

---

## **INFORMATION NOTICE FOR TRADERS AND MERCHANTS AS A RESULT OF THE ENTRY INTO FORCE OF LAW 22/2010, OF 20 JULY, ON THE CATALAN CONSUMER CODE**

Law 22/2010, of 20 July, on the Catalan Consumer Code was published in the Official Gazette of the Government of Catalonia on 23 July 2010. This law establishes a new regulatory framework applicable to consumer relations in Catalonia. Its provisions involve certain **new** regulations for traders and merchants who provide services or sell their products in Catalonia. These new regulations are subject to transitional arrangements so that adaptation will be required as of 23 January 2011 for large companies and as of 23 July 2011 for traders that are small or medium enterprises.

In this new regulatory framework, **obligations** in which there has been a change from the previous regulations and which will become a requirement from the above dates can be summarized as follows:

### **PAYMENT BY CREDIT OR DEBIT CARD**

If a commercial establishment accepts payment by credit or debit card, it cannot increase its prices because of the means of payment used by an amount exceeding the cost that the trader has to bear directly as a result of the acceptance of electronic means of payment. In other words, the trader or merchant may only pass on to the consumer the fee paid for the use of electronic means of payment and under no circumstances may they increase its amount. Consumers must be informed of the amount of the fee or its calculation method.

If the commercial establishment accepts cards and other means of payment on a regular basis, their use cannot be limited at certain times or under certain conditions, such as for example during the sales.

### **RECEIPT OR INVOICE**

Traders and merchants must provide an invoice, receipt or proof of the transaction made. They must use a medium for their invoices or receipts which has a duration equivalent to at least the useful life or conformity of the good or service they provide. In other words, the use of paper or other media that become illegible over time is prohibited when the preservation of information for at least the period of life or conformity cannot be guaranteed.

### **CONSUMER SERVICE**

Traders and merchants are required to provide the information that is requested by consumers personally and, if necessary, in person. This means that traders and merchants have to attend to consumers using systems that allow for personalized care without the use of automated response systems. If they have a customer service telephone line it cannot be a premium rate number such as an 807 or similar.

Traders and merchants are required to respond to consumers who make complaints or report incidents arising from the consumer relation as soon as possible and in any case within at most one month.

## **DOCUMENTS FOR CONSUMERS**

The documents that traders and merchants are obliged by law to give to consumers must meet the formal requirements for ease of reading and understanding. The font size must enable and facilitate reading and understanding of the text and the contrast of the smallest font must be at least equal to the highest text contrast.

## **PAYMENT IN ADVANCE**

If traders and merchants accept money from their customers as an advance on the final price, they must guarantee repayment by means of a guarantee signed with a bank or insurance taken out with an insurance carrier when the amounts paid in advance are greater than 25% of the total amount of the transaction and come to more than €100.

## **OFFERS AND PROMOTIONS**

When a trader or merchant advertises promotions or offers for a period of time, they must be able to meet the demand of consumers. If stocks of the product or service being offered run out, the trader or merchant will have to issue an order form stating the right of the consumer to acquire the goods or services being promoted or others with similar conditions and indicating the date when this right can be exercised.

## **OFFERS WITH A PRICE REDUCTION**

Information about reductions in the normal sale price of goods or services may be given by indicating the normal price and next to it the reduced price as up until now, or this information may be replaced by the percentage reduction in the normal price.

## **SERVICE GUARANTEES**

Unless there are specific sector regulations and without prejudice to the regulations applicable to the conformity of products, services must be guaranteed for at least six months from when their provision is completed.

## **PRIOR QUOTATION**

Traders and merchants who provide services must give a prior quotation in writing for these services unless the consumer expressly waives this right in writing, while those who market products will only have to draw one up at the request of the consumer.