Joint Project Chargeback (ECC NO) the national law does not correspond to the rules of the banks / credit cards.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Norway
Name of respondent Ragnar Wiik
E-mail address ragnar.wiik@forbrukereuropa.no

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☒ Yes

☐ No

Comments

Only for creditcards since the creditcard company/bank are equally liable in the law for the claim as the trader. The time limit in these situations is 60 days from the withdrawal or 120 days if the Visa/Mastercard will perform a chargeback.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

☒ Yes

☐ No

Comments

The Financial agreement act § 54, b

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☒ Yes

☐ No

Comments

The Financial agreement act § 54,b

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☒ Yes

☐ No

Comments

The financial agreement act §54,b

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

1. For unauthorised withdrawals - without undue delay and 13 months from the time of withdrawal.
2. For non-delivery, without undue delay and 60-120 days from agreed delivery and within 480 days after being aware of non-delivery
2. For contractual claims within reasonable time contact the card-issuer about the claim
3. For Visa/Mastercard conditions for creditcards- must contact the trader and the card-issuer within reasonable time

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

<http://lovdata.no/dokument/NL/lov/1999-06-25-46>

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Within reasonable time from the withdrawal

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Yes, because the rights implemented in the law is based on creditcards (except unauthorised withdrawal)

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☒ Yes

☐ No

Comments

1 For unauthorised withdrawal within duly time and 13 months
2.For Visa/Mastercard - within reasonable time

If you have general comments to time limits regarding charge back - please write them here.

the rules and time limits are complex and not united. so it is good to emphasis on chargeback in general as a way to get refund when a trader does not respect your rights.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Poland
Name of respondent Elżbieta Seredyńska
E-mail address elzbieta.seredynska@konsument.gov.pl

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

it depends on the terms & conditions of the bank

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Portugal
 Name of respondent Céu Costa
 E-mail address ceu.costa@dg.consumidor.pt

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

☒ Yes

☐ No

Comments

Decree-Law n. 317/2009 of 30 October amended by Decree-law n. 242/2012 of 7 November.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

☒ Yes

☐ No

Comments

Decree-Law n. 317/2009 of 30 October amended by Decree-law n. 242/2012 of 7 November.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

☐ Yes

☒ No

Comments

The national legislation does not cover the specific situation of non-delivery of goods/services. Although, as the great majority of the credit cards circulating in Portugal are from Visa/Mastercard, we may consider usual the fact that the practice of chargeback by Portuguese banks are accomplished according to Visa/Mastercard rules. In addition, we must also underline that, in distance contracts or door selling contracts consumers have the right to obtain the chargeback. Consumer must ask the payment-card company the chargeback within the first 14 days after the conclusion of the contract. This period may be extended to three months, if the supplier does not provide essential information on the contract (e.g. information about the means that consumer has to give up from the contract).

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

The national legislation does not cover the specific situation of goods/services not in conformity with contract. Although, as the great majority of the credit cards circulating in Portugal are from Visa/Mastercard, we may consider usual the fact that the practice of chargeback by Portuguese banks are accomplished according to Visa/Mastercard rules.
In addition, we must also underline that, regarding the EU legislation, in distance contracts or door selling contracts consumers have the right to obtain the chargeback.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

The national legislation does not cover the specific situation of charge back if the consumer uses a right of withdrawal before the consumer has received the good or service. Although, as the great majority of the credit cards circulating in Portugal are from Visa/Mastercard, we may consider usual the fact that the practice of chargeback by Portuguese banks are accomplished according to Visa/Mastercard rules.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Yes, in case of chargeback in the circumstance of fraud or wrong act from the bank/credit card company/the card issuer, the time limit to ask the chargeback is 13 months after the day of the charge.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Below, we provide the links to the national legislation regarding chargeback, as indicated previously:

- Decreto-Lei n.º 317/2009
<https://dre.pt/application/file/483351>
amended by
Decreto-Lei n.º 242/2012
<https://dre.pt/application/file/191593>
(we could not find a link in English to an official webpage).

