

SPAIN

1. Consumer policy institutions	2
1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY	2
1.2. PUBLIC AGENCIES.....	3
1.3. NATIONAL CONSUMER ORGANISATIONS	4
1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS.....	6
1.5. CONSUMER MEDIA.....	7
1.6. REDRESS BODIES: COURTS AND ADRS	8
1.7. EUROPEAN CONSUMER CENTRES.....	8
1.8. SELF OR CO-REGULATION	10
2. Consumer policies.....	10
2.1. CONSUMER PROTECTION LEGISLATION.....	10
2.2. CONSUMER ORGANISATIONS.....	11
2.3. ENFORCEMENT/REDRESS	11
2.4. INFORMATION AND EDUCATION.....	12

1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

According to Article 51 of the Constitution of Spain, the consumer protection policy is a shared competence between the State (the Central Government) and the regional governments of the Autonomous Communities ("*Comunidades autónomas*"), the later ones within their respective territories. The Central Government through the Ministry of Health, Social Affairs and Equality carries out the task of promotion and coordination of strategies as well as legislation. It also ensures the relationship with the EU Institutions and the transposition of the EU directives into national Law.

Co-ordination at its highest level is assured by the Sectorial Conference on Consumption and Consumers Affairs (https://www.boe.es/diario_boe/txt.php?id=BOE-A-2006-22950) at which are present the Regional Ministers responsible for Consumption and Consumers Affairs chaired by the State Minister of Health, Social Affairs and Equality. The Sectorial Conference meets twice a year and is responsible for the approval of the joint strategies, common projects and definition of policies. The day to day work is carried out through a standing co-ordination committee (Comisión de Cooperación de Consumo), chaired by the President or the Executive Director of the *Spanish Agency for Consumer Affairs, Food Safety and Nutrition* in which all 17 Autonomous Communities and the Cities of Ceuta and Melilla, are once again represented at General Director (or equivalent) level.

The *Spanish Agency for Consumer Affairs, Food Safety and Nutrition (Agencia Española de Consumo, Seguridad Alimentaria y Nutrición – AECOSAN)*, is the Public Body depending on the Ministry of Health, Social Affairs and Equality directly responsible for the promotion of the consumer's protection policy and strategy and the transposition of the EU Legislation into National Law. It is also responsible for carrying out the decisions and mandates of the Sectorial Conference, in coordination with the General Directorates responsible for consumer's affairs in the Regional Governments of the Autonomous Communities. The Minister appoints the Executive Director of the AECOSAN, Ms. Teresa Robledo de Dios.

Contact data:

The main Ministry in what concerns consumer policy is:

- **Ministry of Health, Social Affairs and Equality**

Minister: Ms Fátima Bañez

Address: Ministry of Health, Social Affairs and Equality, Paseo del Prado 18-20, E-28071 Madrid

Tel: + 34 901 40 01 00

Website: <http://www.msssi.gob.es/> (in English)

Second authority in the Ministry of Health, Social Affairs and Equality is the Secretary General of Health and Consumer Affairs, José Javier Castrodeza Sanz, who is also the President of the AECOSAN.

- **Spanish Agency for Consumer Affairs, Food Safety and Nutrition (Agencia Española de Consumo, Seguridad Alimentaria y Nutrición – AECOSAN)**

Executive Director: Ms. Teresa Robledo de Dios

Address: Príncipe de Vergara 54, E-28006 Madrid

Phone: +34 913380585

Website: http://www.aecosan.msssi.gob.es/AECOSAN/web/home/aecosan_inicio.htm

Comunidades Autónomas:

Website:

http://www.seap.minhap.gob.es/web/areas/politica_autonomica.html

In certain specific matters, other Ministries, such as the Ministry of Justice, the Ministry of Economy and Competitiveness have shared competences or need to be consulted when transposing EU legislation.

