



Summary Report 2009

The **2009 Annual Report** of the Catalan Agency of Consumer Affairs (ACC) is summarised below. The **CD** attached provides the **full report**, which also includes the breakdown of activities in the territory.

Index

1 Structure and budget	066
2 Information to consumers	068
3 Training	070
4 Education: Escola del Consum de Catalunya [The Catalan Consumer Affairs School]	071
5 Mediation and arbitration	073
6 Inspection and market control	077
7 Penalties	080
8 Regulations	081
9 Consumer affairs promotion	082
10 Studies and surveys to guide the action for the defence of consumers of the research line	083
11 Communication and publicity of consumers' right and obligations	084
12 Management of cross border queries and claims	085
13 The Council of Consumers of Catalonia	086
14 Coordination with other agencies and organisations	087
15 The Catalan Agency of Consumer Affairs month by month	088
Addresses	093
Credits	095



Jordi Pericàs i Torguet
Secretary for Financial Policy, Competition and Consumer Affairs

After months of recession, economic indicators point to an improvement which, despite the harshness of the crisis, should be confirmed in the coming months. This is good news, reaffirming the solidity of the Catalan economy and its foundations.

One of the outstanding elements in this process of recovery is the improvement in consumption, which means that consumers are recovering their confidence.

Thus, the work related to the Draft Bill for the Code of Consumer affairs of Catalonia, the assessment of the amendments received during the public information process and the improvement of the text with the contributions from all sectors are all essential. This work has finally enabled the Government to approve, on December 9, 2009, the text of the Bill which is now going through Parliament. The code of consumer affairs extends consumers' rights and adapts the law to the new business activities. Moreover, it brings together all the regulations in matters of consumer affairs that were spread out over different sector-specific regulations. It heralds a major advance, both in the defence of consumer rights and obligations and in the regulation of new practices and types of hiring of goods and services. It also increases the powers of the Autonomous Government of Catalonia in matters of market control and penalties. The text is conceived as a veritable code and is called upon to become a reference point in of the European consumer affairs legislative framework.

Moreover, the Catalan Agency of Consumer Affairs continued to grow substantially in 2009 in most of the variables that make up its activity, both in terms of supervision and committed action in dissemination, information and training.

Modern legislation that efficaciously guarantees consumption relationships and greater capacity and knowledge by the agents involved must ultimately serve to guarantee that these agents, entrepreneurs and consumers continue to promote serious, responsible and quality consumption so that the latter will become a positive factor in our country's economic future.



Jordi Anguera i Camós
Director of the Catalan Agency of Consumer Affairs

The 2009 report of the Catalan Agency of Consumer Affairs (ACC) which we address below, mirrors the results of an intensive year at the ACC.

We see that citizens are beginning to bring greater pressure to bear through their queries, complaints and claims, since they are more knowledgeable about their rights as consumers, and also thanks to the increasing visibility of the ACC as an organisation that defends them. Moreover, the impact of the economic situation has led consumers to pay greater attention to what they spend and claim in the event of discrepancies with traders or service providers.

The telephone and the Internet continued, as in previous years, to hold first place in the number of queries and claims, but they also held the leading place in terms of solving conflicts through mediation and arbitration. The financial and insurance sectors have gained in importance, mirroring the growing concern and the doubts of citizens when hiring this type of service. In the case of transport, which held second place in terms of the number of claims, mention must be made of the low resolution index, since no airlines participate in the arbitration of consumer affairs. The energy sector holds third place, particularly electricity, where queries and claims have increased since the new invoicing system came into force.

2009 was therefore a very busy year for the ACC, and one that brought good results, with a 26% increase in mediation agreements, 76% in arbitration decisions and 19% in inspections. In December, the Government approved the Draft Bill of the Code of Consumer Affairs, which was the best news in a year of intensive work, and has taken Catalonia and the ACC to a leading position in Europe in the defence and guarantee of consumer rights.

1

Structure and budget

In 2009, the ACC managed a total expenses budget of €16,436,564.77, with a work force of 196.