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

As the rules practised by the banks in Portugal are the ones established by Visa/Mastercard, when we speak about these credit card companies, those rules about time limits are the following: "There is a time limit on chargeback claims - typically 120 days - which starts from the day you become aware of a problem. There is also an overall cut off point of 540 days for Visa chargeback. Therefore, your deadline for requesting a chargeback is 120 days from discovering you have a problem, or 540 days from the transaction date, whichever comes first."

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

In Portugal, debit card holders may, under certain circumstances enjoy protection of the card companies operating rules.

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Romania
Name of respondent Irina Chiritoiu
E-mail address irina.chiritoiu@eccromania.ro

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes**

bankrupt/insolvency?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Usually, 30 days.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

National legislation on payment services - <http://lege5.ro/Gratuit/gezdnzrgi/ordonanta-de-urgenta-nr-113-2009-privind-serviciile-de-plata>.
No information in English.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Usually, 30 days.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>ECC Slovakia</u>
Name of respondent	<u>Pavel Pavlovkin</u>
E-mail address	<u>pavlovkin@mhsr.sk</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Act number 492/2009 Coll. on payment services. I have also found the Terms of The National bank of Slovakia, which set guidelines for the management of clients bank accounts and guidelines for payment and settlement of these accounts
<http://www.nbs.sk/sk/legislativa/vestnik-nbs/1995/obchodne-podmienky-dodatok>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Yes. Without undue delay within, but not later than 13 months after the date of transaction.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Act on payment services http://www.nbs.sk/_img/Documents/_Legislativa/_BasicActs/A492-

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Slovenia
Name of respondent Martina Gašperlin
E-mail address martina.gasperlin@gov.si

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

☒ Yes

☐ No

Comments

Yes, and it is the same regulation as in the Directive 2007/64 the payer bears the loss up to the amount of 150 EUR (Payment services and systems Act).

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

☒ Yes

☐ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

13 months for unauthorised or incorrectly executed payment actions.
8 weeks for payment transactions ordered by the payee or payer through the payee.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Link to the legislation:
<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5485>

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Mastercard (T&C's)- the credit card user must inform his bank as soon as possible. The time limit is 5 days from the day he received his monthly report of made payments.
Visa (T&C's) - if the credit card user sees irregularities on the monthly report of made payments, he must inform the bank within 8 days, counted from the day the payment transaction was made.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☐ Yes

☒ No

Comments

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office ECC Spain
Name of respondent jose ignacio paredes perez
E-mail address jose.paredes@consumo-inc.es

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

☒ Yes

☐ No

Comments

The article 31 of the Law 16/20002 of Payment Services states:

Without prejudice to Article 29 of this Law (unauthorised or incorrectly executed payment transactions) and to the compensation for damages that may be entitled to in accordance with the law applicable to the contract concluded between the payer and his payment service provider in the case of an unauthorised payment transaction, the payer's payment service provider refunds to the payer immediately the amount of the unauthorised payment transaction and, where applicable, restores the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

☒ Yes

☐ No

Comments

This one also is regulated in the article 31 Law 16/2009 of Payment Services

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☐ Yes

☒ No

Comments

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☒ Yes

☐ No

Comments

This one is established in article 112 of the General Law in Defence of Consumers and Users

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

When the user of the payment service becoming aware of any unauthorised or incorrectly executed payment transaction has been performed, he shall communicate it without undue delay to the payment

service provider in order to obtain rectification.

Notwithstanding the cases in with the payment service provider has not given or making available to the user the information concerning the payment transaction, the communication referred to in the previous paragraph shall be done in thirteen months from the date of the credit or deposit.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

http://ec.europa.eu/internal_market/payments/docs/framework/transposition/spain_en.pdf

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

- ☒ Yes
☐ No

Comments

When the user of the payment service becoming aware of any unauthorised or incorrectly executed payment transaction has been performed, he shall communicate it without undue delay to the payment service provider in order to obtain rectification.