- **Ministerio de Economía y Competitividad (Ministry of Economy and Competitiveness)**

Address: Paseo de la Castellana 160, E-28071 Madrid

Tel: 34 902 218 600

Website: <http://www.mineco.gob.es>

- **Ministerio de Justicia (Ministry of Justice)**

Address: San Bernardo 45, E-28015 Madrid

Tel: +34 902 00 72 14

Website: <http://www.mjusticia.gob.es>

- **Ministerio de Hacienda y Administraciones Públicas (Ministry of the Finance and Public Administrations)**

Tel: +34 900 567 765

E-mail: informacion.administrativa@minhap.es

Website: <http://www.minhap.es/Portal>

1.2. PUBLIC AGENCIES

The **Spanish Agency for Consumer Affairs, Food Safety and Nutrition (AECOSAN)** is the Statewide Public Agency in coordination with the Autonomous Communities that retains full enforcement competences within their respective Regions. The AECOSAN is also the overall responsible institution in Spain for the coordination and cooperation in the EU Consumers policy and the relation with DG JUSTICE AND CONSUMERS

The AECOSAN holds the Secretariat of the Consumers and Users Council (CCU) the High Advisory Board for consumers associations; it provides administrative support (staff and space) for its meetings as well as an Official Office for its President.

Depending on the AECOSAN is the Quality Control and Research Centre, (CICC), for market control analysis and quality certificates. The CICC is the EU Certified Reference Laboratory for quality control at national level.

Address: Avda. de Cantabria s/n; E-2804

Madrid

Tel: +34 91 8224700

E-mail: cicc@msssi.es

Website:

<http://www.aecosan.msssi.gob.es>

The AECOSAN is the Host Institution of the European Consumer Centre in Spain.

Staff in AECOSAN: 335 people.

Each regional government is responsible for the enforcement of consumers' legislation and market control in their respective territory. The enforcement agency at regional level is the Dirección General de Consumo of the Autonomous Community. Coordination among themselves and with the Central Government is assured through the standing co-ordination committee. (See above "Consumer Policy Institutions"). Market control campaigns are a major joint initiative taken regularly by the Coordination Committee every year.

Some State Ministries may be consulted within their specific competences in the case of transposition of EU Directives, namely the Ministries of Justice, Economy and Competitiveness, Industry, Energy and Tourism and the Ministry of Finances and Public Administrations.

1.3. NATIONAL CONSUMER ORGANISATIONS

Common mission and aims to all Consumers Organizations in Spain are the defense of consumers' legitimate economic interests and rights, the later ones include the rights to education and information in relation to products and services. Information on the number of members can be found at the individual web pages of the organizations. No centralized data is available at present.

Of the ten mayor State wide Consumers Organizations sitting at the Consumer's Council eight of them act on all fields of consumers' protection, one is specialized in financial services and one is acting in the communication and information domain.

The AECOSAN is responsible for running and updating the Register of Consumer Organizations in Spain.

Please find bellow the list of Consumers Organizations represented at the Spanish Consumers and Users Council:

Asociación de Usuarios de Bancos, Cajas y Seguros (ADICAE)
c/ Gavin, 12. Local c/ Embajadores, 135, 1 C
Tlf.: 976.39.00.60 Tlf.: 91.540.05.13
50001 ZARAGOZA 28045 MADRID
www.adicae.net

Asociación General de Consumidores (ASGECO)
Plaza de Navafría, 3 - Bajo
Tlf.: 91.405.36.98/11
28027 MADRID
www.asgeco.org

Asociación de Usuarios de la Comunicación (AUC)
c/ Cavanilles, 29 - 2ºD
Tlf.: 91.501.67.73
28007 MADRID
www.auc.es

Confederación Española de Organizaciones de Amas de Casa, Consumidores y Usuarios (CEACCU)
c/ Fuencarral, 158
Tlf.: 91.594.51. 24
28010 MADRID
www.ceaccu.org