Its organic structure is as follows:

GOVERNING BOARD												
President: Autonomous Minister of Economy and Finance												
Vice-president: Secretary General of Economy and Finance												
Director of the Catalan Agency of Consumer Affairs												
Assistant General Directorate for Attention to the Consumer					Assistant General Directorate for Market Discipline							
Information and Training Department		Mediation and Arbitration Department			Market Inspection and Oversight Department			Regulatory Affairs and Procedures Department	Studies and Communication Department		Administration Department	Consumer Affairs branches in: Girona Lleida Tarragona Tortosa
Information Section		Training and Education Section	Mediation Section	Arbitration Section	Product Inspection Section	Service Inspection Section	Programming and Coordination Section		Publicity and Promotion Department	European Consumption Branch		

1

Structure and budget

In 2009, the ACC moved to new headquarters in Barcelona, in carrer Pamplona, 113, and the Escola del Consum de Catalunya [The Catalan Consumer Affairs School] set up its main offices in carrer Tànger, 98. The new premises were conceived and designed to achieve more efficient management and provide a better service.

CATALAN AGENCY OF CONSUMER AFFAIRS



C/ Pamplona, 113

CATALAN CONSUMER AFFAIRS SCHOOL



C/ Tànger, 98

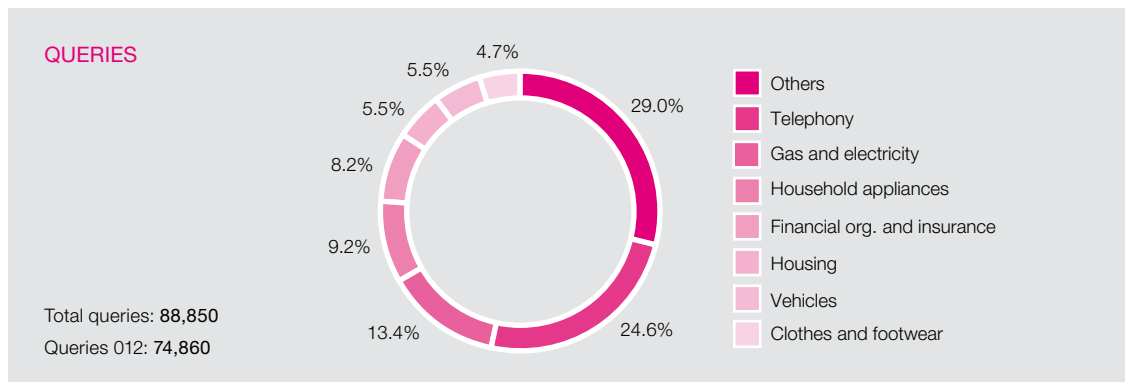
2

Information

The consolidation of information to consumers

One of the main commitments of the Catalan Agency of Consumer Affairs (ACC) is to ensure that citizens realise that someone is looking after their interests as consumers. In this sense, the ACC offers personalised attention to all consumers through different communication channels.

The citizen's attention telephone number, 012, offers a help service to consumers, and informs them of their rights and obligations. The service is manned by consumer affairs specialists. If for some reason the 012 line cannot deal with the query, it is transferred directly to the ACC, where specialists in consumer affairs look for the best answer. In 2009, the 012 line handled 74,860 queries. In services, there are many queries on telephony and the Internet and energy.



E-mail and visits with personalised attention to the ACC are a further two options for queries and information available to citizens, options which are gradually on the increase. The queries received in the ACC by e-mail or through the website form now amount to more than 4,000.

2

Information

Information to consumers via the ACC's website

The ACC website www.consum.cat is structured to provide a response to the three main groups of the ACC: consumers, consumer organisations and companies. It received 459,404 visits in 2009.

One of the most visited pages in 2009 was the on-line claim/complaint form, which allows consumers to lodge claims/complaints from their home. This process generates an incoming registration number, which affords this electronic form the same validity as a document submitted personally to any of the branches of the Administration.

The website also has an area of restricted access for consumer affairs organisations, which has become a very lively space for the coordination of actions between all consumer affairs organisations in Catalonia.

