

NEW COMPLAINTS BOOK REGULATION

Presidential Decree no. 234/16 of 9 December, which approves the Regulation on the Requirement for and Existence of the Complaints Book (the "Regulation") was published recently.

I. BACKGROUND

Presidential Decree no. 234/16 of 9 December, which approves the Regulation on the Requirement for and Existence of the Complaints Book (the "**Regulation**") was published recently. This Regulation approves the legal rules on the use of complaints books and identification stamps in commercial and service provision establishments. The Regulation also applies to public administration bodies, public legal entities, companies with public capital or majority state holdings and public service concession companies.

The aim of the new Regulation is to strengthen consumer defence procedures and to put pressure on economic agents to improve the quality of the services they provide. To achieve this aim, consumers are now being given the possibility to exercise their right to complain at the place where the incident occurs.

II. FORM OF COMPLAINTS BOOK

Complaints books and identification stamps must be in the form approved by the Regulation and the National Institute for Defence of the Consumer (*Instituto Nacional de Defesa do Consumidor* - "INADEC") is responsible for distributing and selling complaints books and identification stamps. The retail selling price is 8000 kwanzas per unit.

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III. OBLIGATIONS OF SUPPLIERS OF GOODS AND SERVICE PROVIDERS

Under this new legislation, suppliers of goods and service providers must:

- a) Deal with complaints made by consumers within 30 days;
- b) Have complaints books and identification stamps in all the establishments where they carry on their activities;
- c) Provide the complaints books to consumers whenever they are requested;
- d) Make the complaints books available to the supervision and inspection bodies and to any other competent authorities whenever requested;
- e) Keep an organised archive, for a minimum period of three years, of any complaints books that have been closed.

Besides the fine, the INADEC may disclose details of the offence, identifying the offender by publication in the official journal with the largest circulation and by including the offender in the database and digital archives provided for in the Consumer Defence Law.

IV. COMPLAINTS PROCEDURE

Complaints must be made by consumers by filling in a complaint sheet which must include (i) the identification of the consumer, (ii) the identification of the supplier or service provider, and (iii) a clear and complete description of the facts on which the complaint is based.

Once the complaint has been made, the supplier of goods or service provider has to send the original complaint sheet to the INADEC within 10 business days. If considered appropriate, the complaint sent to the INADEC can be accompanied by any prior allegations or clarifications that the supplier of goods or service provider wishes to provide.

A copy of the complaint must be handed to the consumer at the time of the complaint, and another copy must be filed in the complaints book.

The consumer also has the right to file their complaint with the INADEC within 10 (ten) business days.

V. POWERS OF THE INADEC

The INADEC has the power to (i) receive the complaint sheets and any prior allegations, (ii) to bring the appropriate proceedings whenever the facts appearing in the complaints indicate the commission of an administrative offence and (iii) whenever necessary, inform the bodies that supervise the activity to which the matters disclosed in the complaints relate.

VI. SUPERVISION AND PENALTIES

The penalties established vary from an amount equivalent to five minimum civil service salaries up to an amount equivalent to 1000 salaries, depending on the seriousness of the offence in question. In the case of re-offending, the fines applied will be increased by 10% of the amount calculated.

Besides the fine, the INADEC may disclose details of the offence, identifying the offender by publication in the official journal with the largest circulation and by including the offender in the database and digital archives provided for in the Consumer Defence Law. The other sanctions provided for in the Consumer Defence Law may also be applied individually or cumulatively.

This Presidential Decree comes into force on 7 February 2017.

This newsletter was prepared by a multidisciplinary team made up of lawyers from GLA – Gabinete Legal Angola and lawyers from PLMJ. This team was brought together under an agreement for international cooperation and membership of PLMJ International Legal Network, in strict compliance with applicable rules of professional ethics. The contents of this Newsletter may not be reproduced, in whole or in part, without the express consent of the author. If you should require further information on this topic, please send an email to geral@gla-advogados.com.

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