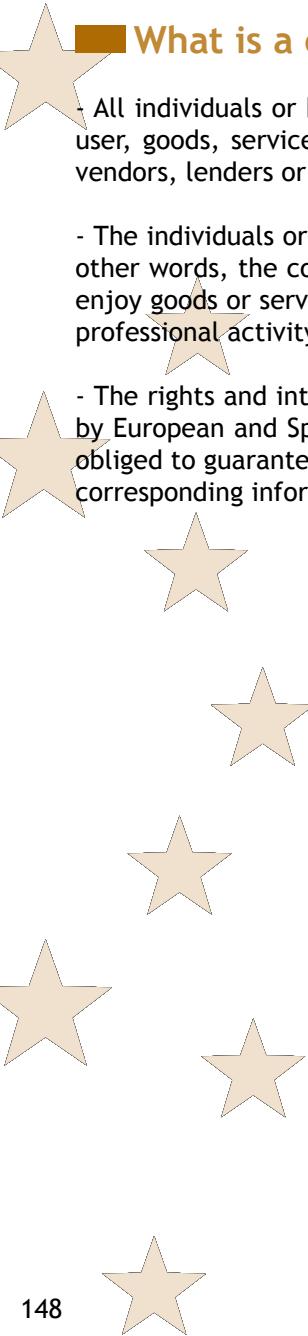


Rights of Consumers and Users

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■ What is a consumer or user?

- All individuals or bodies corporate of any nationality or origin acquiring, using or enjoying, as the end user, goods, services, products, activities or functions, whatever the legal character of the producers, vendors, lenders or distributors.
- The individuals or bodies corporate who are not end users are not considered as consumers or users; in other words, the consideration of consumer or user shall not apply to those who purchase, store, use or enjoy goods or services with a view to integrating them into the organisation or exercise of a business or professional activity or for the provision of services to third parties.
- The rights and interests of consumers and users, as well as their health and safety, are widely covered by European and Spanish legislation and the regional legislation of Valencia. The various authorities are obliged to guarantee the protection of the rights and interests of consumers and users and to provide the corresponding information and education, as well as to encourage the associations thereof.



Main Rights of Consumers and Users

- The main rights of consumers and users are as follows:

- Right to the protection of their health and safety.
- Right to the protection of their economic and social rights.
- Right to correct information about the goods and services (form of use, risks, correct labelling, etc.).
- Right to appropriate education and training in consumer matters.
- Right to representation, consultation and participation of consumers and users through their corresponding associations for matters related to consumerism and markets.
- Right to legal, administrative and technical protection provided by the public authorities to enable the free selection and correction of situations involving inferiority, subordination and defencelessness.
- Right to indemnification or reparation for damages.

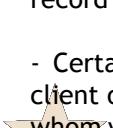
- Whatsoever waiver of any of the above rights in the purchase and use of goods or services shall be null and void.



Protection of the Rights of Consumers and Users

- Consumers and users have various options for protecting their rights and interests and the said protection can be individual or through an association of consumers and users. The options are as follows:

- Complaint to the company itself

-  - If you are not satisfied with a service or product you have received, you should first of all complain to those responsible for the company.
-  - Many companies have a customer service where you can file your complaint. This type of complaint is usually made verbally or over the telephone, although it is best to do it in writing to ensure a record of your complaint.
-  - Certain companies (banks, savings banks, insurance companies, etc.) are obliged to have a client ombudsman, which shall be an individual or entity of prestige, outside the organisation, to whom you can turn if an agreement is not reached with the enterprise. The decisions issued by the client ombudsman are binding for the enterprise, but not for the consumer, who, if not satisfied, can use the other means available to protect his interests.

- Complaint to the authorities

-  - If you report the enterprise to the authorities and it is demonstrated that the enterprise has broken the law, it shall be penalised. However, the authorities shall not determine indemnification for damages in favour of the consumer under any circumstances. Whatever indemnification can be obtained only by amicable agreement, consumer arbitration or from the courts.
-  - In some cases, the authorities mediate to help the parties reach an agreement, but if no agreement is reached, the authorities are unable to take whatsoever decision.
-  - Whatever the case, it is best to report the enterprise, since if it is penalised, it can be used as proof in your favour during the consumer arbitration process or in the courts.

- Consumers and users have two ways of reporting an enterprise or professional to the authorities:

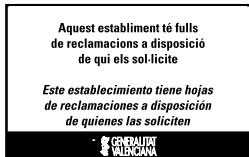


Report: in writing to The Municipal Office of Information for Consumers (OMIC) of the Local Authorities .