Notwithstanding the cases in with the payment service provider has not given or making available to the user the information concerning the payment transaction, the communication referred to in the previous paragraph shall be done in thirteen months from the date of the credit or deposit.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

- ☐ Yes
☒ No

Comments

Payment instrument' means any personalised device(s) or set of procedures agreed between the payment service user and the payment service provider, used by

the payment service user in order to
initiate a payment order

If you have general comments to time limits regarding charge back - please write them here.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office Sweden
Name of respondent Magnus Adell
E-mail address magnus.adell@konsumenteuropa.se

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards?**

- ☐ Yes
☒ No

Comments

Not for a _consumers_ alleged abuse of payment cards but legislation for "chargeback" exists for someone else's alleged abuse of the payment card - this comes from the Payment Services Directive and is implemented through lag (2010:738) om obehöriga transaktioner med betalningsinstrument and lag om betaltjänster (2010:751).

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon?**

- ☒ Yes
☐ No

Comments

Sweden has implemented the rules in PSD.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services?**

- ☒ Yes
☐ No

Comments

Sweden has implemented CCD - the bank is jointly liable with the trader if purchase is made by credit card.

For debit card no such rules exist.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency?**

- ☒ Yes
☐ No

Comments

Sweden has implemented CCD - the bank is jointly liable with the trader if purchase is made by credit card.

For debit card no such rules exists.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract?**

☒ Yes

☐ No

Comments

Sweden has implemented CCD - the bank is jointly liable with the trader if purchase is made by credit card.

For debit card no such rules exists.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☒ Yes

☐ No

Comments

Sweden has implemented CCD - the bank is jointly liable with the trader if purchase is made by credit card.

For debit card no such rules exists.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Credit cards - same restrictions for contacting the bank as for when the consumer contacts the trader since the trader and bank are jointly liable.

Debit cards - unknown, informally the limits appear to be 3 months but there are suspicion that it is possible after that date also. Read at one website that might not be completely trustable the upper limit is 12-13 months. No official/formal statements has been found on this issue.

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

Please see NIMs on Eur-Lex for national CCD and PSD implementations (covers all EU member states).

Does the consumer need to contact his bank/credit card company/the card

issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Again, no formal/official statement has been found but 3 months keeps reappearing regarding this. Also the information on 12-13 months as an absolute limit _for the bank to initiate chargeback_, situation is not clear.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Unauthorized charges - PSD covers all cards, both credit and debit.

Non-delivery, non-conformity etc. - CCD only covers credit cards, no rules for debit cards.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☒ Yes

☐ No

Comments

Again, unclear and no formal/official statement but appears to be 3 months and 12-13 months as upper limit.

If you have general comments to time limits regarding charge back - please write them here.

Please see the chargeback report.

Thank you for your participation!

To begin the questionnaire, please fill in the following information

Name of ECC Office	<u>UK ECC</u>
Name of respondent	<u>Wojtek Szczerba</u>
E-mail address	<u>wojteks@tsi.org.uk</u>

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on a **consumer's alleged abuse of payment cards**?

- ☐ Yes
☒ No

Comments

If this is regarding fraudulent transactions, not aware of such provisions, but most of the banks will put such amounts into disputes under the chargeback scheme.

The Consumer Credit Act 1974 (Section 75) provides that transactions between £100 and £30,000 are protected against breaches of contracts and misrepresentations. The credit card company (or any other finance company providing 'linked loans', i.e. loans for the particular purpose usually arranged by the merchant) has joint and several liability in this respect. This applies to three party agreements (consumer, merchant, finance company).

This statutory instrument does not apply to debit card payments, bank transfers, cheque payments, etc.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader debited a higher amount on the consumer's account than what has been agreed upon**?

- ☒ Yes
☐ No

Comments

It is possible to claim part of the amount if the payment was made with credit card or linked loan. As Section 75 of Consumer Credit Act 1974 effectively provides for the finance company's equal liability, it can be argued that issue of overcharging may be seen as a breach of contract.

It is our belief that voluntary chargeback (not a statutory legal instrument) offers the possibility of arguing the full amount charged. We were never advised by consumers of partial refunds issued under the scheme.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback on **non-delivery of goods/services**?