Confederación de Consumidores y Usuarios (CECU)
c/ Mayor, 45 - 2
Tlf.: 91.364.13.84 / 91.541.07.22
28013 MADRID
www.cecuc.org

Consumidores en Accion (FACUA)
c/ Becquer, 25 A
Tlf.: 954.909.090
41002 SEVILLA
www.facua.org

Federación de Usuarios - Consumidores Independientes (FUCI)
c/ Joaquín Costa, 61 Bajo. Derecha
Tlf.: 91.564.01.18
28002 MADRID
www.fuci.es

Confederación Española de Cooperativas de Consumidores y Usuarios (HISPACOOOP)
c/ Quintana, 1, 2ºB
Tlf.: 91.539.09.35 - 91.593.16.25
28008 MADRID
www.hispacoop.es

Organización de Consumidores y Usuarios (OCU)
c/ Albarracin, 21
Tlf.: 91.300.00.45
28037 MADRID
www.ocu.org
September 2016

Federación Unión Nacional de Consumidores y Amas de Hogar de España (UNAE)
c/ Villanueva, 8, 3º
Tlf.: 91.575.72.19 / 91.575.70.88
28001 MADRID
www.federacionunae.com

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS

Consejo de Consumidores y Usuarios, CCU (Spanish Council for Consumers and Users)

The Consumers' Council is a High Advisory Board that groups the representatives of the Consumers' Organizations of national scope. It is composed of eleven representatives elected by the Nationwide Consumers Organizations in accordance with Royal Decree 487/2009. The Council appoints the Chairperson by two thirds of the votes among experts on the field of consumer protection proposed by the Ministry of Health and Social Affairs and Equality for a period of four years. It is currently chaired by Ms. Manuela López Besteiro. The CCU acts accordingly to its own rules of procedure (www.consumo-ccu.es).

The CCU represents consumers before the national and international Institutions. It gives opinion and must be consulted in draft general national legislation concerning consumer's protection. Among others, it is competent in promoting initiatives for improvement of consumers' protection; proposing legislation to the AECOSAN; carrying out studies and reporting on matters related to consumer's protection. It designates consumers' representatives at national or international institutions; enhances the social dialogue with other stakeholders and cooperates in the implementation of Public policies concerning consumers topics.

The Consumers' Council is technically supported by the AECOSAN which provides the Council's technical and administrative secretariat, the Chair's Office and the venue for the meetings at the AECOSAN premises.

Other consumer issues:

Summer courses organized by the AECOSAN in the town of San Lorenzo del Escorial (Madrid). This course is addressed to students and experts from the Latin American Countries. The courses takes place every summer.

1.6. REDRESS BODIES: COURTS AND ADRs

See Consumer Arbitration Boards at
http://ec.europa.eu/consumers/solving_consumer_disputes/non-judicial_redress/national-out-of-court-bodies/index_en.htm

1.7. EUROPEAN CONSUMER CENTRES

ECC in Spain

The European Consumer Centre (ECC) in Spain is a public service organization for consumers from any member state of the European Union who need information or assistance in relation to the acquisition of products or the use of a service in a EU country other than their own. The ECC has a public service office in Madrid and is part of a European Consumer Centers Network (ECC-Net). In Spain, the AECOSAN is the Host Institution designed by the European Commission to co-finance and support the European Consumer Centre in the organization of its activities.

The work of the Spanish ECC is developed in tight collaboration with the consumer units of the different autonomous regions, as well as the local consumer information offices, tourist offices, consumers associations and the rest of organizations interested in defending and protecting the European consumer and user.

The ECC in Spain receives consumers' queries, complaints and claims through a number of ways: from the own consumer, in person, by visiting our office; by post, telephone, e-mail or fax, or either through the offices and units established in the autonomous regions and councils all over the Spanish territory.

