

How do you make a complaint in Spain. OMIC CONSUMER AFFAIRS

Probably one of the things we miss here more than anything else is our consumer protection, what with *Which* and the consumer's watchdog on our side it was easy to report those that step out of line. However it appears that the only way to resolve an issue here in Spain is to go to a lawyer – a costly and often frustrating exercise. Or is it?

Well it may surprise you to know that in Spain there is a consumer's organisation called OMIC ("Oficina Municipal de Información al Consumidor" or Municipal Office for Information to the Consumer) and they are available at a town hall near you. Their role is as wide as it is varied but this should be your first port of call. Basically the role of the OMIC is as follows: a) To inform and advise consumers on how to exercise their rights. b) To admit reports and complaints from consumers and send them to the corresponding entities or agencies.

Every business in Spain is obliged to hold in each of their offices a "Libro de Reclamaciones". This book of forms is the first step for any person who wishes to make a formal complaint against a business. The Hoja de Reclamación is a triplicate form which is numbered sequentially. The White and green copies are for you and pink copy for the shop. This book must be presented to the person making the complaint as soon as it is requested. Failure to do so can result in hefty fines, a possible investigation and temporary (or permanent) closure for the business involved.

- Complaint forms allow the consumer to make a complaint on the premises.
- Establishments and outlets must display a public notice about the availability of complaint forms.
- The organisation receiving the form will inform the complainant of receipt and notify the establishment or business in question.
- Complaints can be lodged against the establishment or business for failure to have, or to provide complaint forms.

So the process is as follows:

1. Go to the business and ask them for the Libro de Reclamaciones
2. Fill in the form (in either English or Spanish although obviously it is better to do so in Spanish)
3. Details you will need to include are as follows:
 - Place where the incident took place: place or establishment, town, day, date and time.
 - Complainant's name and family name, ID-card/passport number, nationality, address and telephone number.
 - Establishment or person against whom the complaint is being made: name or registered name, NIF (tax identification no.) or CIF (business identification no.), activity, address and telephone number.
 - The events which led to the complaint.
 - Documents attached (bills, receipts, tickets, advertising, etc.).

1. Hand a copy to the business you are lodging a complaint against (the pink copy)

2. Wait for ten days for the business to respond.

If they fail to respond or do not respond satisfactorily within ten days then you should pass the white copy to the OMIC

Once they have a copy of the complaint, they will send a relevant inspector round depending on the nature of the complaint (i.e. food and hygiene, safety, etc). Depending on the inspectors report depends on the action taken. If the complaint is considered one of public safety then the complaint will become formal. If it is considered private then the matter will be recommended to the sistema de Mediacion after he/she has consulted with the business you are complaining against.

The "Sistema de Mediacion" is an arbitration Service in which an independent person will check the case, and recommend a fair and just settlement. This settlement is not official and both parties have the right to reject the settlement. If this is the case then the case will go before a local court and a final decision will be given by a judge.

Contact details: Jávea/Xàbia OMIC,

Address – Carrera Roques 5, 03730 Jávea

Telephone 96 579 05 00/ 96 579 42 66