

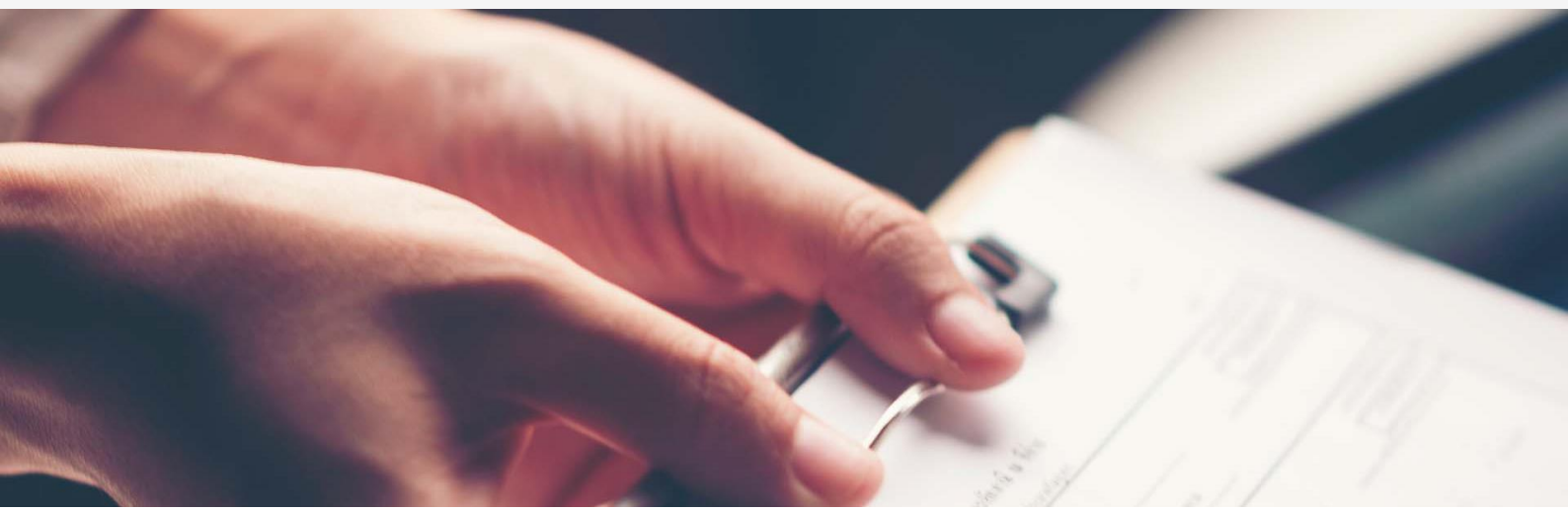
Publication of the Customer Service Act

The term begins for companies bound by it to adapt their customer services.

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KEY ASPECTS

- The Customer Service Act ("**CSA**"), that establishes significant obligations in relation to customer service (characteristics, quality, evaluation, audit, and sanctions), was published in the Official Gazette of the Spanish State on December 27, 2025.
- The CSA applies to companies providing basic services of general interest and large companies that exceed certain thresholds, and it will apply in the absence of sector-specific regulations.
- It entered into force on December 28, and provides for a **twelve-month** adaptation term that has recently begun.
- This Act reforms other laws in line with its provisions, and also includes other changes to the General Consumer Protection Act ("**GCPA**").





The Customer Service Act

The Customer Service Act ("CSA") contains a horizontal framework of characteristics, minimum quality standards, evaluations, and sanctions for customer service, with special emphasis on the protection of vulnerable consumers and accessibility. Preference will be given to sector-specific regulations. The CSA also amends other regulations, such as the General Consumer Protection Act and sector-specific rules, as well as those relating to financial services or telecommunications.

The essential aspects are set out in the following sections of this document.

Scope: basic services of general interest and large companies

According to article 2 of Act 10/2025 of December 26, which regulates customer service ("CSA"), it is applicable to companies that carry out the effective execution of basic services of general interest offered or provided in Spain, including the supply and distribution of water, gas, and electricity, passenger transport by various means, postal services, electronic communications, and financial services, with the latter two being subordinate to their sector-specific regulations.

