



## **Report about the advising during 2016**

During 2016, the Consumers' organization of Macedonia together with the advising bureaus located on the territory of the Republic of Macedonia, has given 3372 general legal advices and 286 specialized advices, all in all 3658 given advices to consumers. The advisory bureau in Skopje, which sometimes covers the territory of Skopje gives advices to consumers from all over the country has a total of 2533 advices, and the local organizations in Kocani, Stip, Ohrid, Bitola and Tetovo have a total of 1125 given advices. Most of them were conducted through a telephone, then e-mail, in person and by post.

The consumers have contacted us throughout the whole year, but traditionally less during the summer when most of the citizens are on vacation, and more after the summer vacations.

The Consumers Organization has made 143 contacts with the media by being a guest in television programs, interviews in the news and written media. The events that COM in Skopje has conducted were regularly covered by national tv stations and other media, and the local events were also covered by local and regional tv stations. The representatives of COM were regularly guests in the morning shows on every national tv station which conduct a program in Macedonian and Albanian, and additionally throughout the whole year COM had live transmissions on the news, either national or local. The representatives of COM also maintained regular contacts with reporters from local radio stations which were conducting reports about subjects regarding the Consumer Law.

The consumers contacted us about different problems, but a few years in a row the most common were about poor-quality products, regarding products which had deficiencies in the warranty period. Second by number were problems with the public services (telecommunication services, supply of electricity and public utilities), both locally and nationally.

In the first group of products where there were problems with the quality or deficiencies, the highest number of complaints were about technical products.

The biggest number of problems was regarding the accomplishing of the rights from the warranty about the servicing, and complaints about the poor-quality products which right away had deficiencies. The biggest number of products were about the servicing of technical products, and in the first place are the problems with mobile phones. Most often are

continuous servicing's of the same product for which the consumers say that have manufacturing deficiencies, that the defect can't be repaired because it continuously resurfaces, or about cases where the mobile phone had defect in the first hours of usage. The consumers don't want the product to be serviced and demand a replacement with a new product, but they hardly pull this off. They are forced to give the product in servicing, even though not even 24 hours have passed since the buying of the product. Besides this there is also a probability that the product has been mechanically damaged by the consumer in the first 24 hours. But the high number of complaints about the same problem are setting grounds for suspicions about the quality of the products which are on the market in the Republic of Macedonia.

During the last year there was a growing number of complaints from consumers that the product delivered to them was defected or mechanically damaged. Most often there were problems with big led televisions or products or household appliances. During the delivery of the products which is still packed in his original box, they sing that they received the product, but with that signature they also confirm that the product was received in perfect condition without damages (which cannot be confirmed with the product still being in the box). This puts the consumer in a very bed position, in a moment of hurry he doesn't check if the product is indeed in perfect condition and not damaged, so he signs trusting the trader (or deliverer).

Even though the complaints about the household appliances are smaller in number other than the other technical products, they are more problematic to the consumers, because they are big and heavy and consumers can't take them to the trader by themselves. Even though most of these products are used every day, traders don't give them substitute products when their product is defected. With that, consumers are left solely on the mercy of the trader which should send a servicer to fix the product in their home, and the servicing of the product should take up to 30 days, so says the law, and this is usually fulfilled.

On the other hand, problems with products in the home are totally different.

The most complaints in this domain were about exceeding the term for delivery of different types of furniture. A high number of complaints were about poor making of the furniture that they ordered, and also disrespecting the terms of the contract about the making of the furniture and his delivery in the prescribed 30 days term in the Law on Consumer Protection. Consumers which contacted us, said that they had very tough communication with the trader from which they bought the furniture. Often, they also lacked appropriate documents about the buying of the products, and the deposit they made. We are always advising the consumers to enter into written agreements for the purchase of furniture where it would concrete and in detail would be described all of the elements which were agreed with the trader.

Regarding the products for personal usage, there are once again a lot of complaints from the consumers about shoes and clothes, where the consumers complained about poor-quality products which were right away damaged. In this part COM advised many times through the

media for the consumers to keep their fiscal bills, because even though a warranty isn't issued as for the technical products, by the law there is 6 months warranty with the fiscal bill and every damage which would surface in this period should be removed without paying. Complaints about poor-quality shoes are getting more often, so we are regularly advising the consumers to get more informed about the brand which they are buying, to read the declaration in detail and his characteristics, and if there is a need to get additional information from the trader.

Regarding these products there were complaints also from the traders which informed us about cases where the consumers misused their right of returning a product which wasn't used (article 50 from LCP), i.e. that they tried to return jewelry which was evidently already used. The products which were already used can't be returned to the trader and to be asked for replacement with other product, i.e. refund.

