

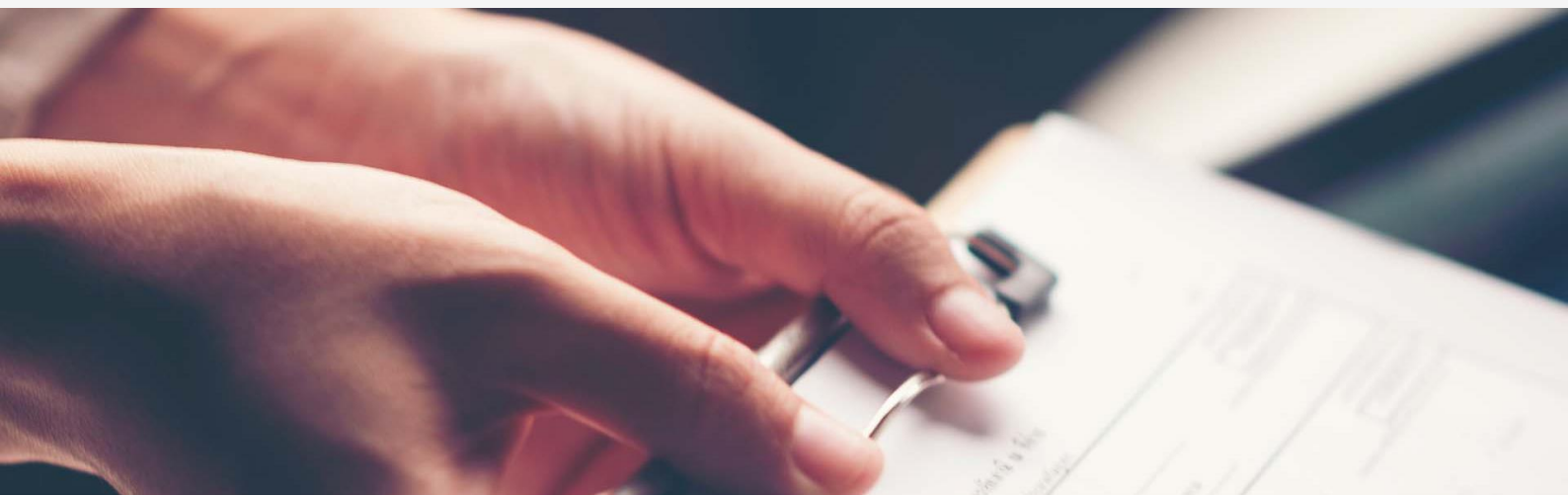
Impact of the new Customer Service Act on the financial and insurance sectors

Reform of the financial consumer protection system through the amendment of Act 44/2002

Spain | Legal Flash | January 2026

KEY ASPECTS

- The new [Act 10/2025, of December 26, regulating customer service](#) (the "CSA"), applies to financial services but **on a supplementary basis** with respect to their sector-specific regulations and, in particular, to [Act 44/2002, of November 22, on Financial System Reform Measures](#) (the "Act 44/2002").
- The CSA **amends Act 44/2002** to update and increase the level of protection for customers of these services.
- In particular, the obligation to have a **customer service department or service ("CS")** is extended to a **wider range of entities in the financial and insurance sector**.
- It also develops the CS requirements and the procedure for customer service and resolution of complaints and decisions for entities in the **financial and insurance sector**.





Context and purpose of the new Act

On December 28, 2025, [Act 10/2025, of December 26, regulating customer service](#) came into force, establishing **minimum quality and evaluation parameters for these services** for sectors providing general-interest services and large companies.

The purpose of this regulation is to standardize customer service, accessibility, and complaint resolution standards, reinforcing the protection of consumers and users.

According to its **transitory regime**, companies falling within its **scope** must adapt their customer service within 12 months from its entry into force (i.e., before **December 28, 2026**).

