

**NATIONAL ACTIVITIES OF SPAIN IN SUPPORT OF THE  
OBJECTIVES OF THE CONSUMER POLICY STRATEGY  
(2002-2006)**

## **OBJECTIVE 1: A HIGH COMMON LEVEL OF CONSUMER PROTECTION**

### **SAFETY OF CONSUMER GOODS AND SERVICES**

- Transposal of the Product Safety Directive, the draft has already been reported on by the Autonomous Communities, after hearing the views of the interested sectors and the Consumers and Users Council.
- Draft Royal Decree on information to consumers concerning exposure to electromagnetic emissions and the use of mobile phones.
- Royal Decree 1002/2002, regulating the sale and use of UV tanning machines so as to ensure that the risks arising from the use of this technology for cosmetic purposes are minimised, and are at least no greater than the risks from the sun's rays.

### **PROTECTION OF CONSUMER ECONOMIC INTERESTS**

- Law 39/2002 of 28 October, transposing into Spanish legislation various Community Directives concerning the protection of consumer interests:
  - The Directive on comparative advertising
  - The amended Directive on consumer credit
  - The Directive on injunctions for the protection of consumers' interests.
- Law 47/2002 of 19 December reforming the Law on the Organisation of the Retail Trade, for the transposal into Spanish legislation of the Directive on distance contracts.
- Law on Guarantees relating to the Sale of Consumer Goods.

- Model rules regulating the right to information and the economic rights of consumers and users of private centres which dispense non-official education.
- Model rules regulating the right to information and the economic rights of consumers and users as regards timeshare rights for tourist properties.
- Legislative proposals for incorporation into the Law on Fiscal, Administrative and Social Measures for 2004, relating to amendment of the Law on Consumer Credit and the Law on the Organisation of the Retail Trade.
- Draft instrument transposing the Directive on distance selling of financial services.

## **ELECTRONIC COMMERCE**

- Law 34/2002 of 11 July on Information Society and Electronic Commerce Services.
- Draft Royal Decree creating the public mark of approval for information society and electronic commerce services and regulating the requirements and award procedure.

## **THE ENVIRONMENT**

- Royal Decree on the provision of information on fuel consumption and CO<sub>2</sub> emissions to consumers when marketing new cars.
- Royal Decrees transposing into Spanish law two Community Directives on the energy labelling of electric ovens and of air conditioners, and a Royal Decree incorporating the latest amendments to the general EU regulations on the labelling, presentation and advertising of food products.
- Participation in the Environment Ministry's working group for the creation of a sustainable development strategy.

- Participation in the drafting of the document "Energy Efficiency Strategy for Spain, 2003-2012", recently approved by the Government's Economic Affairs Committee.

### **SELF-REGULATION, CO-REGULATION, CODES OF CONDUCT**

- Examination of existing charters and production of a model charter – minimum contents – to be submitted to the Consumer Associations and the sector (and, where appropriate, by regulatory or supervisory bodies) for consideration.
- Proposal for a joint initiative by all the Autonomous Communities, at the same time and at the highest level, inviting businesses established in their respective territories to produce – in collaboration with the Consumer Associations – a service charter covering at least the minimum points contained in the model charter adopted.
- A code of ethics for the dispensing of non-official education has been agreed with the main associations in the sector, namely CECAP, ANCED and FECEI.
- Participation in the Committee for the Supervision of Premium-Rate Telephone Services, which has led to the approval of a code of conduct for the operation of premium-rate telephone services and the monitoring by the Standing Committee of the service provided to users.
- Promotion of the adoption of a European code for age labelling on entertainment software, to which the sector in Spain has subscribed.
- Work has begun on revising and updating the collaboration agreements concluded with ANFALUM, AFME and AEFJ.
- Approval of the National Consumer Institute's services charter.