- ☒ Yes
☐ No

Comments

Only for credit card payments (or 'linked loans') where the value of goods is between £100 and £30,000.

Non-statutory chargeback also possible for credit and debit cards for all amounts.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the trader goes bankrupt/insolvency**?

- ☒ Yes
☐ No

Comments

Statutory instrument can be used only if this can be argued as a breach of contract within the constraints of Section 75.

Non-statutory chargeback also possible for credit and debit cards for all amounts.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out chargeback if **the delivered good/service is not in conformity with contract**?

- ☒ Yes
☐ No

Comments

Yes, for credit card transactions and 'linked loans', but this is not chargeback as such but an

argument for equal liability of the finance company.

This is the case for all claims under Section 75 of Consumer Credit Act 1974. All cases are considered on their merits, the finance company effectively has equal liability and both the merchant and the finance company can be pursued separately.

Chargeback for debit cards may be possible, but this is a voluntary scheme operated by card providers, not a statutory tool.

Does your country have national legislation that obliges banks/credit card companies/the card issuer to carry out charge back if **the consumer uses a right of withdrawal before the consumer has received the good or service?**

☐ Yes

☒ No

Comments

The consumers can try putting most of the transactions into disputes under the voluntary chargeback scheme (credit and debit cards), but the traders may respond to them stating the claim has no basis and the amount would then be recredited to the trader.

As this is neither a breach of contract nor a misrepresentation, Section 75 is not likely to apply.

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

Voluntary chargeback scheme (credit and debit cards) has the time limit of 120 days from the date of disputed transaction.

Claims arising under the Section 75 of Consumer Credit Act 1974 are generally to be made within the national limitation period (6 years).

Please provide a link to the national legislation about charge back and if possible a link with information in English about charge back and the time limit in your country.

Links

<http://www.legislation.gov.uk/ukpga/1974/39/section/75>

http://www.adviceguide.org.uk/england/consumer_e/consumer_different_ways_of_buying_e/consumer_buying_goods_and_services_on_cre

Does the consumer need to contact his bank/credit card company/the card issuer within a certain time limit if he is requesting a charge back based on the international Visa/Mastercard operating rules? (If yes, please describe the time limit)

☒ Yes

☐ No

Comments

We believe the chargeback time limit is generally 120 days for all credit/debit card transactions.

Do the banks/credit card companies/the card issuer in your country distinguish between debit cards and credit cards in regards to charge back?

☒ Yes

☐ No

Comments

Credit card payments between £100 and £30,000 are additionally covered by Section 75.

Is there a different time limit or several different time limits that applies for debit cards? (If yes, please describe the time limits)

☐ Yes

☒ No

Comments

As far as we are aware, this is a market-wide time limit of 120 days.

If you have general comments to time limits regarding charge back - please write them here.

Section 75 of Consumer Credit Act 1974 provides an actual statutory instrument for consumers to argue that the finance companies are equally liable in some cases.

Whilst the uses are limited, we believe this to be an unique arrangement across the Europe and we have been informed about consumers receiving significant refunds in the situations where it would not be possible otherwise, e.g. claims made a few years down the line, etc.

Thank you for your participation!



ANNEX II

Contact details ECC-Net

Chargeback in the EU/EEA

- Legislation and time limits

Annex II Contact details ECC-Net

AUSTRIA

EUROPEAN CONSUMER CENTRE

EUROPÄISCHES VERBRAUCHERZENTRUM

Director: Georg Mentschl
Mariahilfer Straße 81
A-1060 Wien
Austria
Tel: + 43 1 588 77 0 (general line) and
Europe-Hotline 0810 - 810 225
(only available in Austria)
Fax: + 43 1 588 77 71
E-mail: info@europakonsument.at
Web: www.europakonsument.at

