

SPAIN

Annual Report on Consumer Policy Developments 2000

Among the consumer activities performed in Spain in 2000, the following deserve special mention:

Institutional co-operation

a) Consumer Sectorial Conference

The co-operation between the Public Administrations competent in consumer matters takes place via the Consumer Sectorial Conference. In 2000, a plenary session was held in which a series of agreements were adopted. Among others, they were regarding:

- A protocol for the execution of the Action Plan with regard to abusive clauses in contracts signed with consumers;
- Regulation projects model;
- Biennial planning and contents of National Market Control Campaigns for the years 2001 and 2002;
- Ratification of the Quality Manual for market control;
- Territorial competency criteria regarding supra-regional offences;
- Overall training plan;
- Ratification of the creation of the Work Group on Information Systems;
- Consumer arbitration;
- Priorities and New lines of work;
- Drafting a new Strategy Plan for the period 2002-2005.

b) Consumer Cooperation Commission

Various agreements were adopted regarding genetically modified organisms, an action plan with regard to breakdown signal triangles, etc.

c) Institutional Co-operation with other Entities

- An agreement with Radiotelevisión Española on 56 spots, including 11 advertisements on basic consumer laws, general contract conditions, guarantees and after-sales services, publicity, consumer arbitration, the Research and Quality Control Centre, consumer associations, the sale of housing, journeys, time sharing of property and miracle products.

- An agreement with different Educational Centres of Professional Training for their pupils to practise at the Research and Quality Control Centre.
- An agreement with the University of Castilla-La Mancha for a General Study of Consumer Laws.
- At present, seven Work Groups have been set up by the Commission: Regulations, Market Control, Training and Education, Consumer Arbitration, Consumer Inspection Quality, Consumer and User Associations, and information services (set up in the year 2000).

Regulations

Actions:

- Consolidation of regulating production in three areas: European Union, state and regional governments (collaboration with the regional governments in the preparation of regulating projects by consensus via the procedure agreed by the Sectorial Conference).
- Promotion of voluntary regulation with the participation of Consumer Associations, especially in the sectors considered priority (services of common or generalised use or services which lack sufficient legal coverage).

Promotion of Voluntary Self-Regulation

- In this sense, special mention is to be given to the promotion, follow-up and collaboration of the “Self-regulation code on labelling and publicity of entertainment software products”, adopted by the Spanish Association of Entertainment Software Distributors and Editors (ADESE).
- Preparation of a general study on Consumer Law, including and analysing the important subjects around which it is structured, its doctrinal and legal evolution and the present lines of evolution in the area of comparative law.

a) Regulating production

- State regulations:

- Royal Decree 1194/2000, dated 23 June, which modifies the Royal Decree 1472/1989, dated 1 December, regulating the ranges of nominal amounts and ranges of nominal capacities for certain packed products. (B.O.E.¹ of 4 July, 2000).

- Royal Decree 1507/2000, dated 1 September, which updates the catalogue of products and services of common, ordinary and generalised use or consumption and of goods of a durable nature with regard to article 2, number 2, and article 11, numbers 2 and 5, respectively, of the General Law for the defence of consumers and users and concomitant regulations. (B.O.E.¹ of 12 September, 2000).

- Adopted directive:

- Royal Decree 3423/2000, dated 15 December, regulating the indication of prices of products offered to consumers and users, which the Directive 98/6/EC, dated 16 February, 1998, (B.O.E.¹ 28/12/00) includes in the internal legal code.

- Modification of Law 22/94, dated 6 July, to include in the Spanish legal code the Directive 99/34/EC of the European Parliament and the Council, dated 10 May 1999, which modifies the Directive 85/374, EEC, related to adjusting legal, regulating and administrative provisions of the member States with regard to the responsibility for damages caused by defective products (in Law 14/2000, dated 28 December, B.O.E.¹, dated 30 December 2000, on fiscal, administrative and social order measures).

- Modification of Law 42/1998, dated 15 December, on user rights of tourist time sharing, in order to reinforce the guarantees which this regulation provides for the users of "time sharing" and to correct some deficiencies in the adoption of the Directive 94/47/EC, which occurred because of this regulation (In Law 14/2000 dated 28 December, B.O.E.¹ dated 30 December, 2000, on fiscal, administrative and social order measures).

¹ B.O.E. is the Official Gazette of the Spanish Government

- Royal Decree 1890/2000, dated 20 November, authorising the Regulation which establishes the procedure for the evaluation of the approval of telecommunication devices (B.O.E.¹ dated 2 December, 2000), which includes the Directive 99/5/EC, of the European Parliament and Council dated 9 March 1999 in the internal legal code.

b) Abusive Clauses

Preparation and approval of the Protocol by the 14th Sectorial Consumer Conference for the execution of the “Action plan with regard to abusive clauses in contracts signed with consumers”, adopted by the 13th Sectorial Consumer Conference.

Market Control

Market control followed different lines of action leading to:

- establishing systematic, ample, professional and unitary market control.
- overall inter-regional government planning of the control activity by means of overall co-ordinated programming of market studies and of National Inspection Campaigns, both of a regional and follow-up nature.
- professional training of the inspection personnel.
- promotion of the adoption of self-control regulations
- fine actions and inhibitions with influence on harmonising fines, reinforcing the inhibition system, and on the establishment of common criteria.
- dialogue with citizens and economic agents, promoting the transparency of the control activities and the self-control of the companies.

In this sense, the following stands out in the year 2000:

- In the Research and Quality Control Centre (CICC): the analysis of 6475 products, 3334 food products and 3141 industrial products; the start of 10 new analysis methods; the performance of 57 inter-centre tests; and the extension of the ENAC accreditation to 21 PNT.
- In the Technical Product Safety Commission: the study of air fresheners with deceptive appearance, in accordance with the criteria established for these kinds of products in this commission.

