

Cross border disputes



For further information

If you have a dispute with a trader established in another European Union member state you can contact the European consumers centre in Kehl.

Euro-info-consumers
Rehfusplatz 11
D-77694 Kehl

“Numéro indigo”: 0820 200 999
(€0.09 per minute from a land line)

Internet: www.euroinfo-kehl.com

- > The DGCCRF Internet site
www.dgccrf.minefi.gouv.fr
- > **3939 « Allô, Service Public »** (€0.12 € per minute) - Consumer information service
- > The Directorate for Competition, Consumer Affairs and Fraud Control (Direction de la Concurrence, de la Consommation et de la Répression des Fraudes) in the département
- > The French National Consumer Institute (Institut national de la consommation)
www.conso.net
- > Any consumer associations in the département

This leaflet is for information only. It is inevitably not exhaustive and does not replace the applicable regulations.



Direction générale de la Concurrence, de la Consommation
et de la Répression des Fraudes

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Common consumer disputes



You receive a refusal to repair an appliance under guarantee.

An item of clothing is damaged at the cleaners.

The work on your home has been poorly executed and has not been completed

What can you do?



Settle your dispute out of court

By contacting the professional

In every case, it is the first thing you should do if there is a dispute.

If this is not successful, confirm your request in writing by registered letter with proof of receipt and keep a copy of your letter. These documents will be useful when pursuing your action if you do not obtain satisfaction.

You should also know that in many business sectors (banks, insurance, transport, post, telephony, etc) you may make use of the mediator that has been put in place in these sectors to deal with your dispute.

For example: the telecommunications mediator BP 999-75829 Paris Cedex 17.

By joining a consumer association in the town or département

Associations inform consumers about their rights; they may also assist you in settling your dispute with a trader or service provider.

If there is one, by contacting “Boîte Postale 5000” in the département

This mediation body for consumers and professionals, set up by the public authorities, exists in several départements. It will entrust your dossier to a consumer association or a professional organisation, which will try to find a solution.

It is free of charge.

You should:

- > describe your request in detail;
- > enclose photocopies of all the documents in your possession;
- > address your dossier to BP 5000 of the département in which the professional works (BP 5000, code postal + main town for example, 75000 PARIS).

With the support of the law

The legal conciliator (conciliateur de justice)

Outside any legal proceedings, it is a volunteer appointed by the court of appeal judge to facilitate settlement of disputes out of court, in particular those involving a consumer and a trader.

If conciliation is successful, even partially, a statement of agreement signed by the professional and the consumer and the conciliator will be drawn up. If the agreement is approved by the judge, it has the authority of a ruling.

You may approach the conciliator without any particular formality (contact details available in town halls or the magistrates' court (tribunal d'instance) covering your area).

The prior attempt at conciliation by the magistrate (juge d'instance)

The magistrate will attempt to help the consumer and the professional wishing to avoid court proceedings to come to an agreement. The procedure is free of charge, but may only be used for disputes not exceeding €10,000 or disputes expressly attributed to the magistrates' court (consumer credit).

> Choose the magistrates' court: either the court where the professional with whom you are in dispute is established or in which the contract is being executed, or the court covering the place where the consumer suffered the prejudice.

> Submit the matter to the court by sending the Clerk's Office a simple letter (a form may also be issued by the court) or put your request orally.

Indicate your address and phone number (contact details), those of the trader, the nature of the dispute and what you wish to obtain.

> You and the opposing party will then be called in before the judge who will attempt conciliation.

> If an agreement is reached, a report is drawn up by the judge which has the force of order that can be executed by a bailiff. Otherwise, you may take legal proceedings, some of which are free of charge.

Settle your dispute with the assistance of simplified legal procedures*

Declaration at the Clerk's Office (greffe du tribunal d'instance)

Submit your application to the magistrates' court by giving or sending a declaration to the Clerk's Office, which will register it. A lawyer is not necessary, but you may choose to be assisted or represented.

This procedure concerns consumer disputes involving amounts of under €4,000.

Submit a case to the local magistrate (juge de proximité)

These non-professional magistrates were put in place in October 2003 to deal with minor disputes. They may hear disputes relating to sums not exceeding €4,000.

You may also obtain a fast legal ruling through two special procedures

Injunction to complete

You submit the matter to the judge with an application for an injunction to complete, which obliges a professional to physically execute its commitment to you: failure to deliver an order within the time limit indicated on the order form, partially completed repair...

The total cost of the service to be executed, estimated by the applicant, should not exceed €10,000.

Injunction to pay

You submit the matter to the judge with an application for an injunction to pay in order to enable you to recover the sums that a professional owes you, for example to be repaid a deposit by a trader that has not fulfilled the contract.

* Forms are available from the Clerk's Office of the magistrates' court covering your place of residence.