It also applies to large companies or groups of companies that market goods or services intended primarily for consumers and users when, in the previous financial year, they had at least 250 employees, exceeded EUR 50 million in turnover, or had a balance sheet exceeding EUR 43 million. The CSA is applicable regardless of the customer service channel chosen, even if a third party provides the service, and regardless of the geographical location of the point of communication. It is also supplementary to general consumer regulation, and preference will be given to sector-specific regulations.

General principles and characteristics

Article 4 of the CSA states that Customer Service ("CS") must be free, effective, universal, accessible, inclusive, non-discriminatory, and assessable.

In addition to complying with the requirements of article 21 of Royal Legislative Decree 1/2007 of November 16, approving the consolidated text of the General Consumer Protection Act and other supplementary laws ("GCCPA"), the CS must allow customers to (i) file complaints, claims, incidents, or inquiries; (ii) make claims promptly; (iii) receive confirmation through an identification code and written justification; (iv) obtain a fair refund of the price and other compensation when legally appropriate; and—in the case of vulnerable persons, especially persons with disabilities—(v) choose the format of communication with the CS according to the legislation on accessibility (article 4.2 CSA). The CSA also includes requirements regarding the official languages used to serve customers (article 8.6 CSA), as well as the resources the CS must be equipped with, which must be adequate regardless of whether or not the service is provided directly (article 9 CSA).

Service provider companies must also enable customers to obtain certain additional information, such as receiving assurance as to the utility or purpose of services contracted or offered on a personalized basis, or being informed of the minimum quality levels and the mechanisms in place to demonstrate compliance (article 4.3 CSA).

Services must be designed according to criteria of universal accessibility, equal treatment, and non-discrimination (article 15 CSA). In addition, when technical impossibility exists, complementary means must be provided to ensure access for vulnerable consumers, particularly people with disabilities or the elderly (article 15.1 CSA). The text refers to specific accessibility measures that are necessary for certain matters, such as the video interpretation system or an alternative instant messaging system.

The burden of proof concerning compliance with the obligations imposed by the CSA will be borne by the company (article 4.7 CSA).



Information about incidents

Article 4.5 CSA requires companies to inform their customers of incidents related to the provision of the service or its continuity, and states that the competent authority will develop regulations on this matter.

The CSA also mentions (article 4.6 CSA) that electricity, water, and natural gas distribution companies must immediately and completely inform marketing companies of possible incidents affecting supply.

Responses to incidents involving technical faults that simultaneously affect a large number of water and energy supply or distribution customers, or telecommunications services customers, will be made simultaneously and in real time to all affected parties through the company's digital channel, and if necessary, using the appropriate means of communication (article 13.9 CSA).

Information on customer service

The customer service communication channels—detailed in article 7 CSA—must appear in the contract, in invoices, or on the company's website, in a separate and easily identifiable section, that must meet specific accessibility criteria. Measures to facilitate accessibility will also be required at in-person CS counters (articles 5 and 15 CSA). If the contract is formalized in a document where its size prevents inclusion of information on the CS channels, this information must be visible at points of sale, on websites, or on the means of transport or purchase document itself, and must also meet specific accessibility criteria.

Before contracting, and without affecting the other information obligations that exist under the GCPA and other sector-specific regulations, the company must provide clear and accessible information on (i) the available channels; (ii) mechanisms for recording submissions and content; (iii) follow-up procedures; (iv) channels for communicating the decision; (v) any out-of-court dispute resolution systems available; and (vi) the CS business hours. Additionally, for basic services of general interest provided on a continuous basis, the customer must be informed of the maximum time for issuing decisions (article 5.3 CSA).

This information must be included in contracts, invoices, and web pages (article 5.4 CSA).

Telephone service and irregular calls

The CSA prohibits the exclusive use of answering machines or similar (article 8.1 CSA) and establishes the need to guarantee personalized attention from the main menu options of the telephone channel, with the possibility of requesting it at any time. Companies must also ensure that 95% of personalized care requests will be processed on average within less than three minutes from the time of the request (articles 8.2 and 10.3 CSA). Calls with the customer cannot be cut off due to a long waiting time (article 8.4 CSA). Customers may request that the call be transferred to a supervisor or quality department, who must assist them during the same call or, if it is not possible to transfer the call within three minutes, must contact the customer at another time within the same business day (article 8.3 CSA).