BELGIUM

EUROPEAN CONSUMER CENTRE

EUROPEES CENTRUM VOOR DE CONSUMENT CENTRE EUROPEEN DES CONSOMMATEURS

Director: Karen Ghysels
Hollandstraat 13 / rue de Hollande 13
1060 Brussel/Bruxelles
Belgium
Tel: +32 2 542 33 46 (NL)/ +32 2 542 33 89 (FR)
Fax: +32 2 542 32 43
E-mail: info@eccbelgium.be
Web: www.eccbelgium.be

BULGARIA

EUROPEAN CONSUMER CENTRE BULGARIA

Director: Ignat Arsenov
Bacho Kiro street No14
Bg-1000 Sofia
Bulgaria
Tel: +359 298 676 72
Fax: +359 298 755 08
E-mail: info@ecc.bg
Web: www.ecc.bg

CROATIA

EUROPEAN CONSUMER CENTRE CROATIA

Europski potrošački centar Hrvatska

Director: Danijela Marković Krstić
Ulica grada Vukovara 78
10000 Zagreb
Croatia
Tel: +385 1 6109744
Fax: +385 1 6109150
E-mail: ecc-croatia@mingo.hr
Web: www.ecc-croatia.hr

CYPRUS

EUROPEAN CONSUMER CENTRE CYPRUS

Director: Elena Papachristoforou
c/o Competition and Consumers
Protection Service
(CCPS), Ministry of Commerce,
Industry and Tourism 6, Andreas Araouzos Str.
1421 Nicosia
Cyprus
Tel: +357 22 867 177
Fax: +357 22 375 120
E-mail: ecccyprus@mcit.gov.cy
Web: www.ecccyprus.org

CZECH REPUBLIC

EUROPEAN CONSUMER CENTRE

EVROPSKÉ SPOTŘEBITELSKÉ CENTRUM

Director: Tomáš Večl
Štěpánská 15
120 00 Prague
Czech Republic
Tel: +420 296 366 155
E-mail: esc@coi.cz
Web: www.evropskyspotrebitel.cz

DENMARK

EUROPEAN CONSUMER CENTRE DENMARK

FORBRUGER EUROPA

Director: Lars Arent
Carl Jacobsens Vej 35
DK-2500 Valby
Denmark
Phone: +45 4171 5000
Fax: +45 4171 5100
E-mail: info@forbrugereuropa.dk
Web: www.forbrugereuropa.dk

ESTONIA

EUROPEAN CONSUMER CENTRE ESTONIA

EUROOPA LIIDU TARBIJA NÕUSTAMISKESKUS

Director: Kristina Vaksmaa
Rahukohtu 2
10130 Tallinn
Estonia
Tel: +372 6201 708
Fax: +372 6201 701
E-mail: consumer@consumer.ee
Web: www.consumer.ee

FINLAND
EUROPEAN CONSUMER CENTRE *FINLAND*
EUROOPAN KULUTTAJAKESKUS

Director: Leena Lindström
Siltasaarenkatu 12 A, BOX 5
FIN-00531 Helsinki
Finland
Tel: +358 29 505 3005
Fax: +358 9 8764 398
E-mail: ekk@kkv.fi
Web: www.ecc.fi

FRANCE
EUROPEAN CONSUMER CENTRE *FRANCE*
CENTRE EUROPEEN DES
CONSOMMATEURS FRANCE

Director: Bianca Schultz
Bahnhofplatz 3
D-77694 Kehl
Germany
Tel: +49 78 51 991 48 0
Fax: +49 78 51 991 48 11
E-mail: info@cec-zev.eu
Web: www.europe-consommateurs.eu

GERMANY
EUROPEAN CONSUMER CENTRE *GERMANY*
EUROPÄISCHES VERBRAUCHERZENTRUM
DEUTSCHLAND

Director: Bernd Krieger
Zentrum für Europäischen
Verbraucherschutz (ZEV)
Bahnhofplatz 3
D-77694 Kehl
Germany
Tel: +49 7851 991 48 0
Fax: +49 7851 991 48 11
E-mail: info@cec-zev.eu
Web: www.eu-verbraucher.de

