

Consumer's User Guide

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SECTION 1:

WHAT IS CCFORM?

1. WHAT DOES CCFORM MEAN?

A complaint form – 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. 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 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 if a company is registered with the CCform Platform is that 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.

A Code of Conduct defines the rules to be followed by all registered companies when handling complaints using the CCform resolution process.

CCform does not necessarily guarantee the resolution of the complaint – CCform limits its service to putting the parties into contact. Likewise, once put into contact via the complaint form, the parties are left to solve the problem: no third party intervenes in the resolution process.

2. WHAT IS A CCFORM COMPLAINT FORM?

An automated form – The CCform is an automated complaint form where fields should be completed by a complainant, and where questions and answers are predefined.

Automatic translation – With the CCform, consumers can complete the form in their own language and the companies read it in their own language, thanks to the automatic translation of the complaint form. However, automatic translation only applies to the complaint form, not to free text fields that are also available.

Personalisation of the form – Each complaint form will be extended or personalised by registered companies to fit their range of products. This means that to make the process more efficient, a company can choose to ask specific questions, under the supervision of the CCform Platform.

3. WHO ARE THE PARTIES IN THE COMPLAINT PROCESS?

Three parties take part in the complaint process:

- The consumer making the complaint (= complainant)
- The company to whom the complaint is addressed (= recipient)
- The Platform which manages the complaint form process.

The complainant

Who is the complainant? –The person who files a complaint using the CCform. This, in legal terms, 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.

The company

The recipient of your complaint – 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”.

The company may or may not be registered– The complainant is entitled to address a complaint either to a company whose name is listed on the CCform Platform website; or to a company that has no prior link with CCform.

This distinction is important for the transmission of the complaint:

- If the company belongs to the list of “registered companies”, it means that the complaint will be automatically transmitted and that the complainant is assured of receiving a response from the company;
- If the company has no previous link with CCform, the transmission of the complaint is not automatic: the Platform needs to contact the company, and invite it to register with the CCform Platform before transmitting the complaint. Consumers should be aware that there is no certainty as to the participation of the company in the complaint process, and this fact is even truer when the company is located outside the European Union which makes it more difficult to contact the company. If the company cannot be contacted within a pre-defined period, or does not wish to register, the complaint will not be transmitted and the consumer will be notified of the failure to deliver the complaint.

If the company is registered, it means that it has committed itself to comply with the rules governing the complaint process laid down in a CCform Code of Conduct (see question 14).

The country of residence of the company – The country of residence of the company does not impact upon the acceptance of the complaint.

The Platform

The central management body – The Platform is the body in charge of operating the complaint process. It is not involved in the resolution of complaints: only the complainant and the company engage in that process.

The Surveillance Committee – An independent Monitoring and Compliance Committee ensures 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.

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.

4. WHAT IS THE ROLE OF THE PLATFORM?

The Platform has several duties which can be separated into two categories:

Managing the complaint form – This task includes the following:

- *Adopting rules concerning the use of the complaint form*: the Platform drafts the Code of Conduct, which describes the obligations of the companies regarding the use of the complaint form;
- *Managing the registration procedure* for those companies wishing to register with the CCform system: the Platform signs a contract with the companies committing themselves to comply with the obligations laid down in the Code of Conduct;
- *Contacting the companies to whom a complaint is addressed*, if they are not registered: the Platform invites the company to register in order to receive the complaint. If the company cannot be contacted or refuses to register, the complainant is informed by the Platform that the complaint cannot be transmitted;
- *Ensuring compliance with the Code of Conduct* by companies: the Platform is responsible for companies' compliance with the Code of Conduct;
- *Watchdog role in the procedure through the alert contact address*: in cases of alleged breaches of the Code of Conduct by a CCform registered company, the complainant is invited to advise the Platform, which is required to contact the company and request an explanation.

Providing consumer information – The following information is on the CCform Platform website:

- *User Guides* explain to consumers and companies the functions and mechanics of the complaint form;
- *The Code of Conduct* which describes the obligations of the companies registered with the CCform Platform;
- *The Platform Privacy Policy* which informs complainants about the use of their personal data;
- *A list of companies* that are registered with the Platform: this helps consumers identify the company to whom they wish to address a complaint;
- *General information on consumer rights*: this is to help consumers find relevant information on their rights under national or European law. The website gathers information such as relevant contact points, consumer associations, consumer ministries, existing *Vade-Mecum*, etc.
- *Additional information* on procedures where a complaint is not resolved: possibility to escalate the complaint to an extra-judicial body (Alternative Dispute Resolution systems). The Platform will carry a list of alternatives where the consumer can lodge his/her complaint in the case that the complaint has not been solved by the CCform process.

5. WHAT KINDS OF COMPLAINTS CAN I ADDRESS?

What is a complaint? – In the CCform process, 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.

SECTION 2:

HOW DOES IT WORK IN PRACTICE?

