

II

(Non-legislative acts)

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 12 May 2010

on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries

(2010/304/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The European Council in its Presidency Conclusions of 14 December 2007 has welcomed the Single Market Review which calls for policymaking and regulation at Union level to develop a better understanding of market outcomes for consumers in the Internal Market through the development of tools and indicators such as consumer complaints.
- (2) The European Parliament in its Resolution of 18 November 2008 on the Consumer Markets Scoreboard has invited the Commission and the Member States to work towards the harmonisation of the complaint classification systems used by the competent authorities and relevant consumer assistance services in the Member States and to establish a Union-wide database of consumer complaints. In its Resolution of 9 March 2010 on consumer protection, the European Parliament has called on all complaint bodies to adopt the harmonised classification methodology for classifying and reporting consumer complaints as proposed by the Commission.
- (3) The Communication from the Commission of 13 March 2007 'EU Consumer Policy strategy 2007-2013 — Empowering consumers, enhancing their welfare, effectively protecting them'⁽¹⁾ has set as one of its priorities the better monitoring of consumer markets and national consumer policies, including the development of a tool for monitoring consumer complaints.
- (4) Pursuant to Article 16 of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)⁽²⁾ the Member States are to develop, in cooperation with the Commission, a common framework for the classification of consumer complaints. For that purpose, it is appropriate to introduce a harmonised methodology, to be used by complaint handling bodies in the Union, for classifying and reporting consumer complaints to the Commission. For a better monitoring of market functioning, it is appropriate to extend that methodology to consumer enquiries,

HAS ADOPTED THIS RECOMMENDATION:

1. Complaint handling bodies, in particular Member States' consumer authorities, consumer organisations, regulatory authorities, alternative dispute resolution bodies, complaint boards, independent Ombudsmen set up by government authorities, independent Ombudsmen-type services set up by traders, and industry self-regulatory bodies, should implement this Recommendation in accordance with points 2 to 9 and subject to confidentiality requirements they may be bound to respect, in relation to all commercial advertising that is aimed at consumers and to sales and service contracts for goods and services concluded between traders and consumers.
2. For the purpose of this Recommendation, the following definitions apply:
 - (a) 'consumer' means any natural person who is acting for purposes which are outside his/her trade, business, craft or profession;

⁽¹⁾ COM(2007) 99 final.⁽²⁾ OJ L 364, 9.12.2004, p. 1.

- (b) 'consumer complaint' means a statement of dissatisfaction with a specific trader made by a consumer to a complaint handling body, in relation to the promotion, sale or supply of a good or a service, use of a good or a service or after-sales service;
 - (c) 'consumer enquiry' means a request for information or advice, other than a complaint, made by a consumer to a complaint handling body concerning the promotion, sale or supply of a good or a service, use of a good or a service or after-sales service;
 - (d) 'trader' means any natural or legal person who, in relation to the promotion, sale or supply of a good or a service, is acting for purposes relating to his/her trade, business, craft or profession and anyone acting in the name of or on behalf of a trader;
 - (e) 'complaint handling body' means any body that is responsible for collecting complaints, or attempting to resolve complaints, or giving advice, or providing information to consumers about complaints or enquiries, that is a third party to a complaint or enquiry by a consumer about a trader; it does not include consumer complaint handling mechanisms operated by traders and dealing with enquiries and complaints directly with the consumer or mechanisms providing complaint handling services operated by or on behalf of a trader.
3. Complaint handling bodies should collect and register at least the following recommended data:
- (a) the following general information in accordance with the data fields set out in Subsection I of Section A of the Annex for complaints:
 - (i) country of the consumer;
 - (ii) country of the trader;
 - (iii) name of the complaint handling body;
 - (iv) reason for contact by the consumer, distinguishing between complaints and enquiries;
 - (v) date of receiving the complaint or enquiry;
 - (vi) selling method, excluding subcategories 61.1 – 61.15;
 - (b) sector information in accordance with Section B of the Annex, at least at level 2 for complaints;
 - (c) type of complaint information in accordance with Section C of the Annex, at least at level 1 for complaints.
4. Complaint handling bodies are encouraged to collect and register the following additional data:
- (a) information on the selling method, subcategories 61.1 – 61.15 in accordance with Subsection I of Section A of the Annex for complaints;
 - (b) the following general information in accordance with the data fields set out in Subsection II of Section A of the Annex for complaints:
 - (i) advertising method;
 - (ii) means of payment;
 - (iii) name of the trader;
 - (iv) value of the transaction;
 - (v) value of the loss incurred by the consumer;
 - (c) type of complaint information in accordance with Section C of the Annex, at level 2 for complaints;
 - (d) information on enquiries.
5. Complaint handling bodies may collect additional information which is disaggregated beyond the levels described in points 3 and 4, provided this is consistent with the data fields described in the aforementioned points.
6. Complaint handling bodies should report all data referred to in point 3 annually to the Commission. Data should be reported as soon as possible after the end of each calendar year.
7. Complaint handling bodies are encouraged to report all data referred to in point 4, with the exception of data on the 'name of the trader' referred to in point 4(b)(iii), annually to the Commission. Data should be reported as soon as possible after the end of each calendar year.
8. Complaints handling bodies should report data under points 6 and 7 in a way that allows the provided data to be separately identified for each individual complaint, in order for data from several complaints handling bodies to be aggregated and published by the Commission in a manner that allows comparisons between all the data fields covered in this Recommendation.

9. In case personal data are processed, it has to be done in line with national laws transposing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾ or with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽⁴⁾ if applicable. The principle of data minimisation i.e. processing only data that are strictly necessary for the purposes of reporting consumer complaints and enquiries (Point 1 hereof) should apply. Personal data in consumer complaints and enquiries should, if possible, be anonymised.

Done at Brussels, 12 May 2010.

For the Commission

John DALLI

Member of the Commission

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁴⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX

SECTION A

GENERAL INFORMATION

Subsection I, Recommended data and fields

1. Country of the consumer

The country where the consumer resides:

11 Belgium	22 Cyprus	33 Slovenia
12 Bulgaria	23 Latvia	34 Slovakia
13 Czech Republic	24 Lithuania	35 Finland
14 Denmark	25 Luxemburg	36 Sweden
15 Germany	26 Hungary	37 United Kingdom
16 Estonia	27 Malta	38 Iceland
17 Ireland	28 Netherlands	39 Liechtenstein
18 Greece	29 Austria	40 Norway
19 Spain	30 Poland	41 Switzerland
20 France	31 Portugal	42 Other
21 Italy	32 Romania	43 Do not know

2. Country of the trader ⁽¹⁾

The country where the trader is established:

11 Belgium	23 Latvia	34 Slovakia
12 Bulgaria	24 Lithuania	35 Finland
13 Czech Republic	25 Luxemburg	36 Sweden
14 Denmark	26 Hungary	37 United Kingdom
15 Germany	27 Malta	38 Iceland
16 Estonia	28 Netherlands	39 Liechtenstein
17 Ireland	29 Austria	40 Norway
18 Greece	30 Poland	41 Switzerland
19 Spain	31 Portugal	42 Other
20 France	32 Romania	43 Do not know
21 Italy	33 Slovenia	44 Not applicable
22 Cyprus		

3. Name of the complaint handling body

31 Free text

4. Reason for contact by the consumer

41 Complaint 42 Enquiry

5. Date of contact by the consumer

Date on which the complaint or enquiry was first registered by the complaint handling body:

51 YYYY-MM-DD

⁽¹⁾ In the case of air transport, pursuant to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (OJ L 46, 17.2.2004, p. 1), the relevant country is the Member State competent for incidents related to all flights from airports situated on its territory, and for Union air carriers' flights from third countries to such airports.

