

HDE Position Paper on the Consultation document on developing a harmonised methodology for classifying and reporting consumer complaints across the European Union

The German Retail Confederation ("Hauptverband des Deutschen Einzelhandels e.V. – HDE"¹) would like to comment on the consultation document on developing a harmonised methodology for classifying and reporting consumer complaints across the European Union as follows:

First of all, we are obliged to respond to the online questionnaire with this text document as the online form does neither allow for sufficient explanations nor enables the responding party to leave compulsory questions aside in case they cannot be answered or the reply would be "not applicable".

General comments

Retail companies generally all have their own individual complaint handling mechanisms. They might vary according to the respective company policies and ensure a responsible interaction with the customers.

Criticism and complaints of retail customers are taken very seriously. Private company complaint handling mechanisms aim at dealing with consumer enquiries and complaints in a responsible manner that fully respects and satisfies customers' interests.

Considering that this consultation only concerns complaints made to third parties to the transaction, our answer to the question ("Do you collect consumer complaints?") would be negative. HDE does not see a necessity for a harmonised methodology for classification of consumer complaints to third parties as it bears serious risks and difficulties and raises many questions.

¹ HDE is the leading organisation of the German retail trade, which comprises some 400,000 independent companies with 2.7 million employees and a combined annual turnover of more than €400 billion. HDE represents the interests of 100,000 member companies of all sizes and from all industries and regions, with a combined annual turnover of more than €250 billion.

Scope

The scope of such a harmonised system is unclear:

- Which type of companies would be included?
- Which types of complaints / enquiries are meant? In practical business life there is a great variety of complaints / enquiries– (product-related, objective fault or subjective disliking, service-related). Due to this variety a general classification would be impossible.
- Which types of products are included?

Use, confidentiality and type of data

The question of the use of the data gathered is left open (“higher efficiency of markets, better customer service, higher productivity”). A clear statement on objectives, aims, use, access, communication and evaluation of the data gathered is missing. There is a serious danger of an infringement of data protection rules. It is furthermore unclear how detailed the data gathered would have to be.

Following this increased transparency companies might be the victims of “name and shame”-campaigns and the data base of complaints could be used as a means to exert pressure on the retailer or seller.

Accuracy of data

There is a serious risk of a misinterpretation of complaints. To gauge a complaint in a qualified and neutral manner often detailed information on the product and/ or the production process is necessary. Third parties to the transaction receiving complaints might lack this type of information which could therefore lead to misinterpretations of a complaint. An inspection whether a complaint is justified or not would be impossible.

Finally, a harmonised methodology and classification of complaints could lead to an increase of the number of complaints, of which not all might be justified.

In conclusion and according to the reasons mentioned above we would object to introducing a harmonised system for classifying consumer complaints made to third parties while maintaining at the same time that in any case any complaints made directly to sellers or retailers should remain excluded from a potential system.

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