

# How to receive and publish a (negative) consumer feedback?

27 July 2022 | Legal Alerts No. 5 | Consumer Protection vol. II

While the previous issue on the topic of the new Consumer Protection Act (Legal Alerts No. 3) analyzed the new rules for retail price indication, this issue continues with topics that mainly relate to interaction with consumers. It is important to note that the trader's relationship with the consumer does not necessarily end with the purchase or delivery of the product/service. The wide spectrum of consumer rights includes, among others, the right to file a complaint and demand its adequate resolution. In addition, traders are also required to publish consumer reviews transparently (without misleading the consumers). In this light, below you can find several guidelines for easier implementation and business development.

## Consumer complaints - in relation to what?

When filing the complaint to a trader, the consumers can file a complaint about the following:

- purchased goods,
- services provided, or
- trader's business relation with the consumer.

The third point represents a novelty, that is, it expands consumer rights in a way that now the entire business of the trader, his employees' behavior and the overall service is subject to certain "criticism".

## Notice on how to submit a complaint

To make the filing of the complaint at all possible, traders are required to display adequate notices in visible locations. Such notice must be clear and legible, and if the trader has an internet site, the notice about filing a complaint must also be displayed there.

In addition, if you are a trader who provides public services, you must clearly display the notice on the invoice for the provided service (notice on the right to a written complaint and the method of filing of the complaint).

## How do the traders receive complaints?

The complaint must always be in a written form, but the receiving channels are partly prescribed and partly left to the traders to choose. More specifically, the consumer must always be able to file a complaint at the trader's

business premises, by post or via e-mail. The traders can choose to "open" other (additional) channels / means of online communication. However, mandatory condition is that such means of communication enable recording of time and communication content on a permanent medium during a period of at least one year as of the date of receipt of the consumer's written complaint.

Please note, however, that according to the interpretation of the Croatian Ministry of Economy and Sustainable Development, social networks (for example, Facebook, Instagram, etc.) are not to be interpreted as platforms that enable storage of time and content of communication on a permanent medium. This is because the mentioned means of communication allow the sender to subsequently delete messages, which could potentially enable misuse of such means of communication. Although a trader is not obliged to respond to a complaint received in a manner other than the prescribed one, for good business practice reasons, in such situations the consumers could be instructed about the accurate way of filing of a complaint (some of the previously mentioned).

## Complaint is received – what are the next steps?

When you receive a complaint, the new CPA obliges you to confirm the receipt to the consumer without delay. You can do this by mail, e-mail or by using other means of online communication if you have enabled the filing of complaints by such means.

For these purposes, special e-mail addresses created specifically for consumer complaints have proven to be very useful. Such e-mail addresses often have an automatic, so-called "no reply" messages stating that the sender's e-mail has been received.

You must respond to the consumer's complaint no later than 15 days from the day you received it. You must do so by post, e-mail or using other means of communication if you have them enabled.

The response must primarily clearly state whether you accept the validity of the consumer's complaint. Such short conclusion is of course accompanied with an explanation. The reasoning behind it is to avoid the current practice of unspecified or non-existent responses to consumer complaints.

### Reviews – reasoning?

Finally, another form of trader-consumer interaction - apart from the purchase itself - is the consumers' reviews. Contrary to what may be expected, practice shows that reviews are not only valuable material that serves to optimization and improvement of trader's services, but reviews are also useful promotional tool.

Given the importance of consumer reviews, the European Union - and the Republic of Croatia - have introduced new obligations aimed at ensuring that manipulation of consumer reviews is reduced and that misleading practices are eliminated.

### The right approach to consumer reviews

In relation to reviews, CPA identifies the following as misleading business practices that you should avoid:

- stating that product reviews are provided by consumers who have actually used or purchased the product without verifying that these reviews actually originate from such consumers;
- submitting false consumer reviews / recommendations, or ordering another legal or natural person to submit them; and
- misrepresenting consumer reviews or social recommendations to promote a product.

Therefore, if you, as a trader, provide access to consumer product reviews, you must ensure or provide information on how reviews are authenticated. This may include technical means of verifying the reliability of the person posting the review: for example, verifying whether the consumer has purchased or used the product. Also, the information provided may include information on whether all reviews - both positive and negative ones - are published, whether the reviews are sponsored or if they are influenced by a contractual relationship with a trader.

#### Contact:

##### Mislav Bradvica

+385 (0)91 203 6678

m.bradvica@bmwc.hr

##### Kristina Rudec

+385 (0)1 5629 767

k.rudec@bmwc.hr

##### Ivan Luetić, LL.M. Harvard Law School

+385 (0)91 588 5664

i.luetic@bmwc.hr

*\* This publication was prepared with assistance of associates Lucija Aralica, Antonija Paladina i Andrea Smolić*

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