6. Selling method

This is the selling method used to carry out the transaction:

61 Face-to-face. Premises where the transaction took place, including shops:

61.1 Supermarket, hypermarket

61.2 Discount store

61.3 Department store

61.4 Retail chain store

61.5 Retail store

61.6 Small shop, small store

61.7 Greengrocer, night shop

61.8 Street market, farm shop

61.9 Petrol station

61.10 Office (includes banks and other financial institutions)

61.11 Travel agency, tour operator agency

61.12 Hospital, clinic, surgery

61.13 School

61.14 Sports and leisure premises

61.15 Other type of premises

62 Distance selling (e.g. phone, post), excluding e-commerce, mobile commerce and Internet auctions

63 E-commerce, excluding mobile commerce and Internet auctions

64 Mobile commerce

65 Market, trade fair

66 Auctions

67 Internet auctions

68 Selling away from business premises (off-premises)

69 Other selling methods

70 Do not know

71 Not applicable

Subsection II, Additional data and fields**7. Advertising method**

The method used to advertise the good or the service to the consumer:

71 Face-to-face

72 Phone call

73 Text message

74 Audiovisual (TV, etc.)

75 Print (newspaper, brochure, flyer, etc.)

- 76 Internet (website)
- 77 E-mail
- 78 Radio
- 79 Outdoor (fixed advertising such as on billboards or mobile advertising such as on vehicles)
- 80 Other
- 81 Do not know
- 82 Not applicable

8. Means of payment

Means by which the payment was executed to carry out the transaction:

- 81 Cash
- 82 Debit card
- 83 Credit card
- 84 Paper cheque, paper-based vouchers and paper-based traveller's cheques
- 85 Credit transfer
- 86 Direct debit
- 87 Electronic money
- 88 Money remittance
- 89 Pre-paid cards
- 90 Mobile payments (e.g. SMS)
- 91 Other
- 92 Do not know
- 93 Not applicable

9. Name of the trader

Name of the trader associated with the consumer complaint:

- 91 Free text
- 92 Do not know

10. Currency

- | | | |
|---------|---------|--------------------|
| 101 EUR | 107 LVL | 113 ISK |
| 102 BGN | 108 LTL | 114 CHF |
| 103 CZK | 109 PLN | 115 NOK |
| 104 DKK | 110 RON | 116 USD |
| 105 EEK | 111 SEK | 117 Other |
| 106 HUF | 112 GBP | 118 Not applicable |

11. Value of the transaction

Where this is applicable, this is the amount paid by the consumer for the good or the service:

- 111 Amount (this should be recorded in integers ending in two decimal points e.g. 10.50)
- 112 Do not know
- 113 Not applicable

12. Value of the loss incurred by the consumer

Where this is applicable, the indicative monetary loss as declared by the consumer:

121 Amount (this should be recorded in integers ending in two decimal points e.g. 10.50)

122 Do not know

123 Not applicable

SECTION B

SECTOR INFORMATION ⁽²⁾

Level 1 corresponds to, for example, 1. 'Consumer Goods'. 2. 'General Consumer Services'.

Level 2 corresponds to, for example, 1.1. 'Food — Fruit and vegetables'. 1.2. 'Food — Meat'.

Level 3 describes in detail what is included in Level 2, for example, 'fresh, chilled or frozen fruit'.

1. Consumer Goods

Description/Explanatory Definition

1.1. Food — Fruit and vegetables

Fruit

- fresh, chilled or frozen fruit,
- dried fruit, fruit peel, fruit kernels, nuts and edible seeds,
- preserved fruit and fruit-based products.

Does not include: jams, marmalades, compotes, jellies, fruit purees and pastes (1.5); parts of plants preserved in sugar (1.5); fruit juices and syrups (1.6).

Vegetables

- fresh, chilled, frozen or dried vegetables cultivated for their leaves or stalks (asparagus, broccoli, cauliflower, endives, fennel, spinach, etc.), for their fruit (aubergines, cucumbers, courgettes, green peppers, pumpkins, tomatoes, etc.), and for their roots (beetroots, carrots, onions, parsnips, radishes, turnips, etc.),
- fresh or chilled potatoes and other tuber vegetables (manioc, arrowroot, cassava, sweet potatoes, etc.),
- preserved or processed vegetables and vegetable-based products,
- products of tuber vegetables (flours, meals, flakes, purees, chips and crisps) including frozen preparations such as chipped potatoes.

Includes: olives, garlic, pulses, sweet corn; sea fennel and other edible seaweed; mushrooms and other edible fungi.

Does not include: potato starch, tapioca, sago and other starches (1.5); soups, sauces, broths and stocks containing vegetables (1.5); herbs (parsley, rosemary, thyme, etc.) and spices (pepper, pimento, ginger, etc.) (1.5), fruit and vegetable juices (1.6).

1.2. Food — Meat

Includes:

- fresh, chilled or frozen meat of:
 - bovine animals, pigs, sheep and goats,
 - poultry (chicken, duck, goose, turkey, guinea fowl),
 - hare, rabbit and game (antelope, deer, boar, pheasant, grouse, pigeon, quail, etc.),
 - horse, mule, donkey, camel and similar,

⁽²⁾ The categories contained in this Section are based on the Classification of Individual Consumption According to Purpose (COICOP), a reference classification published by the United Nations Statistics Division and used by many institutions including the European Commission, the OECD and the United Nations to classify individual consumption by purpose.

- fresh, chilled or frozen edible offal,
- dried, salted or smoked meat and edible offal (e.g. sausages, salami, bacon, ham),
- other preserved or processed meat and meat-based preparations (canned meat, meat extracts, meat juices, meat pies, etc.).

Includes: meat and edible offal of marine mammals (e.g. seals) and exotic animals (kangaroo, ostrich, alligator, etc.); animals and poultry purchased live for consumption as food.

Does not include: lard and other edible animal fats (1.5); soups, broths and stocks containing meat (1.5).

1.3. *Food — Bread and Cereals*

Includes:

- rice in all forms,
- maize, wheat, barley, oats, rye and other cereals in the form of grain, flour or meal,
- bread and other bakery products (crisp bread, rusks, toasted bread, biscuits, gingerbread, wafers, waffles, crumpets, muffins, croissants, cakes, tarts, pies, quiches, pizzas, etc.),
- mixes and doughs for the preparation of bakery products,
- pasta and pizza products in all forms,
- cereal preparations (cornflakes, oatflakes, etc.) and other cereal products (malt, malt flour, malt extract, potato starch, tapioca, sago and other starches),
- other bread and cereal.

Includes: farinaceous-based products prepared with meat, fish, seafood, cheese, vegetables or fruit.

Does not include: meat pies and fish pies (1.5), sweetcorn (1.5).

1.4. *Food — Health food and nutrients*

Includes:

- food products whose labelling, presentation or advertising claims, states, suggests or implies that: (a) they have particular beneficial nutritional properties or (b) a relationship exists between them or one of their constituents and health or (c) their consumption significantly reduces risk factors in the development of human diseases.

1.5. *Food — Other*

Includes:

- fish and shellfish,
- dairy products (milk, cheese and others),
- eggs/egg products,
- oils, lard and other edible animal and non-animal fats (butter, margarine, olive oil, edible oil),
- baby/infant foods,
- herbs and spices,
- nuts/nut products,
- soups, sauces, broths and stocks containing meat and vegetables,
- ready meals,
- additives,
- sugar, jam, honey, chocolate and confectionery,
- dietary products,
- food supplements,
- other food products not elsewhere classified.

1.6. *Non-alcoholic beverages*

The non-alcoholic beverages classified here are those purchased at shops, supermarkets and similar establishments excluding those covered under 'Leisure services' e.g. hotels and other holiday accommodation (6.1) and restaurants and bars (6.5).