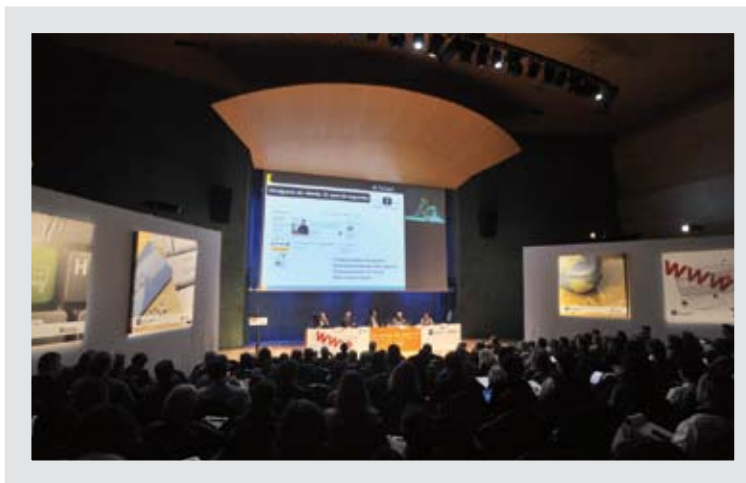
www.consum.cat

3 Training

Training in responsible consumption

The ACC carries out different training activities targeting a wide range of consumers (consumers, residents' associations, the elderly, associations of housewives and different groups), traders and professionals from the world of consumer affairs (professionals from public consumer information offices and associations of consumers of Catalonia), to provide them with training in the general aspects of consumer affairs and conflict-solving, and in emerging legislation and standards.

In 2009, the ACC organised 90 talks for consumers, 49 information sessions for traders and 25 training activities for professionals from the world of consumer affairs, totalling 372 teaching hours.



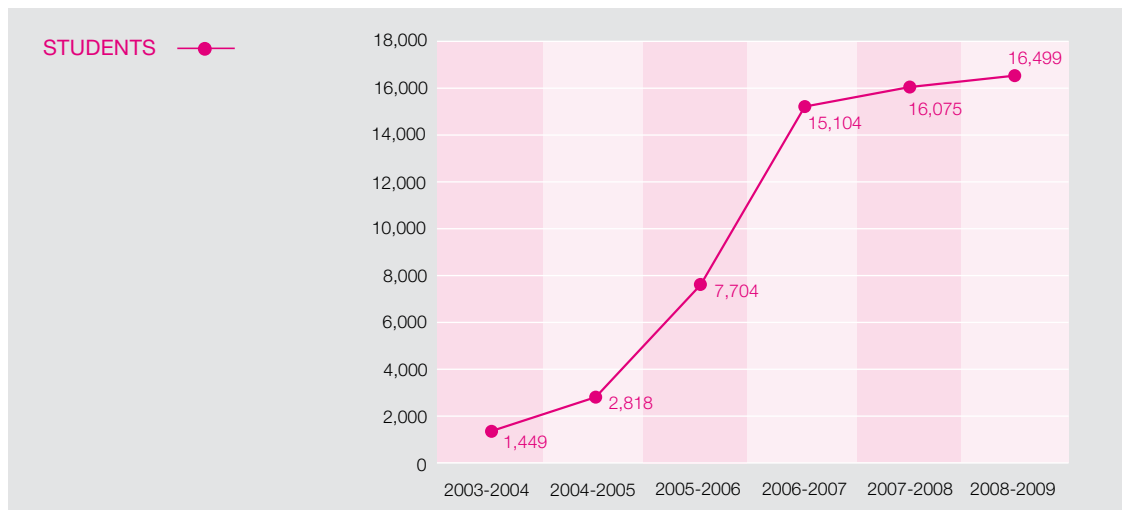
4

Education: Escola del Consum de Catalunya [The Catalan Consumer Affairs School]

The ACC continues to make a special effort to target younger consumers to educate them in more responsible consumption. For this reason, the School of Consumer affairs of Catalonia (ECC) was started up in October 2003 as an ongoing training project for young people in primary, secondary and higher secondary education, training cycles and special education.

The ECC organises recreational and educational workshops for young people, where they learn about their obligations and rights as consumers. In 2008-2009, its activity continued to follow a double parallel-line structure: its head offices, located in Barcelona and with a radius of action of the counties of the first crown, has 10,318 pupils; and its roaming headquarters, which travels Catalan territory and organises workshops for education centres, with 6,181 pupils.