This press release focuses exclusively on the **specific impact** of this new regulation on the **financial and insurance sectors** and supplements our more general [Legal Flash | Publication of the Customer Service Act](#) regarding the contents of this regulation.

Application in the financial and insurance sector

The CSA applies to financial services **as basic services of general interest**, but on a **supplementary basis** with respect to their sector-specific regulations and act **44/2002, of November 22, on Financial System Reform Measures**.

The CSA also **excludes** financial services from the application of certain provisions, as they would be incompatible with sector-specific regulations.

The CSA amends the General Consumer Protection Act to explicitly classify "**financial and insurance services**" as basic services of general interest, reinforcing the expectation of high service standards, free and accessible channels, and short response times.

In the field of sector-specific regulations, the LSAC repeals—as it is outdated—a large part of [Order ECO/734/2004, of March 11, 2004, on customer service departments and services and the financial institution ombudsman](#). This subject is regulated in Act 44/2002, which has been amended, as described below.

This architecture is aligned with the European framework for **alternative dispute resolution in consumer matters** (Directive 2013/11/EU, transposed by Act 7/2017) and, in particular, with the future regulation of an Administrative Authority, which is currently under review. For more details, please refer to our [Legal Flash | Administrative Authority for the Protection of Financial Customers](#).

In parallel, it is consistent with the upcoming transposition of [Directive \(EU\) 2021/2167 of the European Parliament and of the Council of November 24, 2021, on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU](#) (known as the "**NPLs Directive**"), which will strengthen reporting obligations, diligent treatment, and complaint mechanisms for retail debtors. We describe this pending regulation in greater detail in our [Legal Flash | Draft bill on credit servicers and credit purchasers](#).

The reform of the financial consumer protection system: amendment to Act 44/2002

Within the framework of financial and insurance services, the primary impact of the CSA results from the amendment of Act 44/2002, with the aim of updating and increasing the levels of protection for customers of these services, in line with the new horizontal regulation.



Act 44/2002 structures the financial consumer protection system into **two levels**, which are reinforced as a result of its amendment:

- A first level of defense based on **customer service**, which is reformed at the material and formal level.
- A second level based on the **complaint services of sector-specific supervisors**. In this area, adjustments are introduced.

Below we highlight the primary aspects of the new regulation of Act 44/2002 introduced by the CSA.

Entities subject to the regulation: extension of the subjective scope

The obligation to have a **CS** and, if applicable, to follow the **procedure for handling and resolving complaints, and claims** described below, is extended to a wider range of entities.

It should be noted that prior to the amendment of Act 44/2002, only **credit entities, insurance entities, and investment services providers** were subject to this obligation. As a result of the amendment, the obligation is extended to:

- **financial credit establishments;**
- **payment institutions** and entities covered by articles 14 and 15 of Royal Decree-law 19/2018, on payment services and other urgent measures in financial matters;
- **e-money institutions;**
- **management companies** of collective investment institutions;
- **insurance brokerage companies** and **insurance brokers;**
- **pension fund managers** (with the clarifications established in Order ECO/734/2004 cited above);
- **real estate lenders** and **credit intermediaries** operating beyond an autonomous community;
- **financial entities** operating in Spain with **freedom to provide services** in Spain; and
- **branches** in Spain **of all institutions subject to the regulation**, with registered offices in other Member States.

Obligation to answer and resolve complaints and claims: the SAC

The above entities must handle **complaints and claims** related to the legally recognized rights and interests of financial service users, including those arising from unresolved incidents or inquiries at the office or commercial department level. For these purposes, they must have a CS, which may be shared by a group of entities.

The new article 29 of Act 44/2002 lays out a CS with reinforced material requirements:

- **Concept of complaint or claim:** This is any **statement** regarding **defective service provision** or non-compliance **or defective performance of an offer**, communicated by the customer to the CS, regardless of its classification by the entity. This includes complaints or claims arising from **incidents or inquiries not properly resolved** by the office or department that provided the service.
- **Nature of service:** The customer service must be **free, efficient, universally accessible, inclusive, non-discriminatory, and assessable**, with enhanced care for **vulnerable people or those at risk of financial exclusion**.
- **Continuous service:** The service will be provided during business hours. However, it must be available **24/7, all year round** for complaints or claims arising from the failure to address incidents in services that require ongoing provision.



