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Spain – Consolidated Text of the General Consumer and User Protection Act (RLD 1/2007)



Full title: Royal Legislative Decree 1/2007, of 16 November, approving the Consolidated Text of the General Consumer and User Protection Act and other complementary laws. ("BOE" no. 287 of 30/11/2007). Entry into force: 01/12/2007.

Relevant Amendments: Law 29/2009, of 30 December, amending the law relating to unfair competition and advertising to improve the protection of consumers and users. Entry into force: 01/01/2010.

This law implemented the Unfair Commercial Practices Directive (UCPD) 2005/29/EC in addition to the codified Directive 2006/14/EC on misleading and comparative advertising (MCAD)

http://boe.es/diario_boe/txt.php?id=BOE-A-2009-21162#analysis

Art. 3.4 of Law 29/2009 of 30 December amended Art 20 RLD 1/2007

Law 3/2014 of 27th March, enacting the revised text of the General Law for Consumer and User Protection and other complementary laws, approved by Royal Legislative Decree 1/2007 of 16th November. Entry into force: 29/03/2014.

This Law implemented the Consumer Rights Directive (CRD) 2011/83/EC of 25th October. <http://boe.es/buscar/doc.php?id=BOE-A-2014-3329>

Paragraph 2 of Art 20 RLD 1/2007 is amended by art. (único) 4 of Law 3/2014

Title of relevant sections: Article 20: Necessary Information in the commercial offer of goods and services
From: Book 1 – General Provisions; Title 1 – Scope of Application and Basic Consumer Rights; Chapter V – Protection of the Legitimate Economic Interests of Consumers and Users

Article 20 Necessary Information in the commercial offer of goods and services

1. Commercial practices which, in a manner appropriate to the means of communication, include information on the characteristics of the good or service and its price, thus enabling the consumer or user to make a decision regarding purchase, must contain, if not already apparent from the context, at least the following information:

a) Name, company/ registered name and full address of the trader/ businessman responsible for the product offered and, where appropriate, the name, company/ registered name and full address of the trader/ businessman on whose behalf he acts.

URL of source: <http://boe.es/buscar/act.php?id=BOE-A-2007-20555>

b) The essential characteristics of the good or service in a manner appropriate to their nature (goods and services) and to the means of communication used.

c) The full and final price, inclusive of taxes, providing a breakdown, where appropriate, of the amount of additions or discounts applicable to the offer/transaction and the additional costs being passed onto the consumer or user.

In all other cases where, owing to the nature of the good or service, the price cannot be accurately determined in the commercial offer, the consumer and user must be informed of the basis of the calculation in order to allow them to check the price. Similarly, when the additional costs being passed on to the consumer or user cannot be calculated in advance on objective grounds, they must be informed of the existence of these additional costs, and if known, their estimated amount.

d) Payment procedures, deadlines for delivery and performance of the contract and the complaint handling policy, where they depart from the requirements of professional diligence, as defined in Article 4.1 of the Unfair Competition Law.

e) Where appropriate, the existence of a right of withdrawal.

2. Failure to comply with the provisions of the preceding section shall be considered unfair practice on the grounds of being misleading, under the same terms as those laid down by article 7 of Law 3/1991, of 10 January, on Unfair Competition