6. HOW CAN A COMPLAINANT OBTAIN THE COMPLAINT FORM?

Consumers may obtain the complaint form through three access points:

On the CCform Platform website – The most direct access to the complaint form is via the CCform website.

On the of registered companies websites – Companies can offer a direct link on their website to the CCform complaint form. In such cases, the CCform logo is displayed on the company's website.

On third party issuers' websites – Registered third party issuers, such as consumer or trade associations, may also offer access to the CCform complaint form from their websites. Again, the CCform logo appears on such websites.

7. TO WHOM SHOULD I ADDRESS MY COMPLAINT?

Consumers may address complaints to any company. Recipients of complaints do not necessarily have to be registered with the CCform Platform.

If the company is not registered – it is the duty of the Platform to contact the company and to encourage it to participate in the complaint process. The Platform will then inform the complainant of whether the complaint has been accepted by the company. The Platform cannot, however, guarantee that a non-registered company will comply with a request to deal with a complaint.

8. HOW CAN A COMPLAINANT SEE WHETHER A COMPANY IS REGISTERED WITH CCFORM?

Why does a complainant need this information? – It is useful to know whether a company is registered with CCform, because:

- It is a guarantee that a request will be addressed and that any registered company involved will comply with the Code of Conduct.
- It allows complainants to complete the company's personalized complaint form which makes the process faster and more efficient.

You can check if a company is registered in various ways:

The list of registered companies on CCform website – The list allows complainants to check whether a company is registered.

If the CCform logo is displayed on a company website – That company provides a hyperlink to the CCform website.

Company advertising – 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.

9. HOW CAN A COMPLAINT BE FILED?

The 4 components of the complaint form – The complaint form is divided into 2 section pages all of which should be completed by the complainant:

- First page:

- *Name of the company:* details of the company to whom the complaint is addressed, notably an e-mail address; if the company is already registered, only the company name is required as the details are already recorded by the Platform;
- *Description of the problem:* this section requires complainants to specify the problem. A structure of standard questions is offered in which complainants can choose relevant information. Complainants can choose a medium for sending any supporting evidence (for example, either in electronic format or in hard copy);

- Second page:

- *Solution requested:* a structure of standard solutions corresponding to the problem is proposed, in which complainants can choose the most relevant to them. Complainants are not obliged to specify a preferred option. It can be left open to the company to make an offer. However, it is often helpful to specify an acceptable remedy.
- *Personal contact details:* this section requires complainants to provide their personal details, the minimum being an e-mail address by which they can be contacted.

10. HOW DOES THE COMPANY RESPOND TO A COMPLAINT?

Automatic transmission of the complaint by the Platform to the registered companies – Once filed, a complaint is transmitted by the Platform to the company specified.

If the company is not registered (i.e. if the company has not signed a contract with the Platform), the complaint will be transmitted provided the company agrees first to register and to accept the responsibilities (the Code, the privacy policy, etc). If the company declines, complainants will be informed that their complaint cannot be transmitted.

The 7 milestones of the company – when a company receives a CCform complaint, it will pass the following milestones:

- *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;

- *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, this resolution 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 its 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.

The information from the company – As soon as the company collects a complaint, the CCform Platform will inform the consumer. Next, the company will email the complainant to notify them of a time frame within which it will respond to a complaint.

During the process, the company may contact a complainant directly to ask for more details or to request supporting evidence (such as proof of purchase, etc.).

11. HOW CAN THE PROGRESS OF A COMPLAINT BE FOLLOWED?

The reference number – When a consumer files a complaint, a message containing the date of the complaint and a unique reference number for the complaint is sent automatically by the Platform to the consumer.

The reference number allows complainants to access the CCform website to track the progression of the complaint and to communicate with the Platform on any issue related to it.

The date of the complaint – This information is important in order to check that the response time of the company complies with the self-nominated response target chosen when the company registered with the Platform.

How can the steps of a complaint be followed? – Complainants can track the status of their complaint by logging on to the Platform's website and quoting the complaint reference number.

12. WHAT IS THE OUTCOME OF THE COMPLAINT RESOLUTION PROCESS?

If a solution has been agreed between the complainant and the company – in the event that a resolution has been agreed, the company should ensure that this solution is actioned (for instance the company will send a replacement, or provide a refund, etc).

Should the company fail to action the solution; the complainant can inform the Platform via its alert e-mail address.

If no resolution is reached – Complainants are reminded that neither they nor the company have an obligation to reach a resolution! If a satisfactory agreement is not reached, the complainant can decide to escalate the complaint to an Alternative Dispute Resolution body (a list of approved ADRs is provided on the Platform's website) which means that a third party will assist in reaching a solution.

The company is not however, obliged to take part in an ADR process. The Platform website will also list other solutions, such as the EU governments-supported EEJ-Net system.

SECTION 3:

WHAT GUARANTEES DOES A COMPLAINANT HAVE IF THEY TAKE PART IN THE COMPLAINT RESOLUTION PROCESS?