- In the Warning Network of Industrial Products: processing 145 warnings in relation to products presenting a serious, imminent security risk (lights, laser pointers, electric welders, small electrical appliances, articles for babies, crib chairs, dummies, chains for dummies, toys, cosmetics, ironmonger materials and gas lighters), 14 warnings of products not representing a serious or imminent risk for consumer security, 38 information warnings, and 4 warnings from customs.

- In other actions concerned with product security: 4 notifications regarding the application of the safeguard clause of the Directive 88/378/EEC on toy security and 7 notifications regarding the application of the Directive 87/357/EEC on Deceitful Appearance. Seventy-seven safeguard clauses were transferred to the Regional Governments with regard to the New Focus Directives, and there were 192 notifications of the Consumer Product Safety Commission (CPSC) of the Member States.

- In publicity follow-up: the follow-up of 12 239 advertisements, which produced 107 actions in the publicity area.

Training, Education and Computing

In this section the following activities deserve special mention:

- Conferences on the Internet and the consumer, and another 17 on various subjects;
- Second Conference on consumer updating ;
- Management of 29 courses of the overall training plan for market control in collaboration with other Departments;
- A course on Consumer Arbitration;
- A school competition on the consumer and the environment.

The collaboration of the Public Administrations among themselves, and with the Regional Governments, was also reinforced with regard to information, in addition to intensifying the use of new information access mechanisms. In 2000, the Agreement was also signed with TVE on free spots for a consumer information campaign.

Information brochures were published on subjects of interest such as: Transgenic food, labelling of food products, overbooking, loss of luggage and mobile telephony.

Consumer Associations

In order to promote consumer associations, actions were directed towards:

- Promoting the representative organs of Consumer Associations, as well as communication between Public Administrations and the Associations providing economic support for the Consumer Associations promotional activities.
- Carrying out programmes related to market novelties and to special situations (single currency, new technologies, especially unprotected groups, financial products and services in Europe, food security, electronic commerce, sustainable consumption) and reinforcement of the technical teams of these organisations.

a) Consumer and User Council

The Consumer and User Council is the maximum audience and institutional representation organ of consumers and users.

Among other subjects, the Council dealt with liberalising services of general interest, dioxin contamination of animal food, the publicity agreement, rates of credit institutions, limitation of pharmaceutical costs, the types of interest on the inter-bank market, hydrocarbons, telecommunications, etc. The Council counts on the appearance of top-level officials of the Ministry of the Economy, the Ministry of Health and the Consumer, the Bank of Spain, Iberia, and Iberdrola.

b) Promotion of Consumer Associations

In the year 2000 there were several initiatives designed for the promotion of consumer associations:

- Subsidies were granted to nation-wide, non-profit entities for the performance of consumer and user information services, defence and protection programmes and activities. The amount of these subsidies reached 282 million pesetas in the year 2000.
- Contribution to the training of association experts via the courses of the Consumer School.

Access to Justice

The activities developed in this area had the following objectives:

- The consolidation of the Consumer Arbitration System by bringing the System closer to the citizen through provincial, municipal and town community Committees, in addition to including new sectors in the System, as well as increasing the membership number of businessmen and professionals.
- Within the community area, progress with the establishment of out-of-court systems of resolving claims in other countries, for whose resolution the Consumer Arbitration system can be an appropriate instrument.
- Adjusting the judicial procedures to lawsuits of small economic amounts and making access to justice easy for consumers and users.
- Favouring the knowledge and broadcast of Consumer Law and promoting collaboration with the Attorney General.

The following can be said with regard to Consumer Arbitration:

- At present, there are 66 Consumer Arbitration Committees (1 national, 17 regional, 7 provincial, 1 town community and 40 municipal committees). In 2000, the Municipal Community of Segovia was established.
- The number of companies belonging to the System reaches 57 341.
- A Virtual Consumer Arbitration Committee has been prepared.
- There also are courses for arbitrators.

European Union

a) Council of Consumer Ministers

With regard to this point, the Spanish participation at the meetings held by the Council in the year 2000 and the work entrusted for this reason deserves special mention.

b) Work Groups

Spanish representatives are part of seven Work Groups. In 2000, on the basis of the work of the Consumer Protection and Information Group, a Resolution of the Council was adopted creating a European Network of national organs in charge of the out-of-court resolution of consumer lawsuits. In this area, Spain participated in the work of creating a Network to solve claims in other countries relating to financial services.

In this year, the follow-up of actions of the Damage Prevention Programme and the participation in the work of the Commercial Communications Group is also to be pointed out.

In consumer educational matters, Spain participated in the meetings of the Expert Group. In addition, as a collaborating entity, Spain took part in the Pilot Project of the “Consumer Educational Network” supported by the European Commission and participated in the call of the Young Consumer Competition.

Other activities

a) Euro

In the first six months of 2000, the Special Consumer-Company Observatory Commission, chaired by the National Consumer Institute, held its ninth plenary meeting on three fundamental subjects: distribution of material referring to the “Good Practice Code”, the Euro communication campaign and the Work group call (consisting of the period of currency co-existence, early joining of the euro, training and information).

The National Consumer Institute aided in the distribution of explanatory material of the “Good Practice Code” in all Regional Governments, as well as with the educational presentation, courses and the forum of the diffusion of information for a better understanding of the euro.

b) Abroad

- There were 1350 exchange actions of documents and material published by the NCI.

- There were specific actions with the Governments of Argentina, Brazil, Chile, Columbia, Cuba, Ecuador, Mexico, Panama, Peru, Dominican Republic, Uruguay, Bulgaria, Canada, France, Japan, Czech Republic and Sweden.