Adress 2: Kiel Office
Andreas-Gayk-Straße 15
D-24103 Kiel
Germany
Tel: +49 7851 991 48 0
Fax: +49 7851 991 48 11
E-mail: info@cec-zev.eu
Web: www.eu-verbraucher.de

GREECE
EUROPEAN CONSUMER CENTRE *GREECE*

Director: Dimitrios Markou
144 Alexandras Av.
PC 11471 Athens
Greece
Tel: +30 210 646 0862
Fax: +30 210 646 0784
E-mail: ecc-greece@synigoroskatanaloti.gr
Web: www.synigoroskatanaloti.gr/index_ecc.html

HUNGARY
EUROPEAN CONSUMER CENTRE *HUNGARY*
EURÓPAI FOGYASZTÓI KÖZPONT
MAGYARORSZAG

Director: Dr. Attila Kriesch
József körút 6
H-1088 Budapest
Hungary
Tel: +36 1 459 4832
Fax: +36 1 210 2538
E-mail: info@magyarefk.hu
Web: www.magyarefk.hu

ICELAND
EUROPEAN CONSUMER CENTRE *ICELAND*
EVROPSKA NEYTENDAADSTODIN

Director: Hildigunnur Hafsteinsdottir
Neytendasamtökin - ENA
Hverfisgötu 105
101 Reykjavik
Iceland
Tel: +354 545 1200
Fax: +354 545 1212
E-mail: ena@ena.is
Web: www.ena.is

IRELAND
EUROPEAN CONSUMER CENTRE *IRELAND*

Director: Ann Neville
MACRO Centre
1 Green Street
Dublin 7
Ireland
Tel: +353 1 8797 620
Fax: +353 1 873 4328
E-mail: nfo@eccireland.ie
Web: www.eccireland.ie

ITALY

EUROPEAN CONSUMER CENTRE ITALY **CENTRO EUROPEO CONSUMATORI**

Director: Maria Pisanò
Rome
Viale degli Ammiragli 91
00187 Roma
Italy
Tel: +39 06 442 38 090
Fax: +39 06 441 70 285
E-mail: info@ecc-netitalia.it
Web: www.ecc-netitalia.it

Bolzano
via Brennero 3
I-39100 Bolzano
Italy
Tel.: +39 0471 98 09 39
Fax: +39 0471 98 02 39
E-mail: info@euroconsumatori.org
Web: www.euroconsumatori.org

LATVIA

EUROPEAN CONSUMER CENTRE LATVIA **EIROPAS PATĒRĒTĀJU INFORMĒŠANAS CENTRS**

Director: Aija Gulbe
Brivibas Str. 55-207
Riga LV 1010
Latvia
Tel: +371 673 88 625
Fax: +371 673 88 625
E-mail: info@ecclatvia.lv
Web: www.ecclatvia.lv

LITHUANIA

EUROPEAN CONSUMER CENTRE LITHUANIA **EUROPOS VARTOTOJU CENTRAS**

Director: Tomas Kybartas
Odminių str. 12
LT-01122 Vilnius
Lithuania
Tel: +370 5 2650368
Fax: +370 5 2623123
E-mail: info@ecc.lt
Web: www.ecc.lt

LUXEMBOURG

EUROPEAN CONSUMER CENTRE LUXEMBOURG **CENTRE EUROPEEN DES CONSOMMATEURS** **LUXEMBOURG**

Director: Karin Basenach
2A rue Kalchesbrück
L-1852 Luxembourg
Tel: +352 26 84 641
Fax: +352 26 84 57 61
E-mail: info@cecluxembourg.lu
Web: www.cecluxembourg.lu

MALTA

EUROPEAN CONSUMER CENTRE MALTA

Director: Phyllis Bezzina (ad interim)
47A, South Street
Valletta VLT 1101
Malta
Tel: +356 21 22 19 01
Fax: +356 21 22 19 02
E-mail: ecc.malta@gov.mt
Web: www.eccnetmalta.gov.mt