13. WHAT GUARANTEES ARE OFFERED BY THE CCFORM PROCESS?

The Code of Conduct - The CCform process is underpinned by a Code of Conduct to which all registered companies are required to adhere. The Code is available on the Platform's website, which allows consumers or any interested party to refer to the obligations of those companies registered with the Platform and to note any possible infringement.

The Code describes the functionality of the CCform process and the obligations of those companies registered with the Platform.

Contracts between the Platform and registered companies – This contract ratifies the commitment of the company with regard to the use of the complaint form. The company is obliged to comply with the Code of Conduct where its commitments are set out. It gives the Platform the responsibility to act where there is a breach of contractual obligations.

14. WHAT OBLIGATIONS ARE IMPOSED UPON THE COMPANIES?

Registered companies have the following obligations:

Obligations related to the complaint process:

- The company is obliged to respond to complaints by sending an acknowledgement of receipt to the complainant's e-mail address.
- The company cannot refuse a complaint without good reason: the principle of good faith requires that it must justify any refusal;
- The milestones listed above must be followed by the companies who register with CCform. This guarantees that there are reasonable time limits for the resolution of each complaint.
- If you reach a solution with the company, it must be actioned within a reasonable period of time.

Obligations related to the extension rules – The Company must comply with the extension rules described in the Code of Conduct if it decides to personalise the CCform. No supplementary personal data can be requested.

Obligations related to privacy – The Company must respect the rules governing the processing of the personal data that has been disclosed. Its commitment must be clearly expressed in a privacy policy to which complainants must have easy access.

SECTION 4:

WHAT CAN A COMPLAINANT DO IF THE RESOLUTION PROCESS FAILS?

15. WHAT CAN COMPLAINANTS DO IN CASE OF PROBLEM?

Alert contact address of the Platform – Consumers can, at any time during the complaint process, notify the Platform through the Surveillance Committee that the company is in alleged breach of the Code of Conduct.

The Platform will require the company to provide relevant details to be able to understand the problem.

The Platform will keep the details of each complaint in its secure database for a period of time (this period may be required by law). Complainants can therefore refer to and re-open a complaint by its unique reference number.

This process is controlled by an independent Surveillance Committee. Persistent failures by a company to meet its obligations under the Code of Conduct mean that the Surveillance Committee is empowered to impose sanctions.

16. WHAT ACTIONS CAN THE PLATFORM TAKE?

Attempt to solve the problem with the company – Once informed by complainants of a breach of the Code of Conduct by a company, the Platform will take action to try to solve the problem or improve the situation.

Apply sanctions – If the company does not respond to its requests, the Platform can refer the matter to the Surveillance Committee which can lodge a complaint against the recipient for a breach of the Code of Conduct, and apply proportionate and appropriate sanctions.

17. WHAT CAN BE DONE IF NO RESOLUTION IS AGREED?

Possibility to escalate the complaint – Complainants can at any time during the complaint process escalate the complaint either to an alternative dispute resolution body (ADR), or to the courts. Participation in the CCform process does not deprive consumers of their legal rights.

Complainants, who wish to escalate to an ADR, can find relevant information on the Platform's website. There is no obligation on the company to follow an ADR process.

SECTION 5: **WHAT IS THE ADDED-VALUE OF THE CCFORM COMPLAINT PROCESS?**

18.CCFORM ALLOWS A QUICK AND EASY SETTLEMENT OF THE PROBLEM

Easy to use – Users simply access to a website displaying the CCform logo which provides the CCform. The CCform Platform website, websites of registered companies or third party issuers' websites all provide the CCform. The interface of the complaint form is user-friendly.

Quick settlement of the complaint – It allows a quick settlement of the problem. The way the form is built and divided into sections, allows a company quickly to understand the problem. It also helps the complainant to present a complaint with complete information in a structured way.

A soft procedure – The CCform process describes a soft procedure. There is no obligation on the parties involved to find a solution via this process or to agree a resolution which is not totally satisfactory. Therefore, at any time, complainants may escalate the complaint to an ADR, with the agreement of the recipient, or seek redress via other means, for example, the courts. The Platform will provide consumers with details concerning the options available to escalate the complaint.

19.CCFORM PROVIDES INFORMATION ABOUT CONSUMERS RIGHTS

Consumer information – The Platform website provides links to websites offering information about consumer rights, existing *Vade-Mecum* of national/European legislation, and contact details of consumer associations, self-regulatory bodies or trade associations known to provide such information.

Such information is designed to help users to understand consumer rights, and to assist complainants in taking action when their rights have not been respected.

Contact address – A general e-mail address is provided for consumers to request further information, as well as information concerning EEJ-Net national clearing houses, which can be helpful in cases of escalation.

20.THE PLATFORM CAN BE CONTACTED AT ANY TIME

The Platform is always available via:

A general contact address – email can be used for requesting general information regarding the process.

An alert contact address – This address allows complainants to make known any problems which may arise during the complaint resolution process, or if a company does not respect its obligations as stated in the Code of Conduct. The Surveillance Committee will respond to any allegations of breaches of the Code of Conduct and will take necessary measures.