

CCFORM CODE OF CONDUCT

A) OBJECTIVE

This Code of Conduct is part of the contract between the operator of the CCform and the companies which register with it (hereafter called “registered companies”) and use the complaint form system. The Code is mandatory, and explains the rules which registered companies must abide by.

B) INTRODUCTION

CCform stands for Consumer Complaints Form for Online Resolution Mechanisms.

CCform is a Complaint Form system which is at the disposal of consumers and companies, in order to try to solve any kind of problems that have arisen in company-consumer relations.

CCform is designed to enhance customer satisfaction and to help consumers avoid costly alternative complaint resolution systems, such as litigation.

A tool at the disposal of consumers – Consumers can address complaints to any company:

- if the company has made a prior registration with the system, the completed complaint form is directly transmitted to them;
- if the company is unknown to the CCform Platform, the transmission of the complaint cannot be automatic: the Platform first tries to get the company to register before transmitting the complaint. If it fails, the complaint cannot be transmitted, but if possible the Platform will offer the complainant a choice of alternatives to get his/her complaint satisfactorily solved.

A service free of charge to consumers – CCform is free of charge to consumers. Its costs are paid by the companies who are registered with the CCform system.

Users should be aware that an Internet connection and an email address are required to use the complaint form and that the costs will be borne by the person registering the complaint.

A voluntary system – No one is obliged to participate in the resolution process, neither a complainant, nor a company. The only guarantee a complainant has with regard to a company is if a company is registered with the CCform Platform: the company is then committed to follow the resolution process.

A complainant can leave the process at any stage: registering a complaint does not mean that the complainant is obliged to follow the process until its end.

C) THIS CODE

Core sections:

1. Definitions
2. Visibility and transparency
3. Complaint process
4. Processing of personal data
5. Extension rules
6. Enforcement

1. DEFINITIONS

- 1.1 **A Complaint** - A complaint is a request formulated by a complainant, addressed to a company on any subject linked to its business activity.
In a complaint, consumers may specify a solution to the grievance, but they may also choose to make no request and await an offer initiated by the company.
The scope of the complaint – There are no limitations to the scope of a complaint: it can concern both contractual and non-contractual issues; it can be of a general or of a more specific nature.
Origin of the complaint – Complaints may be based on either face-to-face relations with a trader; off-line distance selling (e.g. mail order); or Internet transactions or online relationships.
- 1.2 **The complainant** - The complainant is the person who files a complaint using the CCform. This means a natural person acting for private purposes outside his/her business or profession.
The country of residence of the complainant – the country of residence has no impact on the acceptance of the complaint. Any complainant, wherever he/she is located (be it in or outside the European Union), is entitled to use the complaint form.
- 1.3 **The Registered Company** - The company is the entity (trader) to whom a complaint is addressed.
This “entity” equally can be an organisation, non-profit making body, government agency, etc., which offers goods or services to consumers. For convenience we call all recipients of the complaints “the company”.

2. VISIBILITY AND TRANSPARENCY

- 2.1 Registered companies must always maintain **CCform logo** on the complaint form, even in case of extension of the form.
- 2.2 As concerns transparency, registered companies must:
- 2.2.1 Provide **information on CCform** through their own medium and make a direct reference on their websites to the Consumer User Guide;
 - 2.2.2 Present **CCform** as one of their channels of complaint;
 - 2.2.3 Provide an **internal contact address** (an email address and/or a phone number) where requests and questions concerning complains can be made;
 - 2.2.4 The registered companies are encouraged to **display the CCform logo** within their advertising, whether on or off-line to demonstrate to consumers their preferred channel of complaint resolution.
 - 2.2.5 Provide a **privacy policy** with adequate information as concerns the processing of personal data within the company. The privacy policy statement to be followed is in the section 4 below