### **OBJECTIVE 2: EFFECTIVE ENFORCEMENT OF CONSUMER PROTECTION RULES**

## **APPLICATION OF THE RULES ON THE SAFETY OF CONSUMER GOODS AND SERVICES**

- Considerable increase in the number of unsafe product consumer alerts processed in 2002. By 30-06-03, since the entry into force of the Strategic Plan, 425 alerts had been processed, signifying an increased attention to consumer safety.
- Promotion of the System for the Rapid Exchange of Information, a more flexible and more efficient alert network concerning products which could pose a health risk to consumers:
  - Study of guidelines for the Rapid Exchange of Information System pursuant to Directive 2001/95/EC on general product safety.
  - Revision and updating of the detailed procedures for the notification, control and monitoring of non-food consumer products which could pose a health risk to consumers.
- Creation of a European network complementing the Rapid Alert Network, made up of experts in product safety from all Member States, for the rapid interchange of risk assessment information, analysis methods, scientific knowledge, information on product withdrawals, market surveillance operations, etc, and which will in due course be extended to the national level.
- Creation of a data base of all the notifications received from the EU and those generated by the Autonomous Communities via the Rapid Alert Network, and on the measures taken by the market inspectors in response to the notifications received.
- Meeting of the Technical Committee for Product Safety to rule on the risk potential of certain products.

- Revision of the detailed procedures for the notification, control and monitoring of non-food consumer products which could pose a health risk to consumers.
- Compilation of data on domestic and leisure accidents linked to product safety.
- Study of the national regulation of safety services.
- Enhanced cooperation with Customs on conformity checks on third-country products for product safety, pursuant to Regulation 339/93/EEC: for example, measures have been taken in respect of electric light garlands.
- Enhanced cooperation with the National Toxicology Institute regarding chemical products for domestic use, to study the problems these could cause for consumers.
- Promoting the cooperation and participation of local authorities in the Rapid Alert Network (system for the rapid exchange of information on products that may pose a risk).
- Information for consumers, via the Internet, on certain unsafe products and the risks they can pose.
- Implementation of the framework collaboration agreement between the Ministry of Health and Consumer Affairs and CERMI (the Spanish committee of representatives of the disabled). Seminar on Accessibility and Safety: Products and Services.
- "International Conference on Consumer Safety: The new regulatory and technological framework in a society at risk", held in Cádiz from 29 to 31 January 2003.

## **UNFAIR CONTRACT TERMS**

- Action plan concerning unfair terms in contracts concluded with consumers in the fixed telephony sector.
- Action plan (currently being drafted) concerning unfair terms in contracts in the mobile telephony sector.

- Action plan concerning unfair terms in contracts concluded with consumers in the private, non-official education sector.
- Proposal for an injunction to prevent use of the unfair term “hour and/or fraction of an hour” in public car parks.

## **RESOLUTION OF DISPUTES**

- Organisation of the National Meeting of Consumer Dispute Arbitrators.
- Design and production of a computer application for the online management of consumer dispute arbitration. The application will be usable by all Consumer Arbitration Boards.
- Creation, under the auspices of the National Consumer Institute, of the Centre for the Exchange of EEJ-Net Information, for the resolution of consumer disputes.

By 31 March, the date on which the pilot experiment ended, 206 complaints had been received, putting Spain in fourth place in the countries affiliated to EEJ-Net as regards numbers of complaints received.

- Summer course on justice and out-of-court solutions for the protection of consumers and users (Santander, 21 to 25 July), with the International University Menéndez Pelayo (UIMP).

## **COOPERATION WITH THE OUTSIDE WORLD FOR THE DISSEMINATION AND APPLICATION OF THE COMMUNITY'S CONSUMER POLICIES**

- Active participation as a member of the group of States involved in the dialogue between Europe and Latin America supported by the European Union.
- Active participation in the PHARE project on twinning with applicant countries in the area of the free movement of

goods, led by AENOR (the Spanish Association of Standardisation and Certification) and cofinanced by the European Commission for Bulgaria, Slovenia and Lithuania, with regard to market monitoring and product safety.

## **MARKET MONITORING**

- Scheduling of annual National Market Monitoring Campaigns for food products, industrial products (safety and information/quality) and services.
- Drafting of a document on "Planning of Market Monitoring".
- Establishment of budgetary indicators concerning resources and management in the market monitoring services run by the Autonomous Communities' Consumer Administrations, and of a questionnaire for the national study on Market Monitoring Methods.
- Study concerning modification of the criteria governing territorial competence for supraregional offences.
- Production of a report on the effectiveness and efficiency of the Centre for Investigation and Quality Control.
- Initiation of the first phase of a programme for the integrated and coherent organisation of the analytical activities of the laboratories working for the National Consumer Institute (INC) (National Programme to monitor the quality and safety of consumer products).
- Drafting of the document on Market Transparency.
- Adaptation of the market monitoring information to comply with Commission Regulation (EC) No 204/2002 of 19 December 2001, amending Council Regulation (EEC) No 3696/93 on the statistical classification of products by activity (CPA) in the European Economic Community.

