

SPAIN

Annual Report on Consumer Policy Developments 2001

REPORT ON ACTIVITIES OF CONSUMER POLICY IN SPAIN

The National Consumers Institute, an independent body of the Ministry of Health and Consumer Affairs, together with the Directorate General of Consumer Affairs of the Autonomous Communities is in charge of the functions of promotion and development of consumer rights and users.

Among the fundamental objectives of consumer policy are those of protecting consumer health and security and that of promoting the full exercise of their rights via the following action areas.

Market Control

It consists of establishing a systematic and generalised market control, of joint planning among Autonomous Communities (CCAA) of the control activity, by means of joint and coordinated programming of market studies, and of National Inspection Campaigns as well as regional and follow-up inspection campaign.

This also includes the professional training of the inspection personnel to perform a uniform control and homogenous control throughout the State, the promotion of adopting self-control regulations, fining and inhibiting actions influencing the harmonisation of the fines and the establishment of common criteria, and the dialogue with the citizens and economic agents to promote the transparency of the control and self-control activities of the companies.

In 2001 the following stands out:

- The laboratory of the Research and Quality Control Centre (CICC) analysed 6,887 products, 3,723 foodstuffs and 3,164 industrial products and five new analysis methods were prepared.
- The Technical Product Security Commission met to decide on the dangerousness of certain products, such as the use of glass containers with hygienic articles designed for the use in the bath; cutters included in school cases; school material with the scent of food; latex products harmful to people who are allergic to such material, etc.
- Management of the Rapid Information Interchange System (Alert Network) of industrial products. In 2001 172 alerts were handled with reference to products representing a serious security risk (lighting fittings, laser pointers, electrical welding equipment, small electrical appliances, articles of babies, cots, dummies, chains for dummies, toys, cosmetics, ironmonger's material and gas lighters), 22 alerts of products with a security risk for consumers, 60 computer alerts and 36 alerts coming from the customs.
- Other actions in matters of product safety. In 2001 11 notifications were received by applying the safeguard clause of the Directive 88/378/EEC on security of toys and 6 notifications in application of the Guideline 87/357/EEC on deceptive appearance. 25 safeguard clauses were also transferred to the CCAA by applying the New Focus Directive and 237 notifications of the Consumer Product Safety Commission (CPSC) of the US.

- With regard to publicity, 12,797 advertisements were followed up motivating 90 actions and 13 requests in the environment of publicity, teleshopping, sanitary and cosmetic products.

Access to justice

The activity developed in this area is designed to consolidate the Consumer arbitration System by bringing the System closer to the citizen by means of setting up provincial, municipal committees or committees of joint municipalities, apart from incorporating new sectors to the System as well as increasing the membership number of businessmen and professionals.

The idea is also to advance the establishment of out-of-court solution systems of across-the-border claims in the community environment for which the Consumer Arbitration system can, as a solution, be an appropriate instrument.

The court procedures can also be adjusted to lawsuits of small economic amounts and provide access to justice for consumers and users (among others, the regulation of so-called "collective actions" in the LCP).

Another purpose in this field is that of helping the knowledge and diffusion of Consumer rights and promote the collaboration with the Attorney General's office in the penal environment.

At present Consumer Arbitration consists of 71 Arbitration Committees and in 2001 the following were established: the Autonomous Committee of Melilla, the Provincial Committee of Almería, that of Málaga, that of Cádiz, the Committee of the Group of Municipalities of the North-West Area of Madrid and the Municipal Committee of Alcalá de Henares.

With regard to the number of companies belonging to the System, there are at present 67,353.

In the seat of the National Consumers Institute, the Information Interchange system was set up. It plays the role of a national contact point in the recently created European Out-of-court Conflict Resolution Network which at present works on the development of the Project for the management of consumer arbitration.

Finally, it must be emphasised at this point that the 6th Congress on Consumer Arbitration was held.