ECC Madrid

Address: Príncipe de Vergara 54, E-28006 Madrid

Tel: +34/ 91 822 45 55

E-mail: cec@msssi.es

Website:

http://www.aecosan.msssi.gob.es/AECOSAN/web/consumo/seccion/centro_europeo_consumidor.htm

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

National Law for the Defense of Consumers and Users is the basic regulation at national scope. Autonomous Communities have their Basic Laws within the scope of competences of the Autonomous Communities.

http://www.aecosan.msssi.gob.es/AECOSAN/web/consumo/subseccion/legislacion_basica_consumo.htm

The National Law contains every issue concerning consumer's protection that is not being regulated at EU level.

Main penalties for non-compliance could be divided into two areas:

Health risk and economic damage, with three degrees of penalties: very serious, serious and minor non-compliance.

In the first sector are considered actions or lack of actions resulting in risk or effective health damage for consumers. Also are included in this rank the lack of preventive measures resulting in pollution or contamination which brings serious damage for Public Health.

In the second rank can be listed the non-compliance with market prices, labelling, safety

regulations, as well as the lack of mark registration, abusive clauses in contracts, denial of information and the fraudulent alteration of the contents of a product.

The penalties are graded from 3.000€ for a minor non-compliance to 15.000€ and to a maximum of 602.000€ and the temporary close down of the company for a period of five years.

2.2. CONSUMER ORGANISATIONS

The Law on Improvement of Consumers and Users Defense and Protection defines consumer organization as those whose main goals are defending consumers' interests both general and specific; to train and to educate consumers,

The main requirements are as follows:

- Do not include legal persons with a profit aim.
- Do not receive any money from firms or groups of firms, which offer goods or services to consumers.
- Do not produce goods or services.
- Do not engage any other activity except consumer protection.
- Not to act with recklessness, judicially appreciated.

The AECOSAN has an annual Grants Open Call addressed to nationwide consumers associations. In addition to that the *Comunidades Autónomas* (Regions) and the *Corporaciones Locales* (City Councils) take care of the funding for regional and local consumer organizations.

All funds are allocated according to the principles of publicity, transparency, competition, objectivity, equality and non-discrimination.

The Consumers' organizations are entitled to initiate infringement proceedings before the courts in defense of the general interest of consumers.

2.3. ENFORCEMENT/REDRESS

• Consumer Arbitration Boards

The Consumer Arbitration Boards deal with consumers' and users' complaints and claims in the light of their rights as recognized by law. The consumer arbitration system is established throughout the whole of Spain. Each consumer arbitration board covers a particular area, which is laid down in the decision setting it up. The area covered always coincides with that of the public authority to which it reports. There is no limit on the economic value of disputes. There is essentially no charge for the arbitration proceedings; the parties are required to pay only for any tests carried out at their request. The proceedings come to their conclusion with the issue of an award which is binding on the parties; its effects are the same as those of *res judicata* in the courts. The award

takes effect as soon as it is notified to the parties. However, if it has not been complied with by the deadline for implementation laid down by the Arbitration Tribunal, enforcement may be secured from the court of first instance of the place where it was issued in accordance with established procedures for the implementation of binding judgments subject to certain peculiarities.

2.4. INFORMATION AND EDUCATION

We make activities addressed to professional of all the organizations dedicated to the consumer's protection as well Seminars for especially vulnerable consumers.

Within educational activities, it is important to highlight *Consumópolis*, a school contest with the aim of promoting consumer awareness and encouraging young people to think about consumer issues. Nowadays, *Consumópolis* is organized in collaboration with the Autonomous Communities with an autonomous phase and another national. The motto of *Consumópolis* is **Responsible Consumption** and the main objective is to raise the awareness of scholars about the importance that their decisions as consumers have in the acquisition of goods and in the use of services, especially in those aspects related with the reflexive, healthy and critical consumption, keeping in mind the respect to both social and environmental aspects.

As far as Information is concerned, the AECOSAN channels it mainly through the informative pages in the Internet, and the Database of Information on Consumption: [CIDOC \(Consumer Information and Documentation Centre\)](#).