Includes:

- coffee, tea and cocoa,
- mineral waters,
- soft drinks,
- fruit and vegetable juices,
- syrups, concentrates.

Does not include: non-alcoholic beverages sold at establishments such as those covered under 'Leisure services' e.g. hotels and other holiday accommodation (6.1) and restaurants and bars (6.5).

1.7. *Alcoholic beverages*

The beverages classified here include low-alcohol or non-alcoholic beverages which generally contain alcohol such as non-alcoholic beer.

Includes:

- spirits and liqueurs,
- wine,
- beer.

Does not include: alcoholic beverages sold at establishments such as those covered under 'Leisure services' e.g. hotels and other holiday accommodation (6.1) and restaurants and bars (6.5).

1.8. *Tobacco*

Includes:

- cigarettes; cigarette tobacco (loose tobacco) and cigarette papers,
- cigars, pipe tobacco, chewing tobacco or snuff,
- lighters, lighter fuel, cigarette cases, cigar cutters, etc.

1.9. *Clothing (including tailor-made goods) and footwear*

- clothing materials and garments for men, women, teenagers, children (three to 13 years) and infants (0 to two years), either ready-to-wear or made-to-measure, in all materials (including leather, furs, plastics and rubber), for everyday wear, for sport or for work,
- all footwear for men, women, teenagers, children (three to 13 years) and infants (0 to two years) including sports footwear suitable for everyday or leisure wear (shoes for jogging, cross-training, tennis, basket ball, boating, etc.),
- parts of footwear,
- sewing threads, knitting yarns and accessories for making clothing such as buckles, buttons, press-studs, zip-fasteners, ribbons, laces, trimmings, etc.,
- handbags, wallets, purses, etc.

Does not include:

- furnishing fabrics (1.11),
- protective gear for sports such as protective headgear, life jackets, boxing gloves, body padding, belts, supports, etc.; game-specific footwear (ski boots, football boots, golfing shoes and other such footwear fitted with ice skates, rollers, spikes, studs, etc.); shin-guards, cricket pads and other such protective apparel for sport (1.16),
- travel goods: suitcases, trunks, travel bags (1.16),
- articles of medical hosiery such as elasticated stockings; orthopaedic footwear (8.3).

1.10. *House maintenance and improvement goods*

Includes:

- DIY materials,
- paint and wall coverings,
- fences and sheds,
- power tools (e.g. drill, chainsaw),
- non-electrical tools,
- gardening equipment/tools (non-electrical),
- lawn mowers.

Does not include: household appliances (1.12 or 1.13).

1.11. *Furnishings*

Furniture and furnishings for the home and outdoors. Carpets and other floor coverings, household textiles, glassware, tableware and household utensils.

Includes:

- beds, sofas, couches, tables, chairs, cupboards, chests of drawers and bookshelves,
- lighting equipment such as ceiling lights, standard lamps, globe lights and bedside lamps,
- pictures, sculptures and other art objects,
- screens, folding partitions and other furniture and fixtures,
- blinds,
- garden furniture,
- mirrors, candle-holders and candlesticks,
- furnishing fabrics, curtain material, curtains, double curtains, awnings, door curtains and fabric blinds,
- linen for bedding and tables,
- other household textiles,
- loose carpets, fitted carpets, linoleum and other such floor coverings,
- glassware, crystal-ware, ceramic ware and chinaware of the kind used for table, kitchen, bathroom, toilet, office and indoor decoration,
- cutlery, flatware and silverware,
- non-electric kitchen utensils of all materials such as saucepans, stewpots, pressure cookers, frying pans, household scales and other such mechanical devices,
- non-electric household articles of all materials such as containers for bread, coffee, spices, etc., waste bins, waste-paper baskets, laundry baskets, ironing boards, letter boxes, feeding bottles, thermos flasks and ice boxes.

Does not include:

- household appliances (1.12) or (1.13),
- clocks (1.26); wall thermometers and barometers (1.26),
- baby furniture such as cradles, high-chairs and carry cots and push-chairs (1.27).

1.12. *Large domestic household appliances (including vacuum cleaners and microwaves)*

Major, durable household appliances whether electric or not; covers delivery, installation and repair where applicable.

Includes:

- cookers, ranges, ovens and micro-wave ovens,
- refrigerators, freezers and fridge-freezers,
- washing-machines, dryers, drying cabinets, dishwashers, ironing and pressing machines,
- air conditioners, humidifiers, space heaters, water heaters, portable heating appliances, ventilators and extractor hoods,
- vacuum cleaners, steam-cleaning machines, carpet shampooing machines and machines for scrubbing, waxing and polishing floors,
- other major household appliances such as safes, sewing machines, knitting machines, water softeners, etc.

1.13. *Small domestic household appliances (including coffee machines and food-processing appliances)*

Small, semi-durable electric household appliances; covers delivery and repair where applicable.

Includes:

- food-processing appliances, food mixers, deep fryers,
- coffee machines, coffee mills, coffee-makers,
- irons,
- toasters and grills, hotplates,
- juice extractors,
- ice cream makers, sorbet makers, yoghurt makers,
- fans, electric blankets, etc.

Does not include: small non-electric household articles and kitchen utensils (1.11); electrical appliances for personal care (1.24).

1.14. *Electronic goods (non-ICT/recreational)*

Equipment for the reception, recording and reproduction of sound and pictures (audio and video systems); photographic and cinematographic equipment and optical instruments; recording media; covers delivery, installation and repair where applicable.

Includes:

- DVD players-recorders,
- VCRs,
- TVs,
- CD, HI-FI, media players non-portable,
- CD, HI-FI, media players portable, mp3 players,
- radios, radio sets, car radios (sold separately from the car), radio clocks, two-way radios, amateur radio receivers and transmitters,
- cameras,
- video cameras,
- photographic equipment,
- CDs (blank), DVDs (blank),
- audio and video tapes (blank),
- calculators, including pocket calculators,
- unexposed films, cartridges and discs for photographic and cinematographic use.

Does not include: video-game software (1.16); consoles/video-game computers that plug into a television set (1.16), pre-recorded tapes, cassettes, video cassettes, diskettes and CD-ROMs for tape recorders, cassette recorders, video recorders and personal computers (1.16).

1.15. *Information and communication technology (ICT) goods*

ICT goods are those that are either intended to fulfil the function of information processing and communication by electronic means, including transmission and display, or which use electronic processing to detect, measure and/or record physical phenomena, or to control a physical process; covers delivery, installation and repair where applicable.

Includes:

- personal computers, self-build computers and accessories accompanying them,
- printers and scanners,
- games consoles,
- portable games players,
- computer software, computer software upgrades,
- laptops, notebooks and tablet PCs,
- PDA's and smartphones,
- software (in physical or downloaded form),
- mobile and fixed phone devices, telefax machines, telephone answering-machines,
- modems and decoders,
- global positioning systems (GPS).

Does not include: equipment for the reception, recording and reproduction of sound and pictures (1.14); video-game software (1.16).

1.16. *Leisure goods (sports equipment, musical instruments, etc.)*

Games, toys and other goods used for sports, hobbies, camping and open-air recreation and repair of such articles. Also includes durables for recreation and pre-recorded media (CD, DVD).