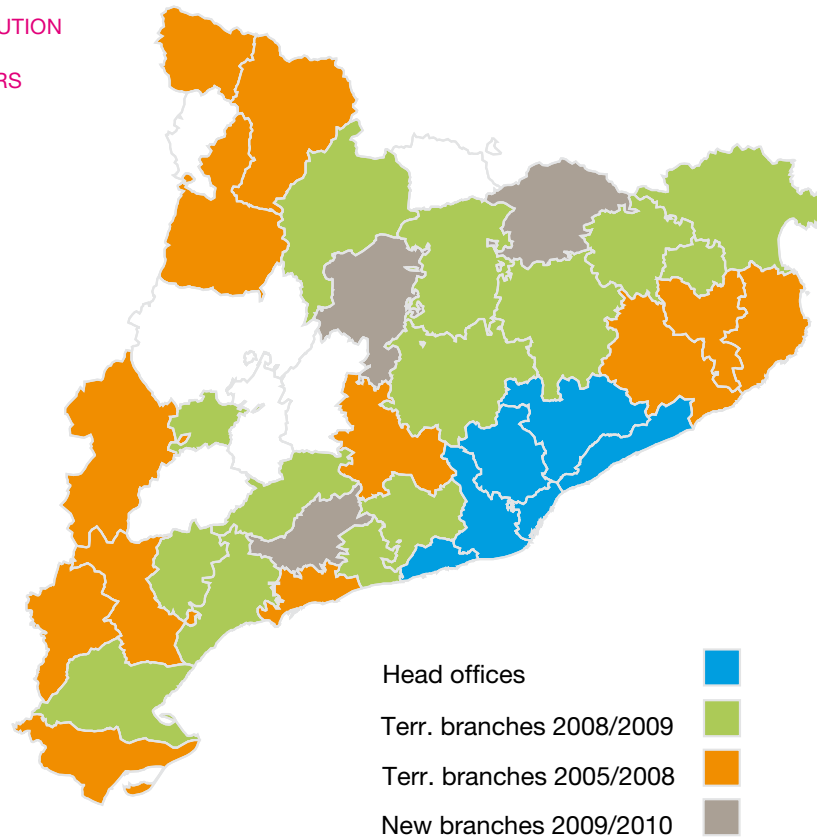
More than 16,000 pupils attended the workshops on education in consumer affairs.



4

Education: Escola del Consum de Catalunya [The Catalan Consumer Affairs School]

TERRITORIAL DISTRIBUTION
OF THE SCHOOL
OF CONSUMER AFFAIRS
OF CATALONIA



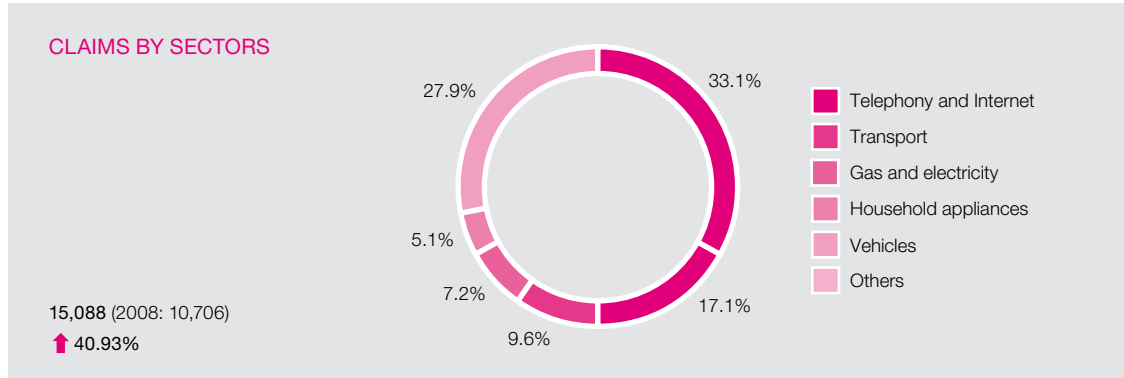
5

Mediation and arbitration

The resolution of claims, mediation and arbitration

The Junta Arbitral de Consum de Catalunya (JACC) [Catalan Consumer Tribunal], attached to the ACC, manages claims made by the public in Catalonia when they feel they have been unfairly dealt with when purchasing a product or receiving a service.

