

ECC-Net publishes report with recommendations to ensure better protection for users of parcel delivery services

The ECC-Net network warns that problems with parcel deliveries and returns continue to generate a high number of complaints to courier companies that do not comply with current European regulations.

Madrid, 16 August 2024. The European Consumer Centres Network (ECC-Net) has just published a [report](#) analysing the problems that currently persist in Europe with parcel delivery services, while offering a series of recommendations to better protect users' rights. ECC-Net recalls that EU legislation clearly aims to protect consumers when shopping online. However, ECC-Net continues to find that deliveries and returns of products purchased online still involve numerous problems, leading to a significant number of complaints to companies that do not respect existing EU consumer legislation.

In this context, ECC-Net advises that, unless otherwise agreed, the entrepreneur is obliged to deliver the order within a maximum of 30 calendar days from the date of purchase. However, in cases where the entrepreneur does not fulfil his obligation to deliver within the first 30 days, the consumer and user must grant an additional period of time appropriate to the circumstances. If the trader fails to deliver the goods within this additional period, then the consumer is entitled to withdraw from the contract. Similarly, if the delivery cannot be made due to problems of availability of the contracted good or service, the trader must inform the consumer or user and must be able to recover the money paid without delay. It should be noted that in the event of unjustified delay in the return of the money, the consumer is entitled to claim double the amount owed and compensation for any damages in excess of that amount. Similarly, if delivery cannot be made due to problems of availability of the contracted good or service, the consumer and user must be informed and must be able to recover the money paid without undue delay.

It is also important to know that - before buying a product - the seller must inform the consumer about delivery options, payment and the date on which he undertakes to deliver the goods or provide the service. In addition, the trader will be liable for any damage caused to the goods from the time of dispatch until they are received by the consumer. On the other hand, if the product is defective or does not function properly, the consumer has the right to request repair or replacement or, if this is not possible, a price reduction or a refund.

Delivery issues

ECC-Net warns that despite clear legislation on this issue, delivery problems persist, which has an impact on consumer satisfaction and confidence in e-commerce, as well as on the number of complaints received by the European Consumer Centres. Among the most frequent delivery problems detected are the following:

- ✓ **Deliveries that are not made at the agreed point of delivery.**
The consumer must authorise the goods to be delivered to a third party. It would not be valid to leave the package in the hallway, at the doorman or at a point not agreed between the parties.
- ✓ **Deliveries without the required signature of the consumer.**
If the delivery of the parcel requires a signature or the use of a key, parcels without such confirmation by the customer should not be considered as delivered.
- ✓ **Incorrect or defective products.**
Some companies presume that, when picking up a parcel, the consumer accepts the goods as good, even though the condition of the goods is not normally checked at the time they are handed over by the delivery person, leaving the consumer in a situation of defencelessness.
- ✓ **Sellers asking for police reports in case of problems with the goods.**
The burden of proof is shifted to the consumer to demonstrate that the goods have not been delivered or that they are defective, in some cases by asking for police reports. However, it should be noted that in the purchase of new products in Spain - during the first two years - it will be presumed that the defect of the product already came from the factory, so the consumer will not have to prove the lack of conformity.

Return of products

With regard to the right of consumers to return online purchases (right of withdrawal), it is important to remember that the regulation establishes a period of 14 days for the return without the need to indicate the reason and without penalty. In such cases, the seller is obliged to make the refund without delay and within 14 days of being informed of the withdrawal decision. However, the consumer has to bear the cost of returning the goods, unless the trader has agreed to bear the cost or has not informed the consumer that he has to bear the cost. In order to exercise this right, the consumer must inform the trader in writing of his decision to withdraw within 14 days of receipt of the product. For this purpose, any model withdrawal form may be used where this decision is unequivocally expressed. In such cases, the trader shall communicate the acknowledgement of receipt of the withdrawal to the consumer without delay and on a durable medium. However, ECC-Net continues to identify a number of recurrent problems in the returns process that affect consumers' rights, which are detailed below:

- ✓ **Delays in the payment of refunds.**
- ✓ **Sellers who do not accept returns.**
- ✓ **Risks associated with shipping returned product.**
- ✓ **Complex return procedures.**
- ✓ **Unjustified return costs.**
- ✓ **Erroneous returns.** It may happen that the consumer sends the wrong item. In these cases, some sellers inform the consumer that they will not return or will destroy the item.
- ✓ **Sellers who do not comply with the legal guarantee.** In case of non-conformity, the seller must repair or replace the product or service within a reasonable period of time.

ECC-Net recommendations for better consumer protection

In order to address all these challenges, to improve consumer protection and confidence when shopping online, and to promote a more reliable and transparent delivery service in the EU, ECC-Net proposes the following recommendations:

- ✓ **Proof of delivery.**
Delivery companies should be required to obtain verifiable proof of delivery, such as the consumer's signature or photographic evidence that the parcel is delivered to the addressee or that it has been left in a safe place agreed between the parties. This is a business practice that should be widely applied and such evidence should be made available to consumers.
- ✓ **Secure deliveries.**
It is necessary to designate secure delivery points such as specific lockers for the receipt of parcels or agreed drop-off points to avoid unattended deliveries. This would increase security and reduce the risk of theft or damage.
- ✓ **Standardised returns.**
Returns procedures should be standardised and harmonised across the EU to ensure fair treatment of all consumers and to facilitate smoother and faster services.
- ✓ **Increased awareness of consumer rights.**
Online trading platforms should provide clear and accessible information on consumer rights regarding delivery and returns of purchases. This will enable consumers to make informed purchasing decisions and assert their rights.
- ✓ **Raise awareness of consumer rights.**
Measures need to be put in place to ensure proper enforcement of rules protecting consumer rights. For example, through regular audits of companies, sanctions in case of non-compliance with legislation or the creation of a specialised body to resolve cross-border disputes in this area to ensure compliance with legislation.
- ✓ **Advanced tracking systems.**
Advanced systems should be implemented to enable real-time shipment tracking and to track the status and location of packages. In this way, consumers will be able to track deliveries in detail and anticipate the arrival of goods.
- ✓ **Insurance for valuable items.**
It would be necessary to ensure that high-value items are covered by insurance during delivery or return, providing the consumer with protection in case of loss or damage to packages.
- ✓ **Protection for vulnerable consumers.**
It is important to take additional measures to protect vulnerable people such as the elderly or people with disabilities, ensuring that they can receive parcels safely and easily, and that they are aware of their rights as consumers.

Source of information: [ECC-Net](#)