- Pre-recorded tapes, cassettes, video cassettes, diskettes and CD-ROMs for tape recorders, cassette recorders, video recorders and personal computers,
- card games, chess sets and the like,
- toys of all kinds including dolls, soft toys, toy cars and trains, toy bicycles and tricycles, toy construction sets, puzzles, plasticine, electronic games, masks, disguises, jokes, novelties, fireworks and rockets, festoons and Christmas tree decorations,
- stamp-collecting requisites (used or cancelled postage stamps, stamp albums, etc.), other items for collections (coins, medals, minerals, zoological and botanical specimens, etc.) and other tools and articles necessary for hobbies,
- gymnastic, physical education and sport equipment such as balls, nets, rackets, bats, skis, golf clubs, sabres, poles, weights, discuses, chest expanders and other body-building equipment,
- parachutes and other sky-diving equipment,
- binoculars, microscopes, telescopes and compasses,
- firearms and ammunition for hunting, sport and personal protection,
- fishing rods and other equipment for fishing,

- equipment for beach and open-air games such as bowls, croquet, frisbee, volleyball and inflatable boats, rafts and swimming pools,
- camping furniture and equipment such as tents and accessories, sleeping bags, back-packs, air mattresses and inflating pumps, camping stoves and barbecues,
- major items for games and sport such as canoes, kayaks, wind-surfing boards, sea-diving equipment and golf carts, gliders, hang-gliders and hot-air balloons,
- musical instruments of all sizes, including electronic musical instruments, such as pianos, organs, violins, guitars, drums, trumpets, clarinets, flutes, recorders, harmonicas, etc.,
- billiard tables, ping-pong tables, pin-ball machines, gaming machines, etc.,
- video-game software; consoles/video-game computers that plug into a television set; video-game cassettes and video-game CD-ROMs,
- game-specific footwear (ski boots, football boots, golfing shoes and other such footwear fitted with ice skates, rollers, spikes, studs, etc.); protective headgear for sports; other protective gear for sports such as life jackets, boxing gloves, body padding, shin-guards, cricket pads and other such protective apparel for sport,
- travel goods: suitcases, trunks, travel bags.

Does not include:

- garden furniture (1.11),
- horse or pony-drawn vehicles and related equipment purchased for personal transport (1.19),
- crash helmets for motor cycles and bicycles (1.20),
- horses and ponies (1.23).

1.17. *New cars*

This category includes new vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seats. This includes new motor cars, station wagons and estate cars.

Does not include: spare parts and accessories (1.20); lubricants (1.21); maintenance, repair or fitting (2.9).

1.18. *Second-hand cars*

This category includes second-hand, wheeled motor vehicles used for transporting passengers and includes second-hand motor cars, passenger vans, station wagons and estate cars.

Does not include: spare parts and accessories (1.20); lubricants (1.21); maintenance, repair or fitting (2.9).

1.19. *Other personal transport*

Includes:

- new and second-hand motor cycles, bicycles, mopeds, scooters, quads, and animal-drawn vehicles,
- boats, outboard motors, jet skis, sails, rigging and superstructures,
- horse or pony-drawn vehicles and related equipment (harnesses, bridles, reins, saddles, etc.),
- camper vans, caravans and trailers,
- camper vans, caravans, etc.,
- snow mobiles,
- trailers.

Does not include: hire of garages or parking spaces not providing parking in connection with a dwelling (5.6); toll facilities (bridges, tunnels, shuttle-ferries, motorways) and parking meters (5.6); hire of a car with or without a driver (5.7), driving lessons (9.2).

1.20. *Spare parts and accessories for vehicles and other means of personal transport*

Includes:

- tyres (new, used or retreaded), inner tubes, spark plugs, batteries, shock absorbers, filters, pumps and other spare parts or accessories for personal transport equipment,
- products specifically for the cleaning and maintenance of transport equipment such as paints, chrome cleaners, sealing compounds and bodywork polishes,
- covers for motor cars, motor cycles, etc.,
- crash helmets for motor cycles and bicycles.

Does not include: car radios sold separately from the car (1.14); baby-seats for cars (1.27); non-specific products for cleaning and maintenance such as distilled water, household sponges, chamois leathers, detergents, etc. (1.28); the fitting of spare parts and accessories, washing and polishing of bodywork (2.9).

1.21. *Fuels and lubricants for vehicles and other means of personal transport*

Includes:

- oil, lubricants, brake and transmission fluids, coolants and additives,
- fuels such as petrol diesel, gasoline, liquid petroleum gas (LPG), biofuels and alcohol.

1.22. *Books, magazines, newspapers, stationery (excluding postal delivery)*

Includes:

- books, including atlases, dictionaries, encyclopaedias, text books, guidebooks and musical scores,
- newspapers, magazines and other periodicals,
- catalogues and advertising material,
- posters, plain or picture postcards, calendars,
- greeting cards and visiting cards, announcement and message cards,
- maps and globes,
- writing pads, envelopes, account books, notebooks, diaries, etc.,
- pens, pencils, fountain pens, ball-point pens, felt-tip pens, inks, erasers, pencil sharpeners, etc.,
- stencils, carbon paper, typewriter ribbons, inking pads, correcting fluids, etc.,
- paper punches, paper cutters, paper scissors, office glues and adhesives, staplers and staples, paper clips, drawing pins, etc.,
- drawing and painting materials such as canvas, paper, card, paints, crayons, pastels and brushes,
- educational materials such as exercise books, slide rules, geometry instruments, slates, chalks and pencil boxes.

Does not include: stamp albums (1.16); postal delivery, pre-franked postcards and aerogrammes (4.1).

1.23. *Pets and pet goods*

Includes:

- pets, pet foods, veterinary and grooming products for pets, collars, leashes, kennels, birdcages, fish tanks, etc.,
- horses and ponies.

Does not include: Pet services (2.13).

1.24. *Electrical appliances for personal care*

Includes:

- electric razors and hair trimmers, hand-held and hood hair dryers, curling tongs and styling combs, sun-lamps, electric toothbrushes and other electric appliances for dental hygiene, etc.

1.25. *Cosmetics and toiletries for personal care*

Includes:

- articles for personal hygiene: toilet soap, medicinal soap, cleansing oil and milk, shaving soap, shaving cream and foam, toothpaste, etc.,
- beauty products, for example: nail varnish, make-up and make-up removal products, hair lotions, after-shave products, sun-bathing products, perfumes and toilet waters, deodorants, bath products, etc.,
- non-electric appliances for personal care, for example: razors and hair trimmers and blades, scissors, combs, shaving brushes, hairbrushes, toothbrushes, nail brushes, personal weighing machines, etc.,
- other goods for personal care and personal hygiene, for example: paper handkerchiefs, cotton wool, cotton buds, sponges, etc.

1.26. *Jewellery, silverware, clocks, watches and accessories*

Includes:

- precious stones and metals and jewellery fashioned out of such stones and metals,
- silverware, goldware,
- costume jewellery, cuff-links and tie-pins,
- clocks, watches, stop-watches, alarm clocks, travel clocks,
- sun-glasses,
- umbrellas and parasols, fans, key rings,
- wall thermometers and barometers.

Does not include: carriers of personal effects, attaché cases, hand-bags, wallets, purses, etc. (1.9); radio clocks (1.14).

1.27. *Baby and child care articles*

Includes:

- buggies, prams and push-chairs,
- baby care products (e.g. babies' napkins, nappies, feeding bottles),
- carry cots,
- cradles,
- high chairs,
- child car beds and seats,
- back-carriers and front-carriers.

Does not include: baby/infant foods (1.5), baby clothes (1.9).

1.28. *Cleaning and maintenance products, articles for cleaning and non-durable household articles*

Includes:

- cleaning and maintenance products such as washing powders, washing liquids, detergents, softeners, conditioners, waxes, polishes, dyes, disinfectants, insecticides, fungicides and distilled water,
- articles for cleaning such as brooms, scrubbing brushes, dust pans and dust brushes, dusters, tea towels, floor cloths, household sponges,
- paper products such as filters, tablecloths and table napkins, kitchen paper, vacuum cleaner bags and cardboard tableware, including aluminium foil and plastic bin liners,
- other non-durable household articles such as matches, candles, lamp wicks, methylated spirits, pins, needles, nails, screws, nuts and bolts, tacks, washers, glues and adhesive tapes for household use, string, and rubber gloves,
- polishes, creams and other shoe-cleaning articles.