Regarding the services, as usually the biggest number of complaints were about the tourist arrangements. During the summer vacations, it is understandable that the number of these complaints is getting higher, but regarding the seriousness of the problems, we consider that the situation is getting better, and that the double-crossing or the inconsistencies in the agreements with the tour operators, i.e. inconsistencies with accomplishing the obligations towards the consumers was reduced in comparison to last year's.

Bigger problem this year were a couple of canceled arranged trips from the same tourist agency. Namely, several groups of consumers which had bought arrangements for unrealistically low prices were canceled because of different reasons. In that period COM was available through the media to give advices to consumers and was firmly advising the consumers to always sign a written agreement with the tourist agency, and to better research the experiences of other consumers which used the services of that tour agency. Also, it is advisable to make a comparison of the price with the usual prices offered for that tour, because those are the most common problems which they can come across when the price of the arrangement is drastically and unrealistically lower than the other offered prices for the same tour. COM considers that in the future it is necessary to enhance the conditions for issuing of licenses for tourist agencies, which can now be easily issued because of the minimum number of conditions required.

Regarding the public utilities, most of the complaints were from consumers about the telecommunication services, internet and television.

The problems with the telecommunication services started since the beginning of the year when some operators canceled part of the television programs which the users had until then, and just a few months earlier they offered to the users to continue the agreement for additional 2 years without mentioning that as of the start of 2016 there would be a huge change in the channels in their program set. The users, unsatisfied with the decision of the operator, asked for the agreements to be canceled, but there wasn't a legally allowed

possibility of doing that without paying money sanctions, because the channels weren't part of the user agreement.

Because of this situation, the Agency for Electronic Communications was on the opinion that the users are in an unfair position and with a rule book it allowed them to cancel the agreement without paying money sanctions, and additionally operators were obliged to conclude a new agreement with the user in which it would be included the whole list of channels, with which there would be a basis for canceling of the agreement in case there would be a unilateral change of the list of channels.

With mobile operators, the problems were mostly about the high sum of the bills, i.e. additional costs for premium games, roaming or internet (in the country or abroad). The consumers said that they got messages for premium games for which they never registered, and that they got high bills for costs for those calls and messages, even though they never asked for such a thing. They demanded these numbers to be blocked and to find a way to stop the getting of the messages, because the usual commands with sending "S" or "STOP", didn't work. Regarding this problem, we would like to inform the consumers to watch out when using a mobile phone, especially if it is a smart phone. We would like to point out that they should be aware when giving their phone to their child because every click can trigger additional costs which they bear by themselves, as responsible for their device.

Also, there were complaints by the consumers which lived in the rural regions which complained about the bad reception of the network, or connecting to others network which triggered roaming. Also, there were consumers who complained about the high bill for using internet abroad. Regarding these problems, we would like to point out that using additional services like roaming and internet can be altogether canceled with a request to the operator, and in that way, they would be sure not to bear the costs for these additional services. Unlike last year, this year a lot of other problems surfaced for example, unfunctional SIM cards, problems when changing the tariffs etc., which happened when two operators merged into one. The consumers thought that one of the operators which merged, issued them a new SIM card which was unfunctional, and that for weeks they couldn't use the phone.

Flat costs and collection of outdated costs were the most common problems with the delivery of supply of electricity. The irregular reading of the measuring instruments caused the rising of numbers of flat costs which the consumers claimed are much higher than the average spending of that family. The often disconnection of the delivery was also a problem in some regions. Because of problems with the voltage, a smaller number of consumers complained of damages to the household compliances, for which a number of court cases for remedy were conducted. By getting high bills for used electrical energy consumers complained that they doubt the legitimacy of measuring instrument, but a small part of them decided to do a check up on the instrument because of the high costs for checkups and the doubting of the independence of the people who do the checkup, which work in the public utility enterprise.

With the heat supply, continuously in 2016 were also complains about the flat costs which people were paying while disconnected from the heat system. Most of the complains were about the high bills for heating in the moment when the system didn't function, i.e. there were 2-3 longer periods when there was a disconnection in the heat supply in some parts of Skopje.

Regarding the public utilities, problems with the water supply were most often, in which consumers said that they had a lot of problems with the public utility enterprise with which they couldn't find a mutual language about the problems with outdated costs, and attempts for payments for costs which were over 20 years old, for which consumers didn't keep the bills. Consumers complained that they were harassed by the public utility enterprises with getting calls on their private and also work phones, and with continuous alerts by post. In most of the cases, they said that they didn't get the full documentation for the debt. They said that they were just notified that there was a maid debt, but not in detail for which months it is about, was the same sued (the number of law suit, with date), for the purpose of checking if the bill is outdated. In this case also was a suspicion from the consumers about the legitimacy of the measuring instruments and the costs about the checkup of the legitimacy of the measuring instrument, and also do independence and objectivity of the persons doing the checkup.

