
Full title: and context 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.

Elements of the translation below, specifically those shown in italics, are unofficial and non-binding. Those clauses in regular font are from the Ministry of Justice translation in 2014.

This is an important 'general' consumer protection law but as the title implies it covers wide ground and often relates to consumer rights and contractual terms and obligations. We have translated only those clauses that relate directly to commercial communications, excepting distance commercial communications, which can be found under article 96 of the RD 1/2007 – link shown in the footer below. Additionally, we have shown transpositions from the EU Directive 2019/2161 relating to search rankings and consumer reviews.

Relevant amendments: Law 4/2022, of February 25, 2022 on the protection of consumers and users in situations of social and economic vulnerability amends article 20: Section 2 is amended and section 3 is added by article 1.6

<https://www.boe.es/eli/es/l/2022/02/25/4>

Royal Decree 24/2021, of November 2. Article 82.2 amends article 20

<https://www.boe.es/eli/es/rdl/2021/11/02/24/con>

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# analisis

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>

URL of source: <https://www.boe.es/eli/es/rdlg/2007/11/16/1/con>

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

Title of relevant sections:	Article 20: Information required 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 <i>As amended 2022 by Law 4/2022, of February 25 and Royal Decree 24/2021, of November 2</i>	<p>Information required in the commercial supply of goods and services</p> <p>1. Commercial practices which, in a manner appropriate to the means of communication, include information on the characteristics of goods or services and their price, enabling consumers or users to make a decision regarding purchase, must contain at least the following information, unless it is already clear from the context:</p> <p>a) Name, registered name and full address of the entrepreneur responsible for the product offered and, where appropriate, the name, registered name and full address of the entrepreneur on whose behalf they are acting.</p> <p>b) The essential characteristics of the goods or services in a manner appropriate to their nature and the means of communication used.</p> <p>c) The full final price, including taxes, providing a breakdown, where appropriate, of the amount of any additions or discounts applicable to the transaction and any additional costs that are passed on to the consumer or user.</p> <p>In other cases in which the price of product offered cannot be agreed upon exactly due to the nature of the goods or services, information shall be given as to the basis for calculation, which will allow the consumer or user to check the price. Likewise, when the additional expenses that are passed on to the consumer or user cannot be calculated in advance for objective reasons, information shall be provided to the effect that there are additional expenses, along with an estimated amount in this regard, if known.</p> <p>d) Payment procedures, deadlines for delivery and performance of the contract and the system for handling complaints, where they deviate from the requirements of professional diligence, as defined in article 4.1 of the Unfair Competition Act (Ley de Competencia Desleal).</p> <p>e) The existence of the right of withdrawal, if applicable.</p> <p>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.</p> <p><i>2. For the purposes of complying with the provisions of the previous section and without prejudice to the sectoral regulations that may be applicable, the information required to be included in the commercial offer must be provided to consumers or users, mainly in the case of vulnerable consumers, in clear, understandable, truthful terms and in a format that ensures their accessibility, in such a way that secures their proper understanding and allows optimal decision-making for their interests.</i></p>

URL of source: <https://www.boe.es/eli/es/rdlg/2007/11/16/1/con>

3. Failure to comply with the provisions of the preceding paragraphs will be considered unfair practice on the grounds of being misleading in the same terms as those established in article 7 of Law 3/1991, of January 10, on Unfair Competition.

4. Commercial practices in which an entrepreneur enables access to consumer and user reviews of goods and services must contain information on whether or not the entrepreneur ensures that said published reviews have been made by consumers and users who have actually used or acquired the good or service. To this end, the entrepreneur must provide clear information to consumers and users about how reviews are managed.

5. The burden of proof of compliance with the information requirements established in this article will fall on the entrepreneur.

6. Failure to comply with the provisions of the preceding paragraphs will be considered an unfair practice as it is misleading in the sense of article 7 of Law 3/1991, of January 10, on Unfair Competition.

The following clauses were included in the Decree, 24/2021 of November 2, article 82, which states that they are in amend of article 20 of Law 1/2007 but we could not find them in the consolidated version of the Decree (linked in the footer of this document). These clauses relate to Search rankings explanation and are transposed from Directive 2019/2161. Similar requirements have been transposed into Law 3/1991 on Unfair Competition under article 26.

3. Commercial practices offering consumers and users the possibility of searching for goods and services offered by different entrepreneurs or consumers and users based on a query in the form of a keyword, expression or other type of data entered, regardless of where the transactions are ultimately carried out, must contain, in a specific section of the online interface that is easily and directly accessible from the page where the search results are presented, the following information:

a) General information regarding the main parameters that determine the classification of the goods and services presented to the consumer and user as a result of the search.

b) The relative importance of these parameters compared to others.

This section will not apply to providers of online search engines, as defined in article 2.6 of Regulation (EU) 2019/1150 of the European Parliament and of the Council, of June 20, 2019, on the promotion of fairness and transparency for professional users of online intermediation services.
