

What is the Complaints Board for Hotel, Restaurant and Tourism

The Complaints Board for Hotel, Restaurant and Tourism is a private complaints board established by the Association of the Hotel, Restaurant and Tourism Industry in Denmark (HORESTA) and the Danish Consumer Council. The Complaints Board for Hotel, Restaurant and Tourism is approved by the Consumer Complaints Board.

The Complaints Board consists of two representatives from the industry, one from the Danish Consumer Council and one from the Danish Tourist Board, and has an independent judge as its chairman.

The day-to-day work of the Complaints Board is performed by a Secretariat consisting of legal case officers and other employees who answer written, telephone and personal inquiries. The Secretariat is housed at HORESTA, Vodroffsvej 32, 1900 Frederiksberg C and can be reached on tel. +45 35 36 51 21 on weekdays from 10 am to 2 pm.

What cases are considered by the Complaints Board for Hotel, Restaurant and Tourism

The Complaints Board deals with complaints from consumers about services provided by Danish hotels, restaurants, youth hostels and amusement parks as well as other companies providing similar services.

The service and/or the presented complaint can only represent a value at DKK 150.000,-. Complaints of services which exceed the value are for further action through the ordinary judge.

All complaints can be considered, irrespective of whether the company against which a complaint has been filed is a member of an organisation within the industry, including HORESTA.

The Complaints Board does not consider complaints that fall within the activities of the Traveller's Complaints Board or relate to the rental of holiday cottages or camping sites.

Complaints Rules

The Complaints Board cannot consider a complaint before the consumer has approached the company against which a complaint has been filed, and this approach has not resulted in a satisfactory solution for the consumer.

The complaint can be filed with the Complaints Board on a special complaints form available from the Secretariat.

Complaints Fee

When a complaint is filed with the Complaints Board, the consumer must pay a fee of DKK 170,-. If the Complaints Board upholds the consumer's contention, the company against which the complaint has been filed returns the fee to the consumer.

Consideration of Complaints

When a complaint has been filed with the Complaints Board on the special complaints form, it is submitted to the company against which the complaint has been filed. After this the consumer has the opportunity to comment on the company's reply to the complaint. The

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Secretariat usually fixes a time-limit of 14 days for such a reply/comments. If said reply/comments fail to appear, the matter can be settled according to the facts of the case.

The Complaints Board may obtain opinions from experts for its consideration of the complaint.

The Secretariat of the Complaints Board may attempt to reach a compromise between the parties before the complaint is considered by the Complaints Board.

The Complaints Board may reject a complaint that is deemed unsuitable for consideration by the Complaints Board, e.g. due to the fact that the consumer cannot prove his right.

When all information about the case is available, the complaint is considered at a meeting in the Complaints Board. The Complaints Board usually holds a meeting once a month. The decisions of the Board are communicated in writing to the consumer and the company about which the complaint has been filed. The decisions are available to the public, except for the identity of the consumer.

Fees

Businessmen who continuously contribute to the running of the Complaint Board through their membership of the branch association HORESTA do not have to pay for the treatment of a case.

When a case is to be treated companies which do not continuously contribute to the running of the Complaint Board must pay costs at DKK 3.000,- and if the case is settled the costs are DKK 1.000,-.

Compliance with Decisions

A time-limit of 30 days is usually fixed for compliance with the decisions of the Complaints Board.

If in exceptional cases a decision is not complied with, and the company against which the complaint has been filed is a member of HORESTA, HORESTA' guarantee fund will satisfy the consumer's claim.

If the company against which a complaint has been filed is not a member of HORESTA and does not comply with the decision, it is possible to have an enforcement of the decisions of the Complaints Board dealt with by the bailiff's court regarding the businessmen. This has to be within a time-limit of 30 days after a promulgation or after a rejection of reopening, unless the businessmen in advance in writing have given announcement to the Complaints Board that they do not wish to be bound by the decisions.

The decisions of the Complaints Board can be taken before the court. The consumer has the possibility to have the National Consumer Agency of Denmark to empanel summons on the behalf of the consumer and cover some of the legal expenses. The consumers may under certain condition seek free legal aid or have the expenses covered under legal expense insurance.

Publication

Companies which do not follow the decision of the Complaint Board are published on the homepage of the Complaint Board www.hrt-ankenaevn.dk.

Regarding hotels, restaurants and so on it is the owner of the licence who is published.

Juni 2018