THE NETHERLANDS

EUROPEAN CONSUMER CENTRE NETHERLANDS **EUROPEES CONSUMENTEN CENTRUM**

Director: Eva Calvelo Muino
Catharijnesingel 55E
3511 GD Utrecht
The Netherlands
Tel: +31 30 232 64 40
Fax: +31 30 234 2727
E-mail: info@eccnederland.nl
Web: www.eccnederland.nl

NORWAY

EUROPEAN CONSUMER CENTRE NORWAY **FORBRUKER EUROPA**

Director: Ragnar Wiik
P.O. Box 4594 Nydalen
0404 Oslo
Norway
Tel: +47 23 400 500
Fax: +47 23 400 501
E-mail: post@forbrukereuropa.no
Web: www.forbrukereuropa.no
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POLAND**EUROPEAN CONSUMER CENTRE *POLAND***
EUROPEJSKIE CENTRUM KONSUMENCKIE

Director: Piotr Stanczak
Plac Powstańców Warszawy 1
00-950 Warsaw
Poland
Tel: +48 22 55 60 118
Fax: +48 22 55 60 359
E-mail: info@konsument.gov.pl
Web: www.konsument.gov.pl

PORTUGAL**EUROPEAN CONSUMER CENTRE *PORTUGAL***
CENTRO EUROPEU DO CONSUMIDOR

Director: Maria do Céu Costa
Praça Duque de Saldanha, 31-1º
Lisboa
Portugal
Tel: +351 21 356 47 50
Fax: +351 21 356 47 19
E-mail: euroconsumo@dg.consumidor.pt
Web: www.cec.consumidor.pt

ROMANIA**EUROPEAN CONSUMER CENTRE *ROMANIA***
CENTRUL EUROPEAN AL CONSUMATORILOR ROMANIA

Director: Irina Chiritoiu
Bd. Nicolae Balcescu nr. 32-34, etaj 4, ap.16
Sector 1, Bucharest
RO-010055
Romania
Tel: + 40 21 3157149
Fax: + 40 21 3110242
E-mail: office@eccromania.ro
Web: www.eccromania.ro

SLOVAKIA**EUROPEAN CONSUMER CENTRE *SLOVAKIA***
EURÓPSKE SPOTREBITEĽSKÉ CENTRUM

Director: Dzensída Veliová
Mierová 19
827 15 Bratislava
Slovakia
Tel: +421 2 4854 2019
Fax: +421 2 4854 1627
E-mail: info@esc-sr.sk
Web: www.esc-sr.sk

SLOVENIA**EUROPEAN CONSUMER CENTRE *SLOVENIA***
EVROPSKI POTROŠNIŠKI CENTER

Director: Romana Javornik
Kotnikova 5
1000 Ljubljana
Slovenia
Tel: +386 1 400 3570
Fax: +386 1 400 3588
E-mail: epc.mgrt@gov.si
Web: <http://www.epc.si/>

SPAIN**EUROPEAN CONSUMER CENTRE *SPAIN-CENTRO***
EUROPEO DEL CONSUMIDOR EN ESPAÑA

Director: José Maria Tamames Rivera
Principe de Vergara 54
28006 Madrid
Spain
Tel: +34 91 822 45 55
Fax: +34 91 822 45 62
E-mail: cec@consumo-inc.es
Web: <http://cec.consumo-inc.es>

SWEDEN**EUROPEAN CONSUMER CENTRE *SWEDEN***
KONSUMENT EUROPA

Director: Jolanda Girzl
Tage Erlanderogatan 8A
Box 48
652 20 Karlstad
Sweden
Tel: +46 54 19 41 50
Fax: +46 54 19 41 59
E-mail: info@konsumenteuropa.se
Web: www.konsumenteuropa.se

UNITED KINGDOM**EUROPEAN CONSUMER CENTRE *UK***

Director: Andy Allen
1 Sylvan Court, Sylvan Way,
Southfields Business Park
BASILDON Essex UK SS15 6TH
United Kingdom
Tel: +44 8456 04 05 03
Fax: +44 8456 08 96 00
E-mail: ecc@tsi.org.uk
Web: www.ukecc.net