Does not include: paper handkerchiefs, soaps, sponges and other products for personal hygiene (1.25).

2. **General Consumer Services**

Description/Explanatory definition

2.1. *Real estate services*

Includes:

- services of estate agents, property managers and letting agents,
- house valuation, conveyancing and related services,
- sales transactions for new or existing houses,
- sales of land.

2.2. *Construction of new houses*

Includes:

- construction of new houses.

2.3. *House maintenance and improvement services*

Maintenance, improvement and repair of dwellings.

Includes:

- roofing,
- decorator services, floor coverings, carpenters, painters, wall coating,
- plumbers,
- central heating,
- electrical services and installations,
- bricklayers,
- glaziers,
- gardeners, tree-surgeons, tarmacking and paving,
- fitted kitchens, fitted bathrooms,
- insulation,
- burglar alarms,
- damp-proofing,
- solar panel, wind turbine installation and maintenance,
- guttering,
- chimney sweepings and repairs,
- replacing doors and windows,
- swimming pool services,
- other house maintenance and improvement services.

Does not include: purchase of house maintenance and improvement goods independent of the service provided (1.10); work and services during the construction of new houses (2.2).

2.4. *House removal and storage*

Includes:

- removal of home contents from one location to another location,
- temporary storage of the home contents,
- freight and shipping.

2.5. *House cleaning services*

Includes:

- household cleaning,
- window cleaning,
- carpet cleaning,
- disinfecting, fumigation and extermination of insects including pests,
- refuse collection and disposal.

Does not include: cleaning products (1.28).

2.6. *Personal care services*

Includes:

- hairdressing salons, barbers, beauty shops,
- hair therapy, cosmetic therapy,
- sun studios,
- diet clubs/centres,
- Turkish baths, spas, saunas, solaria, etc.,
- body-care,
- tattoo and piercing services.

Does not include: fitness centres (6.6).

2.7. *Cleaning, repair and hiring of clothing and footwear*

Includes:

- dry-cleaning, laundering, ironing and dyeing of garments,
- darning, mending, repair and altering of garments,
- repair of clothing (including tailor-made goods),
- repair of footwear, shoe cleaning services,
- hire of clothing,
- hire of footwear,
- repair or hire of game-specific footwear (ski boots, football boots, golfing shoes and other such footwear fitted with ice skates, rollers, spikes, studs, etc.).

Does not include: New clothes and tailoring of new clothes (1.9).

2.8. *Support, research and intermediary services*

Includes:

- head hunters,
- coaching services,
- event agencies,
- employment agencies,
- counselling, guidance, arbitration, support services for families,
- other support, research and intermediary services.

2.9. *Maintenance and repair of vehicles and other transport*

Services for the maintenance and repair of personal transport equipment.

Includes:

- fitting of parts and accessories,
- washing and polishing,
- wheel balancing, technical inspection, breakdown services, oil changes,
- greasing and car wash services,
- road assistance.

Does not include goods used as part of the service: spare parts and accessories (1.20); fuels and lubricants (1.21).

2.10. *Legal services and accountancy*

Includes:

- notary services,
- lawyers,
- legal advice and other private legal services,
- accountants,
- tax advisors,
- auditors.

2.11. *Funeral services*

All services related to the ceremony marking a person's death. Includes transport of the deceased to the burial site or the memorial service place.

2.12. *Child care*

Subsidised and private day care centres and other child-minding facilities; includes child care services provided at home such as assistance, support services provided to children and baby-sitting.

2.13. *Pet services*

Veterinary services and other services for pets, for example kennels and boarding.

Does not include: Pets and pet goods (1.23).

3. **Financial Services**

Description/Explanatory Definition

3.1. *Financial Services — Payment account and payment services*

Refers to payment services and services related to a payment account from which money may be withdrawn quickly providing easy access.

Includes:

- overdraft facility on the payment account,
- banking in person, Internet banking, phone banking and mobile banking in the context of a payment account,
- execution of payment transactions through a debit card,
- payment services such as electronic money.

3.2. *Financial Services — Credit (excluding mortgage/home loans)*

Refers to services related to borrowing money; an amount for which there is a specific obligation of repayment.

Includes:

- loans,
- execution of payment transactions through a credit card where the funds are covered by a credit line for a payment services user, including revolving credit,

— consumer credit provided by retailers and store cards.

Does not include: overdraft facility on the payment account (3.1), excludes mortgages/home loans (3.3).

3.3. *Financial Services — Mortgages/Home loans*

Refers to services related to the transfer by a consumer of an interest in immovable property or land in exchange for borrowing money.

3.4. *Financial Services — Savings*

Services related to a savings account. This is an account paying interest and which can not be used directly.

Does not include: investments, pensions and securities-related saving programmes (3.6).

3.5. *Financial Services — Other*

Other financial services such as consumer-to-consumer money transfer and currency exchange.

3.6. *Investments, pensions and securities*

Services related to investments in bonds, securities and other financial assets, including financial instruments or investment products such as funds offered through banks, investments firms and other financial services providers.

Includes:

- personal pension funds,
- packaged investments (including insurance contracts whose main purpose is an investment such as unit-linked and index-linked life insurance contracts but excludes those products covered under 3.11),
- portfolio and asset management services,
- custody or safe-keeping,
- execution of orders on behalf of clients (brokerage services) in relation to financial assets and derivatives,
- Internet banking, phone banking and mobile banking related to investments, pensions and securities,
- advisory services including investment advice and financial planning.

Does not include: life insurance products under the scope of Directive 2002/83/EC of the European Parliament and of the Council ⁽³⁾ (3.11).

3.7. *Non-life Insurance — Home and property*

Services for non-life insurance in connection with a dwelling. Service charges for multi-risk insurance covering several risks should be classified on the basis of the cost of the principal risk if it is not possible to allocate the service charges to the various risks covered.

Includes: service charges paid by owner-occupiers and by tenants for the kinds of insurance typically taken out by tenants against fire, explosion, storm, natural forces other than storm, theft, water damage, etc.

Does not include: Service charges paid by owner-occupiers for the kinds of insurance typically taken out by landlords; transport insurance (3.8).

3.8. *Non-life Insurance — Transport*

Includes:

- insurance on a contractual basis on the use of personal transport equipment such as a motor vehicles operating on land, boats, ships, or aircraft,
- all damage to or loss of land motor vehicles, boats, ships and aircraft,
- all damage to or loss of goods in transit not mentioned above.

3.9. *Non-life Insurance — Travel*

Includes:

- insurance associated with travel such as: flight delays and cancellations, lost luggage and medical costs.

⁽³⁾ OJ L 345, 19.12.2002, p. 1.

3.10. *Non-life Insurance — Health, accident and other*

Includes:

- permanent health insurance,
- supplementary insurance (insurance against personal injury and disability resulting from an accident or sickness),
- credit, suretyship, miscellaneous financial loss, legal expenses,
- any other insurance which is not listed above or in Home and property (3.7), Transport (3.8), Travel (3.9), and Life (3.11).

3.11. *Insurance — Life*

This category includes insurance on a contractual basis of the following items:

- life assurance (which covers assurance on survival to a stipulated age only, assurance on death only, assurance on survival to a stipulated age or an earlier death, life assurance with return of premiums — except where the main purpose of the life assurance products is to act as an investment).

