

## **SPAIN**

### **ANNUAL REPORT ON CONSUMER POLICY DEVELOPMENTS 2002**

#### **REPORT ON ACTIVITIES OF CONSUMER POLICY IN SPAIN**

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

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 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 armonisation 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 2002 the following stands out:

- The laboratory of the research and quality control centre (CICC), analysed 7372 products, 3752 foodstuffs and 3600 industrial products and 7 new analyses methods were prepared.
- The technical product security commission met to decide on the dangerous of certain products, such as the cleaning products, fluorescent capsule using in fishing, night light bulbs, etc.
- Management of the rapid information interchange system (alert network) of industrial products. In 2002 230 alerts were handled with the reference to products representing a serious risk (lighting fittings, laser pointers, small electrical appliances, articles of babies, cots, dummies, toys, cosmetics, ironmonger's material and gas lighter), 36 alerts of products with a minor security risk for consumers.
- Other actions in matter of product safety: In 2002 were received 3 notifications in application of the Directive 87/357/EEC on deceptive appearance. 29 safeguard clauses were also transferred to the Autonomous Communities by applying the New Approach Directives and 246 notifications of the Consumer Product Safety Commission of the US.

As regards as the application of the regulation 339/93/EEC, were received by the customer authorities 54 notifications of several products and were controlled the import of 253 lighting garlands.

- With regard to advertising, 17091 advertisement were follow up motivating 39 actions in the field of foodstuffs, commercial promotions, sanitary products, cosmetic products, etc

### **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 business and professionals. The idea is also to advance the establishment of out-of-court solution systems of across the border claims in the European community for which the consumer arbitration system can, as solution, be an appropriate instrument.

Another purpose in this field is that of helping the knowledge and diffusion of consumers rights and to promote the collaboration with attorney general office's in the penal framework.

At present consists of 73 arbitration boards and in 2002 were established the autonomous board of Ceuta and the board of the group of Municipalities of North-east area of Madrid.

With regard to the number of companies belonging to the system, they increased up to 72.362.

At the National Consumers Institute, the Information Interchange system was developing. It plays a role of national contact point in the recently created European Out-of-Court Resolution Network, which has dealt 162 consumer claims.

Finally it must be pointed out the held of the 7th Congress on Consumer Arbitration.

### **Consumers associations**

In order to promote consumers 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, e-commerce, food security, etc) were subsidised with a total amount of 1.107.817, 57 €.

### **Regulations**

At this point, the consolidation of the productions of regulations in three frameworks, the European Union, the State and the Autonomous Communities, must be emphasised as well as the regulation based in voluntary basis with the participation of the consumer associations in priority sectors.

With regards state regulations, the following provisions, among others, stand out: the Law 39/2002 which transposing several European Directives such as Directives 97/55/EC, 98/7/EC, 98/27/EC, etc; the Law 34/2002 on electronic commerce ; the Law 40/2002 regulating the contract of vehicles parking.

With regard to Autonomous Communities regulations in 2002 were adopted, among others: the Consumer Statute of Asturias, the Law of retailer commerce in Cantabria and Extremadura, Law on tourism of Cataluña, etc.

An important subject in this section is the Plan Action of Abusive Clauses in which a model contract on telephone services was adopted. In the course of 2002, reports were issued on matters of abusive clauses in relation to housing, real state, telephone services, telecommunication services, etc.

### **Training, education and information**

In the training area attention is drawn to the Integral Training Plan for market control. 32 courses were carried out in its execution. Several conferences were also held, among them especially those referring to Consumers Representation, Accessibility and security on products and services for elderly and disabled consumers, Green paper on Consumer Protection.

In the education it must be pointed out the national school competition called “Do I live secure ?”, celebrated to show children how managing risk products.

With regard to publications, several studies and brochures on consumer affairs, specially those relating new telephone services, educational services, etc and the National Institute services chart. Also books like Consumer Law in Spain: present and future, 133 workshops on consumer training, Detection Program on leisure and home accidents were published.

### **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 this area meet. At the same time, there is institutional cooperation with other bodies.

In the meetings held in 2002 several agreements were adopted on subjects such as Resolution on the Strategy in consumer policy in the Community (2002- 2006), financing of consumer association, etc.

Among the cooperation carried out with other bodies, outstanding are the agreement with the Spanish radio and televisión entities for the emission of educational advertising on various consumers topics.

### **European Union**

During the first half of the year Spain has chaired the European Union. During these six month several activities has been developed by the National Consumers Institute.

Also two Internal Market, Consumers and Tourism Council Meetings has taken part, in which has been dealt with some consumers issues.

Working Parties: during 2002 the National Consumers Institute, has participated in some meetings of the different working parties of the Council and of the Commission, such as, Information and Consumer Protection; security of products; damages prevention; security of toys; commercial communications; fair commercial practices; deceptive products; etc.