The telephone service cannot involve a higher cost than a call to a standard geographic landline or mobile line (article 10.1 CSA), and an alternative telephone number must be offered when premium-rate lines are used (article 10.2 CSA). Transfers from toll-free numbers to cost-incurring numbers are prohibited (article 10.4 CSA). Certain measures must be adopted to ensure accessibility for people with hearing disabilities, and there must be a priority service for the elderly and people with disabilities.

Additionally, the new wording of article 21 GCPA states that, in the case of basic services of general interest, service providers must, in any case, have a toll-free consumer helpline. For these purposes, basic services of general interest include: (i) water and energy supply and distribution; (ii) financial and insurance services; (iii) postal services; (iv) passenger air and rail transport; (v) passenger transport by bus or coach; (vi) health services; and (vii) any other services that may be legally determined.

Customer service activities must, in any case, be clearly differentiated from commercial activities and, when provided by telephone, must have separate telephone numbers (article 16.3 CSA).



Paragraph four of article 16 CSA imposes obligations on operators in relation to the blocking of certain irregular calls. In this regard, operators must develop technical systems and procedures to identify these calls. To use them, authorization must be obtained from the Secretary of State for Telecommunications and Digital Infrastructures.

Article 62.1 GCPA adds that it will be presumed that there is no intention to enter into a contract—rendering the contract void—for contracts entered into by telephone, that are in breach of the provisions of the legislation on unsolicited calls. In this context, it is understood that consent for the call leading to the contract is deemed not to exist if it has not been expressly obtained or renewed in the two years prior to the call. As an exception, in the case of loans or credits contracted with financial institutions where the contract has been finalized and the sums loaned have been delivered, failure to comply with legislative provisions relating to unsolicited calls will result in applying legal interest rates to the contract. If the agreed interest rate is lower than the legal interest rate, the agreed interest rate will be maintained.

Following up the inquiry, complaint, claim, or incident

The CS must provide an identification code (or have a user identification system, in the case of companies that provide services on an ongoing basis) to enable the follow-up of any inquiry, complaint, claim, or incident (article 11 CSA), and must provide proof in certain cases. If the customer gives his or her express consent, the company must record the call, indicating how to access the recording, which must be kept until the resolution of the complaint has been notified to the customer (article 12 CSA).

Reasoned decision

The decision must answer all the questions raised by customers, providing precise and complete reasoning if they are rejected, in which case it must also inform customers of any out-of-court dispute resolution or the bodies to which they can turn (article 13 CSA). Generic replies are not allowed (article 13.1 CSA).

Prohibition on suspending the service

Article 4.4 CSA generally prohibits suspending ongoing services after a complaint has been filed when the complaint is directly related to the reason for the intended suspension, as long as the decision on the complaint has not been communicated. The regulation adds that referring the matter to an out-of-court dispute resolution system will suspend collection actions and service suspension until an express and reasoned decision is made, except where sector-specific regulations provide otherwise (article 13.8 CSA).

Deadlines for the decision

As a rule, the maximum term for resolving inquiries, complaints, claims, and incidents is 15 business days from their submission, except as provided in sector-specific regulations (article 17.1 CSA).

In general-interest services that are provided on an ongoing basis, inquiries or incidents regarding continuity of the service must be answered within a maximum of two hours, providing any available information on the reasons and on the estimated term for restoration of the service (article 17.2 CSA).

Inquiries, complaints, claims, or incidents regarding billing or undue charges must be answered within a maximum of five days.

Hours of availability

The CS's hours of operation must be aligned with the company's business hours. If the activity is carried out electronically, business hours must refer to the time during which commercial transactions with consumers are



possible. For basic services provided on an ongoing basis, the channel for communicating incidents relating to continuity of the service must be available on a 24/7 basis, every day of the year (article 14 CSA). In any case, customer service activity must be clearly differentiated from commercial activity (article 16 CSA).

Annual evaluation and audit system

Companies are required to implement and document a system for measuring customer satisfaction that makes it possible to identify reasons for dissatisfaction (article 18 CSA). They must also have a system for evaluating the service quality level, which will be carried out annually, except in companies that do not exceed certain thresholds, in which case it may be carried out every two years (article 21.1 CSA).