Does not include: Life assurance products whose main purpose is an investment such as unit-linked and index-linked life insurance contracts (3.6).

4. **Postal services and electronic communications**

Description/Explanatory Definition

Includes: voice, video and data communication and broadcasting services; this sector does not include consumer goods such as televisions and mobile phones.

4.1. *Postal services and couriers*

Delivery of letters, postcards and parcels; includes services provided by both postal companies and private companies.

Includes:

- correspondence,
- parcels,
- express mail,
- periodical publications,
- addressed advertising,
- issuance and sale of postage stamps,
- telex services,
- couriers.

Does not include: financial services offered by post offices (3).

4.2. *Fixed telephone services*

Includes:

- voice telephone provision,
- installation of personal telephone equipment,
- telephone calls from a private line or from a public line (public telephone box, post office cabin, etc.),
- radiotelephony, radiotelegraphy and radiotelex services,
- fixed telephone services offered as part of a bundle.

Does not include: fixed telephone devices (1.15), telefax and telephone answering facilities provided by personal computers (1.15), fixed access to the Internet (4.4), telephone calls made from leisure establishments such as hotels and other holiday accommodation places (6.1) and restaurants and bars (6.5).

4.3. *Mobile telephone services*

This category includes mobile and satellite telephony.

Includes:

- voice telephone provision,
- subscriptions,
- voicemail service,
- roaming services,
- transmission of data through a mobile telephone device,
- text messages (sms),
- multimedia message service (mms),
- mobile telephone services offered as part of a bundle.

Does not include: mobile telephone devices (1.15), ring tones (4.6), prepaid cards (4.6) and mobile access to the Internet (4.4).

4.4. *Internet services*

Includes:

- fixed Internet provision,
- mobile Internet provision (wireless Internet accessible using laptops, netbooks, mobile phones or other similar devices),
- Internet social portals,
- other Internet services e.g. chat rooms,
- news services,
- domain name services,
- pay per view services,
- e-mail account services,
- Internet services offered as part of a bundle.

Does not include: modems and decoders hardware (1.15).

4.5. *Television services*

This category includes digital and terrestrial television subscriptions and the related services via cable, satellite or any other medium.

Includes:

- modem installation,
- high definition television,
- video-on-demand,
- child lock,
- television content,
- advertising/commercials,
- TV services offered as part of a bundle.

Does not include: modems and decoder hardware (1.15).

4.6. *Other communication services*

Includes:

- prepaid telephone cards,
- VOIP,

- public payphone service,
- premium rate services,
- phone downloads (e.g. ringtones, games),
- Internet telephone services.

5. **Transport services**

Description/Explanatory Definition

Includes: public and private transport and related services.

5.1. *Tram, bus, metro and underground*

Transport of individuals and groups of persons and luggage by tram, bus, metro and underground.

5.2. *Railways*

Transport of individuals and groups of persons and luggage by train.

Includes: transport of private vehicles.

5.3. *Airlines*

Transport of individuals and groups of persons and luggage by aeroplane and helicopter.

5.4. *Taxi*

Transport of individuals and groups of persons and luggage by taxi and hired car with driver.

5.5. *Sea, river, other water transport*

Transport of individuals and groups of persons and luggage by ship, boat, ferry, hovercraft and hydrofoil. Includes cruises and transport of private vehicles over water.

5.6. *Transport infrastructure services*

Includes:

- parking services and parking meters,
- toll facilities,
- train/bus stations,
- ports,
- airports,
- ski lifts,
- cable cars,
- funicular.

5.7. *Rental services*

Includes:

- car rental,
- motorcycle rental,
- van rental,
- caravan rental,
- bicycle,
- boat rental,
- car share,
- other transport-related rental services.

6. **Leisure Services**

Description/Explanatory Definition

Includes: goods and services related to recreation and culture services.

6.1. *Hotels and other holiday accommodation*

Accommodation and other services (e.g. catering) of:

- hotels, boarding houses, motels, inns and establishments offering 'bed and breakfast',
- holiday villages and holiday centres, camping and caravan sites, youth hostels and mountain chalets,
- hostels,
- holiday accommodation rentals in apartments, villas or similar.

Includes: porters, telephone calls made at hotels and other holiday accommodation.

6.2. *Package travel*

Covers pre-arranged holiday packages which combine at least two of the following: (a) transport, (b) accommodation, (c) other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package.

6.3. *Travel agency services*

Travel agency services.

6.4. *Timeshare and similar*

Includes:

- timeshare services (traders offering the right to spend a period of time, e.g. one or more weeks, in a holiday property for a specified or specifiable period of the year for three years or longer),
- resale,
- exchange,
- timeshare cashbacks,
- long-term holiday contracts,
- (discount) holiday club services.

6.5. *Restaurants and bars*

Catering services (including meals, snacks, drinks and refreshments) provided by restaurants, cafés, brasseries, caterers, buffets, bars, pubs, tea-rooms, canteens, nightclubs/discotheques, takeaways, mobile food vendors etc., including those provided:

- in places providing recreational, cultural, sporting or entertainment services: theatres, cinemas, sports stadia, swimming pools, sports complexes, museums, art galleries, night clubs, dancing establishments, etc.,
- on public transport (coaches, trains, boats, aeroplanes, etc.) when provided by an independent trader,
- in private places such as work canteens, office canteens and canteens in schools, universities and other educational establishments.

Also included are:

- the sale of cooked dishes by restaurants for consumption off their premises,
- the sale of cooked dishes by catering contractors whether collected by the customer or delivered to the customer's home.

Includes: tips, telephone calls made at restaurants and bars.

Does not include: tobacco (1.8).

6.6. *Services related to sports and hobbies*

Includes:

- services provided by: sports stadia, horse-racing courses, motor-racing circuits, velodromes, etc.; skating rinks, swimming pools, golf courses, gyms, fitness centres, tennis courts, squash courts and bowling alleys; roundabouts, see-saws and other playground facilities for children; pin-ball machines and other games for adults other than games of chance; ski slopes,

- hire of equipment and accessories for sport and recreation, such as aeroplanes, boats, horses, skiing and camping equipment,
- out-of-school individual or group lessons in bridge, chess, aerobics, dancing, music, skating, skiing, swimming or other pastimes,
- services of mountain guides, tour guides, etc.,
- navigational aid services for boating,
- hire of game-specific footwear (ski boots, football boots, golfing shoes and other such footwear fitted with ice skates, rollers, spikes, studs, etc.).

Does not include: Catering and other services provided by independent restaurants and bars (6.5).

6.7. *Cultural and entertainment services*

Includes:

- cinemas, theatres, opera houses, concert halls, music halls, circuses, sound and light shows,
- museums, libraries, art galleries, exhibitions,
- historic monuments, national parks, zoological and botanical gardens, aquaria, hire of equipment and accessories for culture, such as television sets, video cassettes, etc.,
- fairgrounds and amusement parks,
- sports events,
- ticket-selling services,
- services of musicians, clowns, performers for private entertainments.

6.8. *Gambling, lotteries*

Gambling is the wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods.

Includes:

- betting services,
- lotteries,
- casinos,
- Internet/mobile gambling.

Other games of chance.

6.9. *Other leisure services*

7. **Energy and Water**

Description/Term and Explanatory Definition

Includes: goods and services related to water, electricity, gas or other energy sources.

7.1. *Water*

Includes:

- water supply,
- associated items such as hire of meters, reading of meters, standing charges, etc.,
- sewerage collection and disposal.

Does not include: drinking water sold in bottles or containers (1.6); hot water or steam purchased from district heating plants (7.4).

7.2. *Electricity*

Includes:

- electricity supply,
- associated items such as hire of meters, reading of meters, standing charges, etc.