3. COMPLAINT PROCESS – OBLIGATIONS OF THE REGISTERED COMPANIES

- 3.1 Registered companies must process the complaints they receive in **good faith**, and must provide their best efforts to reach appropriate solutions to the complaints, in accordance with the legitimate interests of the complainants.
- 3.2 Throughout the resolution process, registered companies must comply with **European and national legislation**, and work towards a solution that respects legal requirements. Sources of information are referenced in the CCform Platform website under the section useful links
- 3.3 Registered companies accept to process the complaints they receive in **conformity with the 7 milestones** established by the Platform. Each milestone must be passed within a reasonable time limit settled by the Company and named the “self-nominated response targets”. For pragmatic and efficiency reasons exceptions can be foreseen, provided they are justified by a saving of time in the process and by the complainants’ interests.
- 3.4 The milestones for dealing with a complaint:
- *Milestone 1: collecting the complaint*: the company is informed by the Platform that a complaint has been registered. It then collects the complaint from the Platform’s website. Registered companies have the obligation to send an **acknowledgement of receipt** to the complainant the same day they receive the complaint. The acknowledgment of receipt must contain an indication of the time frame in which the company intends to provide an answer to the complainant;
 - *Milestone 2: agreeing the complaint is addressed correctly*: the company agrees that it is the correct recipient and that the complaint is not sent in error;
 - *Milestone 3: agreeing the complaint is acceptable*: the company agrees that the complaint is valid. That is to say that the complaint relates to its business activities;
 - *Milestone 4: making an offer to the complainant*: the company makes an offer to solve the problem: this offer can take into account a request by the consumer, or may be a new proposal;
 - *Milestone 5: agreeing a resolution with the complainant*: if the complainant accepts the company’s offer, the company agrees a resolution. Please note that this milestone can include several steps between the complainant and the company before reaching an agreement;
 - *Milestone 6: confirming a resolution has been reached*: once a complainant has agreed a resolution with a company, that result will be actioned by the company. This milestone aims to ensure that the company actually provides the resolution. Please note that if the resolution is not actioned, consumers can inform the Platform which can take action against the company for non-compliance with this Code of Conduct;
 - *Milestone 7: closing the complaint file*: once the resolution has been actioned by the company, it will register the milestone “complaint closed”. Complainants will be informed accordingly.
- 3.5 The company may contact a complainant directly to ask for more details or to request supporting evidence (such as proof of purchase, etc...). Registered companies may only **require evidence**, which is relevant to the resolution of the complaint. It must provide easy means by which

complainants can provide such evidence (fax, email...), and may not request evidence from the complainant when it can obviously not be delivered, or impose deadlines which can obviously not be met.

3.6 In order to reach the **best possible solution**, registered companies must:

- 3.6.1 Follow the system of unique reference number to ensure that the complaint is easily identifiable and can be tracked
- 3.6.2 Registered companies cannot refuse a complaint without good reason: the principle of good faith requires that they must justify any refusal
- 3.6.3 The milestones listed above must be followed by registered companies.
- 3.6.4 If a solution has been agreed between the complainant and the company, the company should ensure that this solution is actioned
- 3.6.5 Neither the country of residence of the complainant or of the registered company should impact upon the acceptance of the complaint

3.7 Registered companies undertake to **apply the solution reached with the complainant** within reasonable time, in accordance with their self nominated response targets.

4. PROCESSING OF PERSONAL DATA

- 4.1. Any processing of personal data by registered companies must respect the **European and their own National data protection principles** and will include the following basic principles:
- 4.2. **Adequate information** – A privacy policy providing adequate information as concerns the processing of personal data must be easily accessible from the registered company's web site (if possible through a text or hyperlink at the bottom of every page of the form).
- 4.3. **Purpose of the processing** – Any personal data collected with the CCform must be processed for the unique purpose of handling the complaint. No data may be collected or processed for other non compatible purposes, such as for marketing purposes.
- 4.4. **Transmission of personal data** – No personal data may be transmitted to third parties (e.g.: other companies...), unless the consumer gives his agreement, or this is absolutely necessary for the resolution of the complaint.
- 4.5. **Quality of the personal data** – Personal data must be relevant and non excessive in relation to the purpose of handling the complaint. Only necessary data may be requested.