➤ **CS channels:**

- It establishes the obligation to ensure **in-person** (permanent or intermittent), **telephone, or remote channels**, applying the **principle of personalized care** (i.e., taking into account age, disability, immigration and administrative status, digital skills, geographic area, among other issues).
- Telephone or electronic customer service must be **personalized** and, in particular, must be equipped with resources to offer a service to **vulnerable people** or those at **risk of financial exclusion**.
- The use of **answering machines** (or similar communications media) as the **only channel** for the provision of the customer service is prohibited.
- Any extra charge to the customer on telephone lines **must be avoided**. If premium-rate lines are used, an alternative geographic landline or mobile number must be offered, and tariffs must be transparent.

➤ **Functional separation and preventing conflicts of interest:** The CS must be separate from commercial and operational services and cannot use complaints for cross-selling, except when they involve an objective improvement in conditions or price.

➤ **Human resources and training:** The obligation to equip the CS with sufficient human and technical resources, with adequate **training** for the efficient service provision and a specific service for **vulnerable people, people with disabilities, and elderly people**, is reinforced.

➤ **Advertising the CS:** Detailed information on the CS, its obligation to handle complaints and claims within one month, the communication channels available, and its operating rules, among other issues, must be made available to customers at all customer service offices and on the website.

As set out in Act 44/2002 prior to its amendment, institutions may appoint an **Customer Ombudsman**.

Complaints and claims procedure

The new **article 29 bis** of Act 44/2002 consolidates a regulated procedure for customer care and resolution by the Customer Ombudsman or, if requested, by the CS:

➤ **Resolution period:**

Entities will have a term of **one month** from the **filing** of the complaint or claim (except for special rules for payment services under article 69 RDL 19/2018) to issue a decision.

➤ **Filing:**

- Complaints and claims must be submitted **on paper or by computer, electronic, or remote media** that enable reading, printing, and preservation; submission **by telephone** is excluded.
- The procedure establishes minimum requirements for content and supporting documentation.

➤ **Documentary proof and identification code:**

- The entity must provide **written justification, using the same channel** through which the complaint or claim was filed, assign an **identification code**, and allow the status of the case to be **monitored**.
- A period of **10 calendar days** is allowed to correct defects, which interrupts the calculation of the resolution period.



- Specific grounds are established for rejecting the processing of the complaint or claim, with the obligation to grant a **10-calendar-day** period for submitting claims, which also interrupts the calculation of the resolution period.

➤ **Processing:**

- The case must be finalized within a **maximum term of one month** (or that set out in article 69 RDL 19/2018 for payment services).
- The decision must be **reasoned** and clear, answer all the issues raised, and be based on the contract, transparency legislation, and good financial practices and customs.
- **Notification of the decision** to the customer must be made within **10 calendar days** from the date of the decision, in writing and in the language in which it was submitted.

Complaints and inquiries to supervisors

Some technical clarifications are established regarding the system of complaints to supervisors until the creation of the future **Administrative Authority for the Protection of Financial Customers** mentioned above.

The regulation stipulates that the complaints services of the Bank of Spain, the Spanish Securities and Exchange Commission, and the Directorate General of Insurance and Pension Funds will handle complaints and claims submitted by financial service users, arising from breaches of transparency and protection regulations, or breaches of good financial practices and customs, as well as regulatory inquiries and inquiries regarding legal channels. To access this channel, the customer must prove they have previously filed a complaint with the CS or Customer Ombudsman, and that at least **one month** has passed without having received a response or with a rejection or dismissal.

As a new development, it is established that the supervisor's complaints service must resolve complaints within **90 calendar days** from submission or receipt of the complete documentation.



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