Regarding the food, the biggest problem is about the declaration on the products, for which the consumers said that it was written with very small letters or that these isn't any, that it is not in Macedonian language etc. Also, there were appeals about products with expired date or poor-quality products, and also products in which there were found insects or hard items.

Consumers called about cases where they noticed erasing of the expiration date and selling of such products.

During the year there were also usual problems with selling of meet from animals with additional parts (head or internal organs) during the Easter holidays, for which the consumers asked for forbiddance of such practices.

Regarding the financial services, more often consumers were faced with problems when using banking services.

In more detail, the banking services consumers were faced with problems when opening or closing of the accounts, or paying some debts to the bank which they claimed were not specified in the agreement. Loans were also a problem, mostly regarding the closing of the loans, and costs which the user of the loan has to bear when there was a predated closing of the loan, and in some cases, there were complains about the rate of the interests, payments etc. There were consumers which informed us that there was a problem with the issuing of credit and debit cards, and the usage of the same.

There were not many case about consumers worried about the safety of their personal data which the bank has.

In the domain of insurance half of the consumers who contacted the COM had a problem with his vehicle insurance or the exercise of rights arising from the insurance policy.

They often contacted in case of an accident, after which they had a problem communicating with the insurance company to compensate the damage caused to the vehicle. Second in number of complaints were exercising the right travel insurance, which are related primarily to not cover certain expenses for medical care abroad etc.

In terms of other types of insurance, consumers often had problems with contracts for these policies.

Most consumers are advised about problems with medications when it comes to the rights of patients, while the second in number were dental services.

Consumer's complained that a particular drug had adverse effects on their health. They complained that the drug had no proper guidance drinking declaration etc. Some customers contacted COM to inform us about the possibilities for the return of already purchased drugs, which were informed that they cannot return because though it is not open, under the laws of the Republic Macedonia, ever kind of products cannot be refunded under Article 50 of the Law on Consumer Protection.

Complaints about dental services refer to unprofessional or poor-quality workmanship bridge repairs on teeth, making forks etc. In a number of cases, the patients had no permanent residence in the Republic Macedonia and demanded to be urgently solved the problem because of their short travel plans for going back abroad. We urge consumers to be careful when choosing a dentist, and check the experiences of other patients, and to consult as needed with more dentists.

Due to the increasing number of citizens who live in apartment buildings, the number of complaints about the Residents' Council or for housing grows. Consumers are complaining of unethical or unprofessional work of the manager of the building, and unfulfilled obligations under the agreement.

A growing number of residential buildings are managed by a company manager, but unfortunately it does not mean better service for tenants. On the contrary, due to the minimum conditions for obtaining the license and legal obstacles to quickly revoke this license, tenants are unhappy with certain companies and have trouble breaking the contract. Tenants contact the OPM said that receive unrealistically high bills for services that say they receive incomplete.

To resolve this problem, COM, in cooperation with the Council for Consumer Protection of the City of Skopje met the Regulatory Housing Committee, and agreed to continue the cooperation and work to identify the possible solutions that include draft amendments to the legislation.

Problems with contracts outside the business premises of the trader were more common in the last few years, and there were a number of dishonest provisions (eg. Reducing the deadline for cancellation of the contract). COM in cooperation with the Ministry of Economy prepared brochures on these topics, and appeal to consumers well informed before going to a presentation, and thoroughly read any contract you sign.

Counselling for purchase over the Internet were also represented, with a slight decline compared to previous years. Most consumers still complain about suspicious online stores that do not respect the deadlines for returning the product. We urge consumers to be informed well about their rights when buying online, and explore the store from which the purchase or experiences of other consumers.

In a small number only at certain times consumers have complained about having trouble procuring firewood. They informed us that they have paid for some cubic meters of wood, but it was not delivered for months. Before the start of the heating season they were informed that they cannot get firewood because of the smaller number that the Public Utility Enterprise has that year and they can collect the refund but they can't get the product. But still it does not solve the problem of consumers who now have to spend more money because of the higher cost of firewood, and are against the fact that the public enterprise disposition of their funds for months and now they get back the money without interest, specified in Law on consumer protection.

COM advised also on other problems faced by consumers, including unrealistic discounts, sales, prices etc. action. But compared to the other problems these were not so common.

All consumers were informed of their rights and obligations in the present case, then COM directed them to the way you can to solve the problem. In a number of cases, the COM at the request of customers, on their behalf addressed the competent institutions in order to familiarize them with the problems that they faced consumer and demanded action by the authority.