- 4.6. **Storage of Data:** Personal data collected in the course of a complaint process will not be kept longer than the time necessary to finalise the complaint. Anonymous data will be stored for statistical purposes only¹.
- 4.7. **Rights of data subjects** – Companies must ensure that the complainant is able to exercise his rights as concerns his personal data such as being able to request access to the data and to request rectification of incorrect or inadequate data.
- 4.8. **Security of the data** – Companies must put into place adequate security measures in order to ensure the confidentiality of personal data that they retain.

5. EXTENSION RULES

- 5.1. The extensions to the form should respect **the principle of purpose limitation** (see 4.3 above), which means that they can only extend the CCform complaint form with questions that are needed to increase the efficiency of the complaint process.
- 5.2. Any extended forms must be **transmitted to the CCform Platform**, which will make them available to complainants and will share them within the CCform community.
- 5.3. The recipient should clearly **state on its extended form that it is a personalized version of the CCform** and not the original complaint form

6. ENFORCEMENT

- 6.1. **Watchdog role of the Platform/the Surveillance Committee** – Registered companies accept the authority of the Platform and the Surveillance Committee to ensure the respect of the Code of Conduct.
- 6.2. All registered companies accept to follow the **principles** laid down in the present Code. In case of breach of these principles, they can be 'summoned' by the Surveillance Committee and if they do not respect the opinion of this Committee, can be sanctioned according to the procedures given hereafter.
- 6.3. **Surveillance Committee** - The aim of the Surveillance Committee is to treat all cases which can have a damaging affect on the profession and, in particular, those whose origin stems from the non-respect of the present Code.

¹ The Platform will keep the details of each complaint in its secure database for a determined period of time (this period may be required by law – for example in the case of a complaint about financial services there is often specified times for how long a complaint must be retained). Complainants can therefore refer to and re-open a complaint by its unique reference number.

- 6.4. **Composition** - The Surveillance Committee is an independent Monitoring and Compliance Committee ensures that the autonomy of the Platform. It consists of 5 persons: one lawyer expert in the field of mediation with a reputation for independence, who chairs the Committee; one representative from a consumers' association; one representative from a business association; one computer scientist; and one additional expert chosen by the Chairman who acts as the Secretary to the Committee.
In addition to the elected members, the President of the Platform is automatically a member. These members, who cannot at the same time be members of the Platform, are chosen from the management of upper echelons exercising responsibility in the registered enterprises. The Surveillance Committee can be assisted by technical and legal advisers.
- 6.5 **Competences and responsibilities** - The Committee has the following competences: it manages the alert contact address which provides details of any problems confronting both companies and complainants; it decides which actions are needed vis-à-vis companies which do not comply with their contractual duties; it interprets the CCform Code of Conduct and amends it when necessary.
All persons, both individual and legal, can request the Surveillance Committee to intervene if they notice a violation of the present Code or if litigation damages the profession. The request must be in writing and enclose all supporting documents.
The Surveillance Committee can choose to act on its own behalf.
- 6.6 **Functioning** - The Surveillance Committee elects a president and a Vice-President. Secretarial functions are designated by the Committee.
The Surveillance Committee meets at the headquarters of the 'Platform' or at any other address which is convenient.
In order to validate decisions, a minimum of two thirds of the members must be present. Decisions will be taken with a majority of three-quarters of the votes of the members present. The deliberations of the Surveillance Committee are secret, and its members are required to respect professional confidentiality.
- 6.7 **Sanctions** - The registered companies accept that the Surveillance Committee can impose sanctions in case of repeated violations of the Code of Conduct. These sanctions may lead to expulsion from the CCform process. Moreover, in case of infringement of the law, the Surveillance Committee may decide to report the Company to the relevant public authority. The Surveillance Committee will decide, in accordance with the gravity of each case and the damages caused the penalties which can be:
- a warning
 - a reproach
 - temporary withdrawal of the CCform logo
 - exclusion from the system
- 6.8 **Notification and publicity** - The opinion of the Surveillance Committee or the penalties will be notified to the enterprise by the intermediary of the President of the Platform and communicated to each of the registered enterprises.
The principle is that no external publicity will be given to any penalties imposed, unless otherwise stated by the Platform Offices.