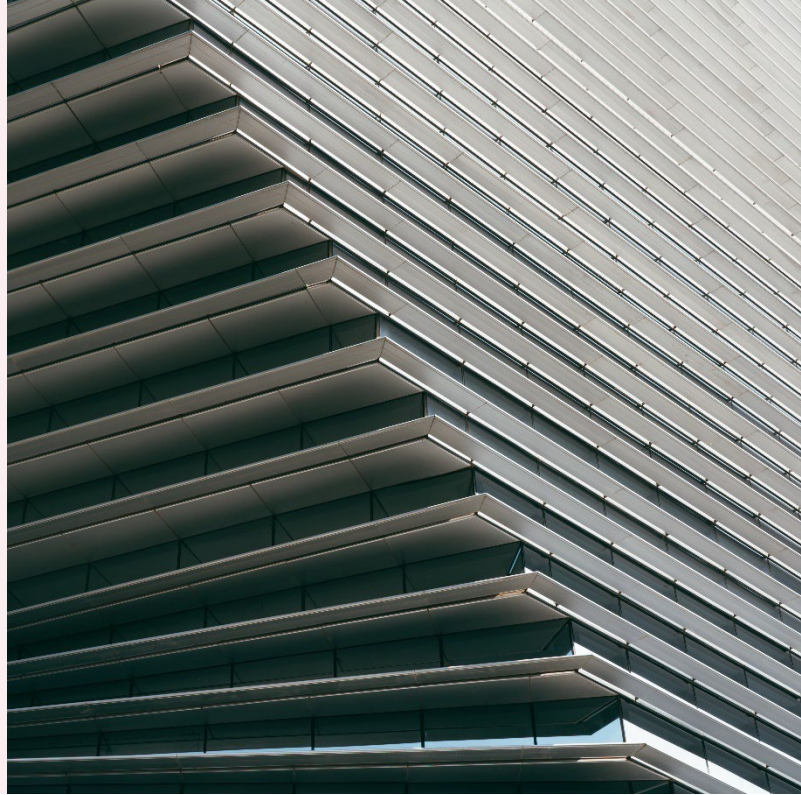


Legal bites on consumer protection in Spain (I)

Customer service under consumer protection law: Act 10/2025

14 April 2026



We are launching a series of articles covering the latest on the general legal framework for consumer and user protection, beginning with an initial analysis of customer service under the new Customer Service Act 10/2025, of 26 December.

Key points

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Which businesses are obliged to have a customer service department?

Businesses that sell products or provide paid services to consumers are required to have a customer service department that is clearly distinguished from the company's other activities and which cannot be used for commercial communication purposes. This service must be universally accessible and provide various alternative means of access to ensure consumers can access it. It must be in line with the provisions of article 21 of the General Consumer and User Protection Act.

This is independent of whether or not Act 10/2025 applies.

What is the purpose of Act 10/2025?

Its aim is to improve the effectiveness of customer (Act 10/2025 uses the term "clientele") service, although it does not apply to all businesses. In particular, it sets out quality standards, as well as systems for assessing and auditing customer service departments.

Which businesses are subject to Act 10/2025?

Act 10/2025 generally applies to two categories of businesses:

- Those providing a basic service of general interest, regardless of their size (these include the supply and distribution of water, gas and electricity; passenger air transport; passenger rail transport; passenger transport by sea or inland waterways; passenger transport by bus or coach; postal services; electronic communications services; and financial services).
- Those engaged in other sales or service provision activities aimed primarily at consumers within Spain, where they are large undertakings (i.e. where in the prior financial year, on a separate or consolidated basis, they employed at least 250 workers, their annual turnover exceeded 50 million euros, or their annual balance sheet total exceeded 43 million euros). Therefore, the calculation takes into account other companies within the group.

Although this also applies to the public sector when it carries out these activities, it is striking that the general regulation of public services is far more limited than the obligations imposed on businesses in this area. The consistency between the rules the government imposes on itself in its dealings with citizens and those it requires of private entities should be the subject of debate.

What about the sectoral rules governing customer service?

These rules take precedence, without prejudice to the supplementary nature of Act 10/2025 (with certain exceptions for financial services).

When will compliance with Act 10/2025 become mandatory?

As a general rule, on 27 December 2026.

What general requirements must customer service departments meet under Act 10/2025?

Act 10/2025 sets out various requirements that can be summarised as follows:

- The department must handle enquiries, complaints, claims and incidents free of charge and in a manner that is universally accessible. No fee may be charged for such services.

