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Spain – Law 3/1991 on Unfair Competition



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| Full title: | Law 3/1991 of 10th January on Unfair Competition. Entry into force 31/01/1991. |
| Relevant Amendments | <p>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 on 01/01/2010.</p> <p>The law implemented the Unfair Commercial Practices Directive (UCPD) - Directive 2005/29/EC</p> |
| Title of relevant sections: | Chapter III: Commercial Practices involving consumers and users |
| Article 19.2 | The commercial practices regulated in Articles 21 - 31 inclusive, are unfair commercial practices to consumers in all cases and under all circumstances. |
| Article 29 | <p>Aggressive practices using harassment</p> <p>2. Making unsolicited and repeated proposals/ offers by telephone, fax, e-mail or by other means of distance communications, except in circumstances and to the extent legally justified to comply with a contractual obligation, shall likewise be deemed unfair.</p> <p>In these communications, the entrepreneur or professional must use systems that enable the consumer to register their opposition/ objection to receiving commercial proposals/ offers from said entrepreneur or professional.</p> <p>So that the consumer or user can exercise their right to express their opposition/ objection to receiving unwanted/ unsolicited commercial proposals/ offers, when these are made over the telephone the calls must be made from an identifiable telephone number.</p> <p>This is without prejudice to what is established in current regulations on personal data protection, information society services, telecommunications and distance contracting with consumers or users, including the distance contracting of financial services.</p> |