Or to the Territorial Consumer Service of La Generalitat Valenciana(STC)

Complaint forms: A quadruplicate form, each copy of a different colour (white, green, yellow and pink), written in Spanish, Valencian, English and French, which should be available in all establishments opened to the public, through which consumers can register a complaint.



The establishments open to the public are obliged to have complaint forms available for clients and there must be a visible sign informing clients of their existence.

The complaint forms should be completed in the establishment itself in Spanish, Valencian, English or French, although it is best to complete the form in Spanish or Valencian or to provide a translation when the white copy is presented.

Consumers should take the white and green copies with them, presenting the white copy to the OMIC or the STC, or, in the case of tourist establishments (hotels, hospitals, country lodges, fairgrounds, travel agencies, restaurants, etc.), to the Municipal Tourist Office (OMT) or the Territorial Tourism Service of La Generalitat Valenciana (STT).

- Consumer arbitration

- The Consumer Arbitration System (SAC) is an extrajudicial way of solving disagreements between consumers and an enterprise or trader.
- It is a quick system: a solution is obtained in a term of no greater than 4 months.

- It is an effective system: a mandatory solution is obtained for the parties without the need for going to court.
- It is an economic system: it is mainly free, without court costs and without the need for lawyers.
- It is a voluntary system: both parties must want to submit to the system, where the enterprise cannot be forced to do so. Therefore, it is best to purchase products and services from enterprises who have voluntarily accepted submission to the SAC, since it is an additional guarantee. These enterprises can be identified by the following sign.



- The application for arbitration can be presented to the corresponding Consumer Arbitration Board either by the consumer or through an association of consumers and users. The arbitration shall be resolved by means of a decision known as the "arbitrator's award", which, for all intents and purposes, is similar to a sentence issued by the courts and is binding for the parties.

- Courts

- You can turn directly to the courts of justice or do so once a complaint has been filed to the company without success.
- You cannot turn to the courts if you have previously submitted the matter to the Consumer Arbitration Board.
- You can turn to the courts of justice individually with your lawyer, although it is best to do so through an association of consumers and users.
- There are two options regarding the courts: civil proceedings and criminal proceedings.

Civil proceedings

In the civil courts, you can demand various solutions, depending on the problem in question: the delivery of the good or the provision of the service under contract or, otherwise, the return of the price paid; payment of damages; cancellation of a clause in the contract you consider abusive; fulfilment of the offer made in advertising.

Criminal proceedings

The criminal courts are reserved for more serious cases, when the complaint may be considered as a crime. For example: fraud; injury or death; the modification of meters; misleading advertising causing serious damages to the consumer.

In the criminal courts, besides requesting punishment for those responsible, you can also claim for damages.

Associations of Consumers and Users

- The purpose of associations of consumers and users is to protect the rights and interests of users, including their information, training and education.
- This type of association can refer to consumers and users in general or to specific sectors (banking, telecommunications, foodstuffs, etc.).
- These associations receive the full support of the public authorities and can protect the interests of consumers and users with regard to enterprises before the authorities and before the courts. These associations take part in the preparation of legal texts governing consumerism and form part of the Consumer Arbitration Courts.
- These associations take part in the preparation of legal texts governing consumerism and form part of the Consumer Arbitration Courts.

- It is highly recommendable to turn to these associations when you have a problem or claim as a consumer.
- Joining these associations is cheap and it is a good way of keeping up to date and protecting your rights as a consumer.

Consumer Recommendations

- Before purchasing a good or service, especially in the case of the latter, it is a good idea to ask for a detailed estimate stamped or signed by the enterprise.
- It is also a good idea to check the price and conditions of the product or service in various establishments to compare and choose the option that best suits your requirements.
- In the case of doubt (product specifications, form of use, price, methods of payment, warranties, etc.), ask the enterprise for information, preferably in writing. If you have difficulties with the language, inform the enterprise, which, although it is not legally obliged to attend you in any language other than Spanish, will probably have employees who speak your language.
- Check the labelling of the product. If it is incomplete, has been changed or if you do not understand what it says, choose another product.
- If you take a good to be repaired or cleaned (vehicle, clothes, jewels, watches, etc.), ask for a receipt.
- Do not throw away the advertising of the goods and services you purchase, since the said advertising is binding for the enterprise.
- Before signing any contract, read it carefully. If you do not understand part of the contract, seek assistance or take the contract with you and study it carefully at home. Do not sign a contract with blank spaces under any circumstances and, once you have signed it, keep your copy safe.