Consumer Associations

In order to promote consumer associations, on the one hand actions were directed to the promotion of the representative bodies of the Consumer Associations as well as to the intercommunication between the Public Administrations and the Associations by providing economic support for the activities performed. On the other hand, programmes related to market novelties and special situations (single currency, new technologies, electronic business, food security, ... etc.) were subsidised with a total amount of 284,157,100 pesetas.

Regulations

At this point, the consolidation of the production of regulations in the three environments, i.e., the European Union, the states and autonomous communities, must be emphasised as well as the promotion of voluntary regulation with the participation of Consumer Associations in sectors considered priority.

With regard to the state environment, the following provisions stand out: the Law creating the Food Security Agency, the Law of audiovisual Contents and Additional Services, and the Law of Trademarks.

With regard to the production of autonomous regulations in 2001, especially outstanding are a project of tow trucks for automobile vehicles, adopted in Madrid, the Consumer Statute of Extremadura, the Law of ordering the commercial activity of the Balearics, etc.

As regulating texts with a consensus of the Autonomous Communities, the model regulation project which regulates consumer and user protection of certain promotion activities.

An important subject in this section is the Action Plan of Abusive Clauses in which a model contract was adopted in matters of purchasing and selling new housing with or without subsidy. In the course of 2001, reports were issued on matters of abusive clauses in relation to package tours, housing, real estate intermediary and telephone services.

Training, Education and Information

In the training, area attention is drawn to the Integral Training Plan for Market Control. 34 courses were carried out in its execution. Several conferences were also held, among them especially those referring to Consumer Rights, European Competition of the young Consumer, the Law of civil procedure, Consumers and the Internet, Consumer Arbitration, ... etc.

In education the school competition “The computer and I” took place to familiarise children with new technologies.

In the Information section, an agreement was signed with Spanish Television in the year 2001 to grant free space for an information campaign in consumer matters on security at home, hire purchase, toys, claims, overbooking, associations and arbitration, etc. The last two also included a version for the disabled in hearing.

For general broadcasting, a translation into Spanish of “Directive lines on OECD electronic business appeared on the Internet (www.consumo-inc.es)

With regard to publications, several studies and brochures on consumer affairs, promotional sales, the Law of civil procedure, domestic accidents and of leisure, in French and English, of the General Law 26/84 for the Defence of Consumers and Users, the strategic Plan 2001-2005, also in both languages, etc.

Institutional Cooperation

Cooperation takes place fundamentally via the Sectorial Consumer Conference where the top managers of the Public Administration in Consumer matters and of the Consumer Cooperation Commission of Directors General in this area meet. At the same time, there is institutional cooperation with other bodies.

In the meetings held in 2001, several agreements were adopted on subjects, such as the Strategic Consumer Protection Plan 2002 – 2005, the manual preparation of quality for market control in the Consumer Services of the Autonomous Communities; National Control Campaigns; Self-control Plan of Company Quality; Regulation on sales promotion; Price indication; Joint action programme on the Euro; Procedure for the establishment of common regulation interpretation in the consumer environment, etc.

Among the cooperation carried out with other Bodies, outstanding are the Agreement with the Spanish radio and television for the emission of spots on various consumer subjects; the Agreement with the Spanish Association of entertainment software distributors and editors; the Agreement with the Spanish Committee of representatives of the disabled and the Agreement with the Telecommunications Market Commission.

European Union

The National Consumers Institution (NCI) belongs to seven Community Work Groups on different subjects. Outstanding in 2001 was the European Network of national bodies in charge of out-of-court lawsuit resolutions in matters of consumer affairs, consumer education, toy security, etc.

Other activities: Euro

During the first six months of the year 2001, the NCI was in charge of the Chairmanship of the Consumer-Company Special Observatory Commission. At this Commission meeting held in March, specific aspects related to the strategy to be followed in subsequent months, such as double price labelling, broadcasting the Code of Good Practice, granting Euro-labels and the individual problems of certain sectors.

In the year 2001, Round Tables of adapting to the euro were also organised with strategic sectors for the consumer, such as conferences and courses on adapting to the euro and the publication of material on this subject in collaboration with other Institutions (Management of the Treasury and Financial Policy, Bank of Spain).