Rules are established regarding the evaluation system's documentation, which must be kept for at least five years (article 21.2 CSA). The documentation must be made available to the competent authority by the end of the first quarter of the year following the year in which the evaluation was carried out, and the descriptive documentation and the audit must be made public on the company's website (article 21.4 CSA). The system must be updated as often as necessary (article 21.5 CSA).

Notwithstanding current sector-specific regulations, the company must commission an audit to be carried out by an [ENAC](#)-accredited auditor. This audit will also be carried out annually or, exceptionally, every two years (article 22 CSA).

Sanctioning regime (article 23 CSA)

Non-compliance constitutes a consumer violation under the general system of the GCPA and applicable regional legislation, with preference given to sector-specific regulations. In addition, the GCPA is amended so that the violation of section I) of article 47 GCPA, relating to discriminatory actions, is now considered a serious or very serious breach.

Data protection violations will be sanctioned under [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC](#) (General Data Protection Regulation).

Repeat offending and compensation for damages will be taken into account for the aggravation or mitigation of the penalty.

In addition, under the sole additional provision, when the application of the regulation results in the involvement of competent bodies from different administrations, collaboration mechanisms will be established before enforcing a rule to apply a sanction.

Entry into force, adaptation period, and transitory regime

The CSA—which will apply in autonomous communities where it does not conflict with the jurisdictional systems of their respective autonomy statutes—was published in the Official Gazette of the Spanish State on December 27, 2025, and came into force the following day (8th final provision). Under its sole transitional provision ("DTU"), companies falling within its scope must adapt their customer services within 12 months from its entry into force. Therefore, the deadline for adapting the CS is **December 28, 2026**.

In relation to the obligations of article 16.4 CSA on call blocking, it is established that operators will, within **one month from the entry into force** of the Act, notify the Secretary of State for Telecommunications and Digital Infrastructures of the criteria used to detect irregular traffic identified in that section (DTU, section 3).

Lastly, in the case of companies marketing electricity, gas, and telephone services, the stipulations set out in section 2 of article 14 and in sections 2, 3, and 4 of article 16 CSA, will not apply as long as the company providing the service or the corporate group to which it belongs does not reach a 5% share of the national market and does not belong to the category of companies defined in section 2 of article 2 CSA (which includes



certain thresholds). For that purpose, the Spanish National Markets and Competition Commission will present annually, before March of each year, a report analyzing the market shares and the size of the companies in the electricity and gas marketing sectors in the previous year.

Amendments to other regulations

The CSA contains corresponding amendments to other regulations, such as Act 3/1991 of January 10, 1991, the "Unfair Competition Act" (article 27 of which includes a new unfair conduct based on misleading conduct), the Financial System Reform Measures Act (see our [Legal Flash | Impact of the new Customer Service Act on the financial and insurance sectors](#)), Organic Law 3/2018 of December 5, 2018, on the Protection of Personal Data and Guarantee of Digital Rights, Act 11/2022 of June 28, the "General Telecommunications Act", and the GCPA.

In addition to the changes consistent with the CSA (such as the new wording of sections two and three of article 21, or the new 47.1.q), this latest regulation introduces some additional changes, such as those relating to the information required in commercial offers of goods and services.

Regarding the final price (article 20.1.c), it includes the requirement to inform the customer of the potential management expenses, and adds that the final price offered must comply with the applicable price regulations, where appropriate, with reference to that legislation and the parameters used to determine the final price. Article 20.4 stipulates that the reviews must refer to products or services purchased or used within the previous 30 days and that the business owner can respond to them through the same channel, as well as the possibility for the business owner to request their removal in certain circumstances.

Article 97 GCPA, on pre-contractual information for distance contracts and contracts concluded outside the business premises, adds in section f) that automated decision-making for price personalization notified to customers "must remain unchanged throughout the purchase process," and that information must also be provided on "the parameters that have been taken into account to carry out this personalization, or on the data sources used in cases where products or services are contracted in the financial sector, which, under no circumstances, can be discriminatory or exploit situations of urgency or necessity."

In conclusion, section p) of article 97 GCPA adds that in fixed-term contracts subject to renewal, the consumer or user will be informed 15 days prior to the expiry of that period for communicating the intention not to renew, of the expiry of that period and of the consequences of not communicating the cancellation of the renewal.



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