- It is best not to subscribe to contracts over the telephone, since you do not have a record of the terms and conditions of contract. If you do subscribe to a contract over the telephone, ask for the contract to be sent to you in writing.

- Whenever you purchase a good or service, keep the corresponding receipt (or bill), as well as the warranty documents, where applicable. Check that the purchase receipt includes the details of the establishment, the product and the date of purchase.

- Remember that the minimum term of warranty for consumer goods is two years, without prejudice to longer terms offered by the vendor.

- It is best to contract companies that have quality assurance certificates (ISO 9000), since clients' complaints are given much greater consideration.

- Furthermore, it is also a good idea to contract companies that subscribe to consumer arbitration systems, since it will be easier to solve any problem that may arise.



Reference Legislation

- Article 51 of the Spanish Constitution.
- Article 9.5 of the Statute of Autonomy of Comunidad Valenciana.
- Act 7/1998, dated 13 April, governing the general terms and conditions of contract.
- Royal Legislative Decree 1/2007, dated 16 November, which adopts the re-written text of the General Act for the Defence of Consumers and Users and other complementary legislation.
- Royal Decree 1945/1983, dated 22 June, which governs the infractions and penalties in the protection of consumers and agricultural production.
- Royal Decree 825/1990, dated 22 June, governing the right to representation, consultation and participation of consumers and users through their corresponding associations.
- Royal Decree 636/1993, dated 3 May, governing the consumer arbitration system.
- Royal Decree 303/2004, dated 20 February, which adopts the regulations governing ombudsmen for the protection of clients of financial services.
- Act 2/1987, dated 9 April, governing the Statute of Consumers and Users of Comunidad Valenciana.
- Decree 77/1994, dated 12 April, of the Government of Valencia, which governs the complaint forms of consumers and users of Comunidad Valenciana.
- Certain municipal districts in the province of Alicante have adopted bylaws that govern local consumer services ("charter of the consumer").

■ Offices and Registers

- Instituto Nacional de Consumo [National Consumer Institute.] Príncipe de Vergara 54. 28006 Madrid. Telephone **918224440**. Open to the public from Monday to Friday from 09:00 to 14:00.
- Servicio Territorial de Consumo de la Generalitat Valenciana [Territorial Consumer Service of Generalitat Valenciana] in Alicante. Rambla Méndez Nuñez nº 41 (Torre de la Generalitat). 03001 Alicante. Telephone **966 478 170**. Open to the public from Monday to Friday from 09:00 to 14:00.
- Servicio Territorial de Turismo de la Generalitat Valenciana [Territorial Tourism Service of Generalitat Valenciana] in Alicante. C/ Churruca nº 29. 03003 Alicante. Telephone **965 935 467**. Open to the public from Monday to Friday from 09:00 to 14:00.
- Junta Arbitral de Consumo de la Comunidad Valenciana [Consumer Arbitration Board of Comunidad Valenciana]. C/ Colón nº 32, 46004 Valencia. Telephone **963 866 000**. Open to the public from Monday to Friday from 09:00 to 14:00.
- Junta Arbitral Provincial de Consumo de Alicante [Provincial Consumer Arbitration Board of Alicante]. C/ Mayor nº 39, 03002 Alicante. Telephone **965 145 600**. Open to the public from 09:00 to 14:00.
- Junta Arbitral Provincial de Consumo [Provincial Consumer Arbitration Board], Benidorm office. C/ Júpiter nº 18, bajo. 03501 Benidorm. Telephone **965 868 001**. Open to the public from 09:00 to 14:00.
- Oficina Municipal de Información al Consumidor [Municipal Consumer Information Office] (OMIC).



Useful Telephone Numbers and Websites

- Teléfono de Atención al Consumidor [Consumer Telephone Service]: 900 500 222

- Página del Instituto Nacional de Consumo [National Consumer Institute]:

www.consumo-inc.es

- Principales asociaciones de consumidores [Main associations of consumers]:

www.consumo-inc.es/directorio/INTERIOR/ADC/Asc.htm

- Conselleria de Industria comercio e Innovación [Department of Industry, Trade and Innovation]

www.gva.es/jsp/portalgv.jsp?deliberate=true

- Arbitraje por internet [internet arbitration] (Generalitat Valenciana):

www.gva.es/industria/consumo/consumo10_c.htm

- OMIC's de la Provincia Alicante [OMICs in the province of Alicante]:

www.consumo-inc.es/directorio/interior/omic/omic.htm

