

# Checklist for consumers - Unsolicited products<sup>1</sup>

You have no liability for products you have not ordered and you do not have to pay for them. Although you do not have any liability for the product you may still have an obligation to take reasonable care of the products and facilitate their return to the company if requested, at the company's expense.

If you have received goods you have not ordered:

- Do not use the product as in some countries if you do, it may imply an acceptance of the contract.
- Contact the trader and offer to return the unused product if the trader covers the cost or ask for pick up. Make sure that the product is returned via a traceable means and keep the receipt, so you can prove that you have sent back the product. You do not have to cover the cost of postage.
- Remember that you are not required to pay for a product you have not ordered. If the trader sends you a new invoice or payment reminder you are not obliged to contest the claim again, but it is advisable that you contact the trader again.
- If the trader has taken the matter to a debt collection company you are equally not obliged to pay, but it is important that you dispute the claim. Debt collection companies are not allowed to ask for payments that you are not legally obliged to pay. It is up to the trader to prove that you are obliged to pay.
- Remember to always save copies of important documentation and all contact with the trader (and other parties involved, such as a debt collection company).
- In case of inability to solve the problem, contact your local ECC-office for further assistance. The trader must be located in another EU-country, Norway, or Iceland in order for the ECC-office to assist.<sup>2</sup>

Sources: The checklist is based on the checklist on p. 55 in “The European Online Marketplace – Consumer complaints 2010-2011”. Sections 14, 15 and 16 are based on p. 35 -38 in “Too good to be true, it probably is, unfair commercial practices and unsolicited goods”.

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”Consumer Rights: 10 ways the new EU Consumer Rights Directive will give people stronger rights when they shop online”, [http://europa.eu/rapid/press-release\\_MEMO-11-450\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-11-450_en.htm?locale=en)

Directive 2011/83/EU on Consumer Rights “The European Online Marketplace – Consumer complaints 2010-2011”, [http://www.konsumenteuropa.se/globalassets/rappporter/the\\_european\\_online\\_marketplace\\_consumer\\_complaints\\_2010\\_2011.pdf](http://www.konsumenteuropa.se/globalassets/rappporter/the_european_online_marketplace_consumer_complaints_2010_2011.pdf)

2 For more information, see “Liability for unsolicited goods” in the report “Too good to be true, it probably is, unfair commercial practices and unsolicited goods”, p. 38. [http://www.konsumenteuropa.se/globalassets/rappporter/too\\_good\\_to\\_be\\_true\\_it\\_probably\\_is\\_unfair\\_commercial\\_practices\\_and\\_unsolicited\\_goods.pdf](http://www.konsumenteuropa.se/globalassets/rappporter/too_good_to_be_true_it_probably_is_unfair_commercial_practices_and_unsolicited_goods.pdf)

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ECC Denmark ECC Finland ECC Ireland ECC Sweden