7.3. *Gas*

This category refers to gas supplied through a regulated pipeline network.

Includes:

- town gas and natural gas,
- associated items such as hire of meters, reading of meters, storage containers, standing charges, etc.

7.4. *Other energy sources*

Includes:

- domestic heating and lighting oils,
- solid fuels, including among others coal, charcoal, coke, briquettes, firewood, woodchips, pellets, peat and the like, grains,
- liquefied hydrocarbons (butane, propane, etc.),
- hot water and steam purchased from heating plants,
- district heating and cooling,
- geothermal heating,
- natural gas supplied locally through a non-regulated network.

Includes: associated items such as hire of meters, reading of meters, standing charges, ice used for cooling and refrigeration purposes.

Does not include: Fuels and lubricants for vehicles and other means of personal transport (1.21).

8. **Health**

Description/Term and Explanatory Definition

Includes: goods and services related to healthcare.

8.1. *Prescribed medication*

Includes:

- medicines that are purchased with a prescription and are used by humans for health purposes such as the cure, mitigation, treatment, or prevention of a disease,
- alternative medicine sold with a prescription.

Does not include: veterinary products (1.23); articles for personal hygiene such as medicinal soaps (1.25).

8.2. *Over-the-counter medication*

Includes:

- medicines that are purchased without a prescription and are used by humans for health purposes such as the cure, mitigation, treatment, or prevention of a disease,
- alternative medicine sold over-the-counter.

8.3. *Medical devices and other physical aids used by patients*

These devices and physical aids are intended to compensate or alleviate an injury or a handicap.

Includes:

- visual aids, corrective eye glasses and contact lenses,
- orthopaedic footwear,
- articles of medical hosiery such as elasticated stockings,
- prostheses,
- walking sticks and canes,
- hearing aids,
- mobility aids,
- motorised scooters, motorised wheelchairs and other mobility vehicles used for medical purposes,
- stair lifts,
- adjustable/orthopaedic beds,
- other medical devices used by patients.

8.4. *Health services*

This group covers the services of general and specialist practitioners, the services of medical centres, maternity centres, nursing homes and convalescence homes which chiefly provide in-patient health care, the services of institutions caring for old people in which medical monitoring is an essential component and the services of rehabilitation centres providing in-patient health care and rehabilitative therapy where the objective is to treat the patient rather than to provide long-term support.

Includes:

- health services offered in hospitals, private clinics and rehabilitation centres,
- consultations with physicians in general or specialist practice,
- services of medical analysis laboratories and X-ray centres,
- services of freelance nurses and midwives,
- services of freelance acupuncturists, chiropractors, optometrists, psychiatrists, psychologists, physiotherapists, podiatrists, osteopaths, speech and language therapists, etc.,
- medically-prescribed corrective-gymnastic therapy,
- out-patient thermal bath or seawater treatments,
- ambulance services,
- hire of therapeutic equipment,
- services of orthodontic specialists,
- dentists,
- opticians,
- cosmetic surgery.

Does not include: the services of retirement homes for elderly persons, institutions for disabled persons and rehabilitation centres providing primarily long-term support (8.5).

8.5. *Retirement homes and home care*

Such services include residential care, home help, day care and rehabilitation. More specifically, this class covers payments by households for:

- retirement homes for elderly persons, residences for disabled persons, rehabilitation centres providing long-term support for patients rather than health care and rehabilitative therapy, schools for disabled persons where the main aim is to help students overcome their disability,
- help to enable elderly and disabled persons to live at home (home-cleaning services, meal programmes, day-care centres, day-care services and holiday-care services).

9. **Education**

Description/Explanatory Definition

This category covers educational services only. It does not include educational materials, such as books and stationery, or education support services, such as health care services, transport services, catering services and accommodation services.

It includes education by radio or television broadcasting.

Does not include: Catering and other services provided by independent restaurants and bars (6.5), out-of-school individual or group lessons in bridge, chess, aerobics, dancing, music, skating, skiing, swimming or other pastimes (6.6).

9.1. *Schools*

Includes: educational programmes, generally for adults, which do not require any special prior instruction, in particular vocational training and cultural development.

Does not include: recreational training courses such as sports or bridge lessons given by independent teachers (6.6).

9.2. *Language, driving instruction and other private courses*

Includes:

- a service for teaching foreign languages, from day courses to multi-year courses,
- courses for the purpose of teaching people to drive motor vehicles,
- other private courses.

Does not include: Courses related to sports, hobbies and other past-times (6.6).

10. **Other**

Description/Explanatory Definition

10.1. *Other (Includes both goods and services)*

Other goods and services not covered by the other categories in Section B.

SECTION C

TYPE OF COMPLAINT OR ENQUIRY INFORMATION

Level 1 corresponds to, for example, 'Quality of goods and services'.

Level 2 corresponds to, for example, 'Defective, caused damage'.

1. **Quality of goods and services**

1.1. *Defective, caused damage*

The good is faulty, not working, caused damage or the service was not fully fulfilled or caused damage.

Does not include: Issues relating to health and safety (C 10).

1.2. *Not in conformity with order*

The delivered good or service is not similar in form or character as to the good or service described in the order (includes unsatisfactory quality and counterfeit products).

1.3. *Not fit for particular purpose*

The delivered good or service is not fit for the particular purpose for which the consumer required it and which he made known to the trader at the time of conclusion of the contract or sale.

2. **Delivery of goods/Provision of services**

2.1. *Not delivered/not provided*

The good was not delivered/the service was not provided at all to the consumer. Failure by the trader to provide a good or a service.

Includes: loss, incorrect delivery address and cancellation.

2.2. *Partially delivered/partially provided*

The delivery of the good was not complete because items were missing or the service was only partly provided.

2.3. *Delay*

The good was not delivered/the service was not provided, in due time (expected or agreed time).

2.4. *Not available/No access*

The consumer has no access to the goods or services provided by a trader, or some goods or services are not available or are no longer available to the consumer. For example, Internet and telephone connection, gas/electricity or a discontinued product line which used to be sold in the local store.

Does not include: Goods or services which a trader is legally obliged to provide and are not delivered or are not provided (C 2.1). Goods or services which are on sale and a trader refuses to sell or supply to a consumer (C 2.5).

2.5. *Refusal to sell/provide a good or a service*

The refusal to sell or supply to a consumer a good or a service which is for sale.

2.6. *Suspension of the delivery of a good or the provision of a service without prior notice*

The delivery of a good or the provision of a service is unexpectedly stopped.

2.7. *Opening hours*

Refers to cases where opening hours limit the consumer's opportunities for contacting the trader.

2.8. *Customer service*

The consumer was not satisfied with the customer service provided by the trader in relation to the purchase of a good up to the point of sale/in relation to the purchase of a service up to the point of delivery of the service.

Includes: Queue length.

2.9. *After-sales service/assistance*

Customer support after the purchase of a good or service was not satisfactory to the consumer in terms of communication and or process.

Includes: Difficult, expensive or no access to the call centre.

2.10. *Other issues related to the delivery of goods/provisions of services*

3. **Price/Tariff**

3.1. *Price/tariff change*

Changes in price or tariff.

3.2. *Price discrimination*

A pricing strategy that charges customers different prices for the same good or service.

Does not include: Issues related to incorrect or misleading indication of prices/tariffs and labelling (C 7.2).

3.3. *Tariff transparency (unclear, complex)*

The information on how a tariff has been composed, such as what components or services are included and what are not, is unclear and/or complex. This category includes supplementary charges like fees for late payments, penalty charges, administration, delivery, etc.

Does not include: Issues related to incorrect or misleading indication of prices/tariffs and labelling (C 7.2).

