



ARE YOU STUCK IN THE MIDDLE OF NOWHERE?

We guide you through the Danish complaint system

COMPLAINTS AGAINST A
DANISH TRADER

HOW WE RESOLVE
CONSUMER COMPLAINTS

HOW TO COMPLAIN

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THE COMPLAINT PROCESS

THE DECISION

DO YOU HAVE A COMPLAINT AGAINST A DANISH TRADER?

More and more consumers are trading across European borders, partly because e-commerce has become very common but also because Europeans travel extensively in other EU countries.

Fortunately, by far the majority of transactions are made successfully, whether in a consumer's home country or across EU borders. Sometimes, however, unavoidably consumers end up in dispute with trader.

European Consumer Centre Denmark has written this leaflet to inform you on how consumer complaints are dealt with in Denmark. The leaflet contains information on how you, as a consumer from another EU country, can have a dispute settled with a Danish trader, and your options for obtaining an impartial assessment of your complaint without going to court.

First, try and find a solution with the trader

If you are unhappy with the product or service you have bought from a Danish vendor, always start by contacting the vendor (preferably in writing) informing him of the problem and what you wish to achieve.

By far the majority of cases are solved in this manner.

If you cannot agree with the trader

If the vendor will not accommodate your claims or perhaps fails to reply, help is at hand. Simply contact your national European Consumer Centre, which can help you proceed with your claim. You are not required to find the appropriate complaints board in the trader's home country yourself, and you can also communicate in your own language.

THE EUROPEAN CONSUMER CENTRES NETWORK

The European Consumer Centres Network was established by the EU Commission and EU member states to help European consumers trading across EU borders.

European Consumer Centres are based in each EU member state as well as in Iceland and Norway.

The network provides free legal assistance both before and after a purchase is made.

If you consider trading in another EU country, the network can help you obtain answers to your questions and concerns.

If you encounter problems after making a purchase, the network can help resolve your complaint either by helping you to send the complaint to the correct complaints board or by contacting the trader in question.

HOW WE RESOLVE CONSUMER COMPLAINTS IN DENMARK

As Denmark has a long tradition of resolving consumer complaints through consumer complaints boards, complaints boards are widespread in Denmark. The boards are established jointly by trade organisations, consumer organisations and the Danish Consumer Agency. They are dispute resolving bodies that can assess and make decisions in complaints without legal counsel and court costs but with the same due process protection.

The Danish Consumer Complaints Board, which is a public-sector complaints board, covers most areas and deals with most cases. In addition, a number of private complaints boards have been approved by the public sector with authority in specific areas. Approved complaints boards in Denmark include: The Financial Services Complaints Board, the Danish Insurance Complaints Board, the Danish

Telecommunications Complaints Board and the Danish Complaints Board for Hotels, Restaurants and Tourism.

All these boards consist of a chairman who must be a judge or lawyer, two representatives for the consumers' interests and two for the traders' interests.

The boards base their decisions on a legal assessment of the facts of the case.

The boards' decisions are not binding on the parties, but there are several initiatives that encourage the trader both to cooperate while the case is being prepared and subsequently comply with the decision.

If you have a complaint about a Danish vendor, in most cases you can obtain an impartial decision on whether your complaint is legitimate.

HOW TO COMPLAIN AGAINST DANISH TRADERS

Always complain in writing to the trader and keep a copy of the correspondence. Set a reasonable reply deadline in your complaint.

If the trader rejects your claims or you receive no reply, contact your national European Consumer Centre, which can advise you on your rights and options (an easy way to contact your own European Consumer Centre is to fill in the complaint form you can find at

www.consumereurope.dk/complain. The form is available in all EU languages).

Your national European Consumer Centre will analyse the complaint and will usually send it to European Consumer Centre Denmark, if the trader is based in Denmark. European Consumer Centre Denmark will assess the case, decide which complaints board should handle the case and notify its colleague.

The case will then, with your consent, be considered by the complaints board which has the authority to deal with the case.

You can communicate in your own language, as you will remain in contact with your national European Consumer Centre.

Our network can also help with translations of vital documents.



WHAT COMPLAINTS CAN YOU TAKE TO DANISH COMPLAINTS BOARDS?

You can complain about goods and services you have bought from a Danish trader, and generally speaking, most kinds of purchases can be dealt with by a Danish complaints board.

On European Consumer Centre Denmark's website, you'll find a complete list in English of the complaints covered by the Danish complaints boards.

Website: www.forbruger-europa.dk/english/complain/what/



CONDITIONS FOR CASES HANDLED BY COMPLAINTS BOARDS

The complaints boards deal exclusively with complaints concerning consumer purchases. You can therefore only complain about things you have bought as a consumer from a trader. Second, your claim must be a pecuniary claim.

Finally, you must have tried to resolve the matter by contacting the trader before complaining to the complaints board.

You should also be aware that you can forfeit your right to have a case handled by a complaints board if you wait too long before complaining to the vendor or bringing the case before the complaints board. Some boards make specific decisions on each case. Others have a maximum limit of six months from the transaction or the date on which the trader rejected your claim.

Some complaints boards have limits for the amounts they will handle. For example, the goods or services you have bought must have cost between € 110 and € 13,000/DKK 800 and DKK 100,000 for the National Consumer Agency to handle the complaint. For shoes and textiles, the lower limit is € 70/ DKK 500 and for cars it is € 1,300/ DKK 10,000.

All complaints boards charge a modest fee that is to be paid before case handling begins. The fee is between € 20/DKK 160 and € 40/DKK 300. The fee is returned to you if the complaints board rejects the case, if your claim is sustained or if the vendor accommodates your claims before the complaints board reaches a decision on the case.