- The customer must be notified of any issues relating to the provision of the service, via the channels specified by the customer, on a durable medium. Pending the adoption of implementing regulations, the information must include any compensation that may be applicable.
- The channels for contacting customer service must be clearly indicated in the contract, on invoices or on the website. In any event, the act establishes minimum information on the service that must be provided before the contract is signed.

What are the minimum quality standards?

- Customers may raise enquiries, complaints, claims and incidents through the same channel used to establish the contractual relationship and, in any event, at least by post, telephone or electronic means of communication. If the company has permanent premises open to the public, whether owned or franchised, it must accept enquiries, complaints or incidents at the premises themselves.
- Customers shall be guaranteed the right to be attended in Spanish or, where a business provides services in autonomous communities with another official language, in the language requested by the customer.
- The use of answering machines or similar devices as the sole means of customer service is prohibited. At the customer's request, personal service must be provided over the telephone; on average, this service must be provided within three minutes of the customer's request in at least 95% of cases.
- Customers have the right to be put through to a supervisor if they are dissatisfied with the service provided by the operator.
- Operators must receive adequate training, at least in the areas of universal accessibility and the relevant official languages.
- Telephone calls must be actually attended to (meaning that callers can give the reason for their call and receive personal assistance) within an average of less than three minutes.
- People with hearing impairments shall be entitled to an accessible telephone service, which must be supplemented, at the disabled person's discretion, with either an alternative instant messaging system or a video sign language interpreting service.
- People aged 65 or over, as well as those with disabilities, shall be given priority when contacting customer service by telephone.
- The customer service department must provide the customer with a record of the complaint, claim or incident on a durable medium, at the customer's request or where required by regulation. This record must also be provided in the case of enquiries relating to a contract that has been entered into.
- Complaints, claims and incidents must be resolved within a maximum of 15 business days of being submitted, unless sectoral rules provide otherwise. However, any enquiries or incidents relating to service continuity, in the case of essential services of general interest, must be resolved within two hours. Enquiries or claims regarding incorrect charges must be responded to within a maximum of five days.

- The service must be clearly identified and distinguished from the company's other activities and must have a specific numerical code, different from that used for commercial services, for the customer service telephone line.
- Businesses must introduce a system for assessing customer satisfaction with the service they receive.

Do businesses have to assess the quality of their customer service?

Yes, they are obliged to have in place an annual system for assessing customer service quality, although companies that are not classified as large enterprises may carry out the assessment every two years. The assessment documentation must be made available to the authorities by the end of the first quarter of the following year.

Businesses must have the reliability and accuracy of the assessment system's measurements audited by a duly accredited auditing firm, also annually/biannually. Both the auditor's report and the assessment documentation must be published on the company's website.

What changes does Act 10/2025 introduce with regard to customer service at financial institutions?

Act 10/2025 introduces significant changes to the regulations governing customer service provided by financial institutions, as set out in Act 44/2002 of 22 November, including the following:

- The scope is extended to include, among others, credit institutions, payment institutions, payment service providers, electronic money institutions, management companies of collective investment undertakings, mortgage lenders that are not credit institutions or credit intermediaries, where the latter operate across a geographical area larger than that of a single autonomous community. This entails an extremely diverse group, and it may be difficult for smaller entities to comply with the legal requirements.
- The principles of accessibility, equal treatment and non-discrimination apply, ensuring access for people with disabilities or older people by providing personal assistance tailored to the customer's age, nationality, disability (if any) and computer skills.
- A 24-hour, year-round service must be guaranteed in relation to incidents concerning the maintenance services that must be provided continuously.
- In the case of telephone support, the cost of the call must not exceed that of a call to a standard landline or mobile number, and if the service is outsourced to a third party, this must not result in any increase in cost for the customer. However, the regulation does not allow claims to be made by telephone.
- Greater depth is given on the requirement of autonomy for customer service departments.
- Entities' reporting obligations are reinforced through their branches and websites.

How does a claim sent to customer service interact with the MASC procedural requirement?

Organic Act 1/2025, of 2 January, on measures to improve the efficiency of the Public Justice Service, introduced the use of an appropriate dispute resolution mechanism (Spanish acronym: *MASC*) as a general procedural requirement in civil suits involving individual claims brought by consumers or users. Under its Seventh Additional Provision, this requirement shall be deemed to have been met where a prior out-of-court claim has been made through customer service channels and there has been either no response or an unsatisfactory response has been received.



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