

WHAT WILL THE OMIC DO WITH YOUR CLAIM OR COMPLAINT?

Once the OMIC has received the complaint and any supporting information, it will be reviewed. If further information is needed the OMIC will contact you. Lastly, the OMIC will determine the most appropriate procedure in each case.

In the case of **legal claims**, these will be transferred to the municipal consumer services to investigate the allegation. If it can be proven that there is a breach of compliance with consumer protection legislation, the offending party will be sanctioned.

In the case of a **complaint**, the OMIC will begin mediation. This is an out-of-court conflict resolution procedure, which is entered into voluntarily by both parties.

During mediation, the OMIC informs the party against which the complaint is being made of the facts as stated by the consumer and the solution sought. A deadline is set for the company to propose a solution and the consumer is informed of the outcome of this process.

If the business party does not respond to the mediation or propose a solution, or if the proposal does not satisfy the consumer, the OMIC will suggest possible alternatives to pursue the complaint.

If the claim or complaint is made against business, traders or professionals based outside the jurisdiction of Madrid City Council or involves sectors that are covered by special sectoral legislation, the OMIC will be responsible for transferring the claim to the competent administration for resolution.

If the party against which the claim or complaint is being made is based in a European Union country, the OMIC will transfer the file to the European Consumer Centre, which will carry out the consumer mediation.

REMEMBER

- ▶ As a consumer, you have rights and obligations, so make sure you are aware of these before buying a product or service.
- ▶ Madrid City Council's Municipal Consumer Information Office (OMIC) is available to help consumers at:
 - Central Office**
(C/ Príncipe de Vergara, 140, 28002 Madrid) or
 - District Offices**, in the City of Madrid's 21 districts (you can find out where the different offices are located on the web page www.madrid.es/consumo).
- ▶ If a dispute arises in a commercial establishment, it is recommended that you request a complaint form there, although there are other ways to make a complaint.
- ▶ Commit to responsible, informed and sustainable consumption.

FOR FURTHER INFORMATION:

010Líneamadrid

91 529 82 10 if you are calling outside the city of Madrid

madrid.es

www.madrid.es/consumo



Learn about our OMIC citizen chart commitments: www.madrid.es/omic



How to make a consumer complaint

MADRID CITY COUNCIL OMIC

HOW TO MAKE A CONSUMER COMPLAINT

Problems sometimes arise when we buy a product or service and our rights as consumers may be infringed. There is extensive legislation in place which provides consumers with special protection in relation to business activities.

Madrid City Council can help you with your doubts and disputes, through the Municipal Consumer Information Office (OMIC), where you can:

- ▲ get information and personalised advice on your rights and obligations under the law
- ▲ exercise your right to make a complaint through consumer mediation or access the consumer arbitration system
- ▲ make a legal claim which the Council can investigate.

WHAT IS THE DIFFERENCE BETWEEN MAKING A COMPLAINT, MAKING A LEGAL CLAIM, REQUESTING ARBITRATION AND REQUESTING INFORMATION?

Requesting information - If you are unsure or unaware of your consumer rights under the law, you can send a query to the OMIC, who will provide you with information and advise you on the relevant rights and obligations.

Making a complaint - If you have a problem as a consumer, you can request mediation through the OMIC by submitting a complaint. The OMIC will mediate with the party against whom the complaint has been made to try to solve the dispute. If you are not satisfied with the outcome, the OMIC will provide information on the possible alternatives moving forward, including specifically:

The Consumer Arbitration System - This is an out-of-court dispute resolution procedure, which is voluntary for both parties but whose final decision has the same effect as a legal ruling. Once this procedure has been agreed to, the right to take the complaint to court is waived.

Making a legal claim - When a consumer informs of facts which entail a potential infringement of rights, this can be investigated and, where appropriate, remedied by imposing a penalty on the offending.

WHO CAN MAKE A COMPLAINT OR A LEGAL CLAIM THROUGH THE OMIC?

Consumers, i.e. persons or legal entities acting in a non-professional capacity, who have a dispute with a provider of goods or services can request help from the OMIC.

AGAINST WHOM CAN YOU MAKE A COMPLAINT OR CLAIM?

Consumer complaints and claims can be made against any business or commercial activity aimed at consumers, including the purchase of goods, products, supplies and services.

HOW DO YOU REQUEST INFORMATION?

Consumers can request information about their rights, in writing or in person; it is strongly recommended to make an appointment through the website (www.madrid.es/citaprevia) or by calling the 010 helpline (Linea Madrid). You can also request information by emailing the different offices listed on the corporate website (www.madrid.es/consumo), or through the Madrid City Council website (<https://sede.madrid.es>).

Madrid City Council, working in partnership with consumer associations, also offers advice to the public on managing domestic finances, providing guidance on improving financial knowledge and behaviour and managing personal finances, with the aim of promoting sustainable and responsible consumption.

HOW DO YOU EXERCISE YOUR RIGHT TO MAKE A COMPLAINT OR CLAIM OR REQUEST CONSUMER ARBITRATION?

When there is a dispute with an establishment or in relation to a contract, the consumer has the right to request a **complaint form** from the business or professional, which must then be filled out with the facts of the dispute and the solution sought. It is the consumer's responsibility to submit the complaint form to the municipal consumer services.

If the business refuses to provide a complaint form, you must request the presence of the Municipal Police to attest to this refusal.

In these cases, or when you do not wish to request a complaint form at the establishment, there are **standard forms** which are made available by the OMIC and which can be accessed on the consumer web page (www.madrid.es/consumo), through the administration and procedures web portal of the Madrid City Council website (<https://sede.madrid.es>) or in its offices. Alternatively, you can submit your complaint in writing, including at least the following information:

- ▲ your name and the name of the person or business against whom the complaint is being made
- ▲ the facts of the dispute
- ▲ the solution sought.

Once the complaint form has been completed, it must be sent to the OMIC, together with any supporting documentation (invoice/receipt, advertising, contract, etc.).

You can choose to go directly to the **consumer arbitration system**, an out-of-court conflict resolution procedure which is voluntary and free of charge, and whose decision (arbitral award) is binding for both parties. In this case, you must complete and sign the standard form for requesting arbitration in order to begin this process, since it entails waiving judicial protection of the ordinary courts for the particular case. An official form for requesting arbitration can be obtained on the website, as well as the complaint forms.

WHAT ARE THE ROUTES FOR SUBMITTING A CLAIM OR COMPLAINT?

The consumer claim or complaint can be submitted:

- ▲ at any Madrid City Council registry
- ▲ at any other public administration registry
- ▲ by post
- ▲ electronically, through Madrid City Council's administration and procedures web portal (<https://sede.madrid.es>)
- ▲ by email to the different offices listed on the corporate website (www.madrid.es/consumo).