THE ROLE OF THE TRADER IN THE PROCEEDINGS OF THE COMPLAINTS BOARD

The trader need not be a member of a particular organisation/trade association for a case to be handled by a complaints board.

The trader need not accept/cooperate in

complaints board proceedings. The case proceeds whether or not the trader cooperates.

If the trader loses the case, he/she must pay the costs whether or not he/she cooperates in the

proceedings. The costs vary from € 370 to € 900 and are enforceable.

Traders who fail to comply with decisions are publicly blacklisted.

CASE HANDLING BY COMPLAINTS BOARDS

The cases are prepared by a secretariat that gathers all the relevant information. If an expert opinion is required, the secretariat commissions an expert opinion from an expert in the field at no charge to you.

During the preparation phase, both parties are kept informed of the details obtained and get a chance to comment on them.

When sufficient facts from the case have been disclosed, the case is presented to the complaints board itself which – as mentioned – consists of a chairman who is generally a judge and two representa-

tives from the consumer and business sector, respectively.

All case handling by complaints boards takes place in writing. Consequently, the parties are not required to attend in person during the preparation phase or attend the meeting at which the complaints board handles the case.

The time of handling cases varies a great deal but is typically between 6 and 12 months depending on which board deals with the case and its complexity. You may therefore need to be patient while awaiting a decision.



THE DECISION

Details of the decision reached by the complaints board will be sent to you. Decisions are based on a legal assessment of the facts of the case. They are not a compromise or a draft settlement. In principle, the decision is based on the same assessment as in a court of law.

Decisions made by the Danish Consumer Complaints Board are not binding on you or the

trader. As a general rule, the same applies to private complaints boards. However, in some cases, the trader is obliged to comply with the decisions owing to membership of a trade organisation.

If the decision is in your favour, the trader has 30 days to comply with such decision. If that fails, the trader receives a written reminder of the decision with an additional but

shorter deadline. If the trader still fails to comply with the decision, he/she is publicly blacklisted on the internet.

Whether or not the trader complies with the decision, he/she is required to pay the costs of the case. The costs total between € 370 and € 900, and as this part of the decision is binding, they can be enforced by the board.

IF THE TRADER FAILS TO COMPLY WITH THE DECISION

Although most traders comply with complaints board decisions, you may find that the trader in your case is not willing to comply with the decision reached. In such cases, if you wish to enforce your claim, you will have to go to court.

Regardless of which board has made a decision, the secretariat will help you complete a claim form and can also institute legal proceedings on your behalf. You can represent yourself before the Danish courts of law but you should consider getting legal counsel.

If you fulfil certain specific financial requirements, and have no insurance to cover the costs of the court case, you can get free legal aid to institute legal proceedings before a Danish court of law, even though you are a foreigner. This means that the state will cover the cost of your court fees and that you will be assigned counsel in the case.

As a supplement to normal legal court proceedings, Denmark has introduced legal proceedings for small cases. This means that claims not exceeding € 6,670/DKK 50,000 can be fast tracked through a more easily accessible scheme in which pre-printed claim forms are filled in and the court then prepares the case. The aim is for all or most of the legal proceedings to be completed without legal assistance to keep costs down. However, both parties must have a postal address – but not a permanent address – in Denmark. In practice, many foreign claimants therefore need legal counsel to act for them. Free legal aid can also be obtained here in certain circumstances.

Legal proceedings for small cases have been introduced at European level for claims of up to € 2,000/DKK 15,000. However, as Denmark is not covered by this scheme, such legal proceedings cannot be applied in Danish courts.

FOR FURTHER INFORMATION

You can find further information and a complete list of all the European Consumer Centres at our website, www.consumereurope.dk. Contact European Consumer Centre Denmark

European Consumer
Centre Denmark
Forbruger Europa
Amagerfaelledvej 56
DK-2300 Copenhagen S

Phone: +45 3266 9000
Fax: +45 3266 9100
Email: info@forbrugereuropa.dk
Web: www.consumereurope.dk

EUROPEAN CONSUMER CENTRES

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|  Austria
www.europakonsument.at
info@europakonsument.at |  Latvia
www.ecclatvia.lv
info@ecclatvia.lv |
|  Belgium
www.eccbelgium.be
info@eccbelgium.be |  Lithuania
www.ecc.lt
info@ecc.lt |
|  Bulgaria
ecc.bulgaria@kzp.bg |  Luxembourg
www.cecluxembourg.lu
info@cecluxembourg.lu |
|  Cyprus
www.ecccyprus.org
ecccyprus@mcit.gov.cy |  Malta
www.eccnetmalta.gov.mt
ecc.malta@gov.mt |
|  Czech Republic
www.coi.cz ; www.coi.cz/esc
esc@coi.cz |  The Netherlands
www.eccnl.eu
info@eccnl.eu |
|  Denmark
www.consumereurope.dk
info@forbrugereuropa.dk |  Norway
www.forbrukereuropa.no
post@forbrukereuropa.no |
|  Estonia
www.consumer.ee
consumer@consumer.ee |  Poland
www.konsument.gov.pl
info@konsument.gov.pl |
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www.ecc.fi
ekk@kuluttajavirasto.fi |  Portugal
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euroconsumo@dg.consumidor.pt |
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www.euroinfo-kehl.eu
info@euroinfo-kehl.eu |  Romania
www.eccromania.ro
office@eccromania.ro |
|  Germany
www.euroinfo-kehl.eu
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www.economy.gov.sk/ecc
ecc@economy.gov.sk |
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infoecc@efpolis.gr |  Slovenia
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info@efk.hu |  Spain
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cec@consumo-inc.es |
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www.ukecc.net
ecc@tsi.org.uk |
|  Italy
www.ecc-net.it
info@ecc-net.it | |



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The ECC Network provides assistance to consumers shopping across borders in the EU