- Establishment of a computerised system for the regular updating of the information on the results of market monitoring nationwide.

### **SUPPORT FOR CONSUMER ASSOCIATIONS**

- Distribution of grants in 2002 totalling 2 041 114 euro, of which 1 039 775.26 euro, i.e. 60.8%, was for the implementation of specific programmes.
- Next distribution of grants in 2003, for a total of 2 041 114 euro.

### **OBJECTIVE 3: PROPER INVOLVEMENT OF CONSUMER ORGANISATIONS IN EU POLICIES**

#### **INFORMATION, TRAINING AND EDUCATION FOR CONSUMERS**

- Schools competition 2002, on the theme : “Am I living safely?”
- Schools competition 2003, on the theme: “Your safety is what counts”.
- Publication of the “Handbook for the Protection of Consumers and Users”, which is used as a textbook by the National Distance Education University (UNED).
- Participation in the national phase of the European Young Consumer Competition, and representation on the Competition's management committee and technical committee.
- Organisation of 27 Consumer Days for Older Persons, covering almost all the Autonomous Communities and attended by a total of 2 459 persons.
- Broadcasting of consumer information spots on Spanish national television (TVE).

- Production of a brochure, in collaboration with the AEB (Spanish Tanning Association) on the new Royal Decree regulating tanning centres.

## **INFORMATION, TRAINING AND EDUCATION FOR PROFESSIONALS**

- Distribution of the publication: “Consumer law: access to justice, liability and guarantees”, based on the conferences held with the Consejo General de Poder (General Council of the Judiciary) in 2001.
- Active participation in courses for inspectors organised by other administrations.
- Organisation of 32 courses in 2002, as part of the Integrated Training Plan for Market Monitoring 1999-2002.
- Training Plan for Consumer Professionals 2003-2006.
- Criteria for cofinancing the courses contained in the Training Plan for Consumer Professionals 2003-2006.
- Recognition, by the public service bodies of the Autonomous Communities and the General State Administration, of the qualifications conferred by the courses included in the Training Plan for Consumer Professionals 2003-2006.
- Review of consumer complaints to, and consumer consultations with, the consumer organisations.
- Monitoring of consumers’ perceptions of the protection available to them as consumers and their knowledge of the institutions.

## **SUPPORT FOR CONSUMER ASSOCIATIONS AND DEVELOPMENT OF THEIR CAPACITIES**

- Organisation of a conference, “Debate on the Green Paper on Consumer Protection”, aimed at consumer associations, businesses, the Autonomous Communities and experts.

- Conferences on initiatives to defend consumer interests.
- Training plans approved by the Consumer Cooperation Commission (State and Autonomous Communities)
- Compliance with the provision of the Law on Guarantees Relating to the Sale of Consumer Goods which orders the Government, within six months, in agreement with the Autonomous Communities and in collaboration with the consumer and user organisations, to set in motion a specific programme to properly inform the latter of the rights and obligations enshrined in this Law and to encourage professional organisations to inform consumers of their rights.

#### **PARTICIPATION OF CONSUMER ORGANISATIONS IN CONSULTATIVE FORA AND CONSUMER POLICY DEVELOPMENT FORA**

- Representation of the Spanish consumer associations in the Economic and Social Committee and the European Consumer Committee.
- Representation of the consumer associations in 8 AENOR committees and a further 67 consultative bodies.
- The national consumer associations have 109 representatives on the consumer arbitration boards.
- Publication of Royal Decree 1203/2002 of 20 November, reforming the Consumers and Users Council to guarantee the Council the role of interlocutor which the current legislation recognises and to establish the representativity criteria for membership of the Council.
- Draft Ministerial Order regulating the appointment procedure for membership of the Consumers and Users Council.

- Contacts, via meetings, round tables and working groups, to discuss problems regarding consumer products, improvement of their quality, and legislative proposals, with a variety of national trade federations or associations, including coffee roasters, the food and beverages industries, perfumery and cosmetics, detergents and cleaning products, manufacturers of soluble coffee, the fishing industry, wholesalers, processors, importers and exporters of fishery and aquaculture products, manufacturers of canned fish and seafood products, retailers of fish and frozen products, major distribution businesses, distributors, self-service stores and supermarkets and milk producers.