3.4. *Other issues related to price/tariff*

Does not include: Issues related to incorrect or misleading indication of prices/tariffs and labelling (C 7.2).

4. **Invoicing/billing and debt collection**

4.1. *Incorrect invoice/bill*

Wrong invoice for example when data on the invoice are not correct such as the account number, the name of the good or the service, or the amounts charged. This includes double invoicing/billing.

4.2. *Unclear invoice/bill*

Invoice not understandable; lack of transparency as to what goods or services are charged or where the total amount comes from.

4.3. *Non-issue of invoice or difficult access to invoice/monthly statement*

Invoice has not been sent to the consumer or the consumer is not able to access the invoice or monthly statement, for example by Internet.

4.4. *Unjustified invoicing/billing*

Invoicing for goods or services not purchased.

4.5. *Debt collection*

Refers to issues relating to the collection by the trader of outstanding invoiced amounts.

4.6. *Other issues related to invoicing/billing and debt collection*

5. **Warranty/statutory guarantee and commercial guarantees**

5.1. *Warranty/statutory guarantee not honoured*

The trader does not fulfil his obligations with respect to the warranty/statutory guarantee (i.e. consumer rights provided by law).

5.2. *Commercial guarantee not honoured*

The trader does not fulfil his obligations with respect to his own commercial guarantees.

6. **Redress**

6.1. *Difficult access to redress*

The consumer has difficulties in getting information on where to complain and claim redress (e.g. no phone number, no e-mail or all telephone lines busy).

6.2. *No redress*

Outside the scope of the usual legal warranties and commercial guarantees, the consumer is not given redress.

The consumer is not given redress for e.g. losses, damages or injuries.

6.3. *Part or incorrect redress*

The consumer is not given the full redress according to his/her expectations e.g. in relation to losses, damages or injuries.

6.4. *Delayed redress*

The redress is not given or provided in due time (expected or agreed time).

6.5. *Other issues related to redress*

7. **Unfair Commercial Practices**

7.1. *Misleading contractual terms and conditions*

The information on contractual terms and conditions is misleading if it causes or is likely to cause the average consumer to take a transactional decision that he would have otherwise not taken, either because the information is false and is therefore untruthful, or in any way, including overall presentation, deceives or is likely to deceive the average consumer, even if the information is correct.

7.2. *Incorrect or misleading indication of prices/tariffs and labelling*

The price indicated on the label, price list or elsewhere does not fully or wholly represent the price (hidden charges) or is just wrong.

Includes: other labelling particulars (name of a product, manufacturer, minimum durability date (where applicable), risk etc.), the form of labels, their location, etc.

Does not include: Issues related to price/tariff (C 3); invoicing/billing and debt collection (C 4); labelling about health and safety (C 10.2).

7.3. *Misleading advertising*

Advertising is misleading if it: contains false information and is therefore untruthful, or omits or hides material information that the average consumer needs to take a decision, or in any way, including overall presentation, deceives or is likely to deceive the average consumer, even if the information is correct, and causes or is likely to cause the consumer to take a transactional decision that he would not otherwise have taken.

7.4. *Unsolicited advertising*

Refers to unsolicited communications for the purposes of direct marketing either without the consent of the consumer or in respect of a consumer who does not wish to receive these communications.

7.5. *Unsolicited goods or services*

Refers to goods or services delivered or provided which were not requested.

7.6. *Aggressive selling practices*

A practice is considered aggressive if the average consumer's freedom of choice or conduct is significantly impaired. This means a commercial practice uses harassment, coercion, including physical force, or undue influence. 'Undue influence' means 'exploiting a position of power in relation to the consumer so as to apply pressure, even without using or threatening to use physical force, in a way which significantly limits the consumer's ability to make an informed decision'.

7.7. *Fraudulent practices*

Fraud is the crime or offence of deliberately deceiving another in order to damage them — usually, to obtain property or services unjustly.

7.8. *Other unfair commercial practices*

This category includes other unfair commercial practices such as misleading or false pre-sale advice.

8. **Contracts and sales**

8.1. *Unfair contractual terms/change of contractual terms*

A contractual term which has not been individually negotiated is regarded as unfair if, contrary to the requirement of good faith, it causes a significant imbalance in the parties' rights and obligations arising under the contract, to the detriment of the consumer.

A change of contractual term will be regarded as unfair if the trader unilaterally changes the contractual terms causing a significant change in the rights and obligations in the contract, to the detriment of the consumer.

Does not include: Misleading contractual terms and conditions (C 7.1).

8.2. *Lack of information*

The consumer does not receive information required in the contract. (e.g. information about the trader, the main characteristics of the item, the sale, and delivery costs).

8.3. *Order confirmation (not received/wrong)*

The consumer does not get a confirmation of an order or receives an incorrect order confirmation.

8.4. *Cooling-off period/Right of withdrawal*

The trader does not fulfil a consumer's right to withdraw from a contract or a consumer's right to reconsider a transaction within the cooling-off period (possible in certain circumstances).

8.5. *Payments (e.g. prepayments and instalments)*

Issues related to payments as stated in the contract. For example prepayments and the distribution of payment to traders based upon a regular schedule (instalments).

8.6. *Rescission of contract*

Issues related to stopping or cancelling a contract. Rescission of a contract is a termination outside the withdrawal period.

8.7. *Minimum contractual period*

Refers to the period for which a subscription can not be cancelled, which the consumer perceives as too long.

8.8. *Other issues related to contracts and sales*

9. **Provider change/switching**

9.1. *Provider change/switching*

Issues related to change of providers.

10. **Safety — covers both goods (including food) and services**

10.1. *Product safety — covers both goods (including food) and services*

Product safety covers any product which, under normal or reasonably foreseeable conditions of use (including duration and, where applicable, putting into service, installation and maintenance requirements), conforms to applicable requirements set out in legislation, or does not present any risk or only the minimum risks compatible with the product's use considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular:

- the safety requirements set out in legislation,
- the characteristics of the product, including its composition,
- the effect on other products, where it is reasonably foreseeable that it will be used with other products,
- the categories of consumers at risk when using the product, in particular children and the elderly.

10.2. *Package, labelling and instructions — covers both goods (including food) and services*

One of the objectives of labelling is to guarantee that consumers have access to complete information on the content and composition of products, in order to protect their health and safety. This includes any information that may provide details on a particular aspect of the product related to health and safety, such as the production method. Labelling would need to entail elements such as: unsafe packaging including hazardous substances or unsuitable for children (choking etc.). Labelling of certain non-food products must also contain particular information, in order to guarantee their safe use and allow consumers to exercise real choice.

11. **Privacy and data protection**

11.1. *Data protection*

Includes destruction, disclosure or theft of data owned by the consumer, e.g. data from a hard drive are copied during a maintenance routine. If personal data are involved, the nature of complaint will be 'privacy'.

Complaints are of this type when personal data (any information relating to an identified or identifiable natural person) are at risk or not processed in line with the national laws on data protection. Organisations are obliged to process personal data fairly and lawfully, for specified, explicit and legitimate purposes and not to process them further in a way incompatible with those purposes. The data must be adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed. The data controller must implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access.

11.2. *Privacy*

Complaints are of this type if an individual's right to privacy is endangered or not respected. For instance an individual's right to private correspondence is not respected or when an individuals' behaviour is monitored without a proper legal reason e.g. when purchasing online.

11.3. *Other issues related to privacy and data protection*

12. **Other issues**

Other issues not covered by the other categories in Section C. For example, complaints concerning discrimination in consumer transactions, environmental and social responsibility issues relevant to consumer transactions, taste, decency and offensiveness in audiovisual services (*).

(*) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).