In 2009, the ACC received 15,088 claims. Most of the claims received come from cases corresponding to the telephony and Internet sectors (33.1%), as well as from transport (17.10%). Gas and electricity hold third place due to the new billing system, which has just come into operation.



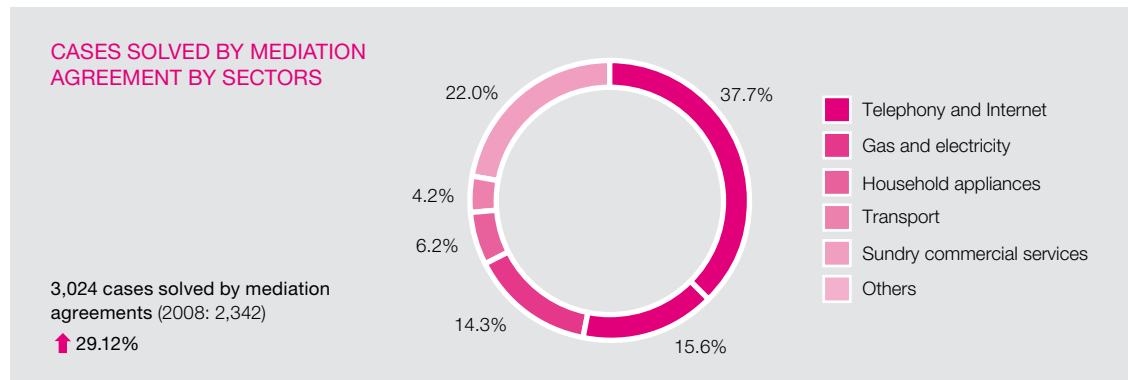
40.93% more claims.

5

Mediation and arbitration

The JACC has recorded a major increase in the two tools that it manages to find solutions to claims brought by consumers and users.

In mediation, an impartial and third party, without any involvement with the parties, seeks negotiated solutions between the consumer and the entrepreneur. 3,024 claims were solved by mediation in 2009. 37.7% pertain to mediations corresponding to the telephony and Internet sector; transport holds the fourth position (6.2%), behind gas and electricity (15.6%) and household appliances (14.3%).

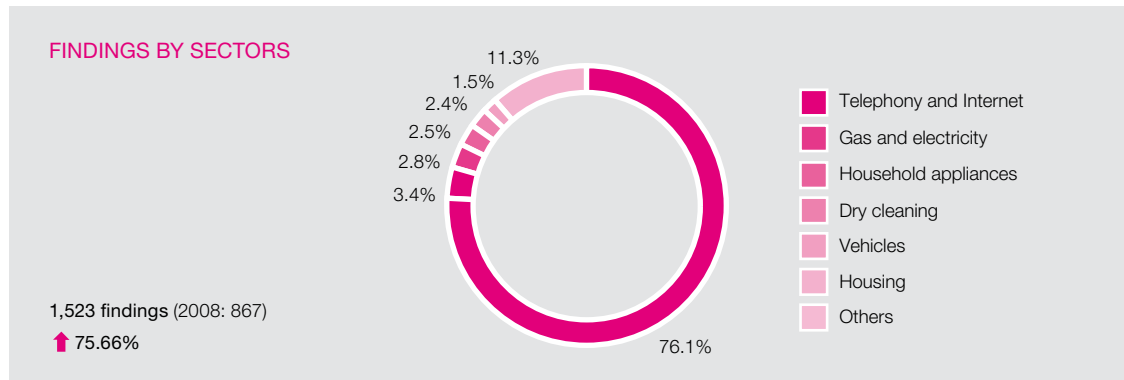


5

Mediation and arbitration

Consumer arbitration is an out-of-court and completely voluntary system in which the parties in conflict allow an independent court of the Arbitration College to resolve their disputes. The decision of the Arbitration College, called a *finding*, is binding for both parties and has the same effect as a court sentence. In 2009, 1,523 findings were issued (75.66% more than the previous year). Of these arbitration findings, 1,202 were resolved through the arbitration college, and 321 before a single-person organ. Of the visits held by the college, 96.5% of the findings were issued by unanimity of the three arbitrators.

The sector with the highest percentage of findings was telephony and the Internet, accounting for 76.1% of the total.



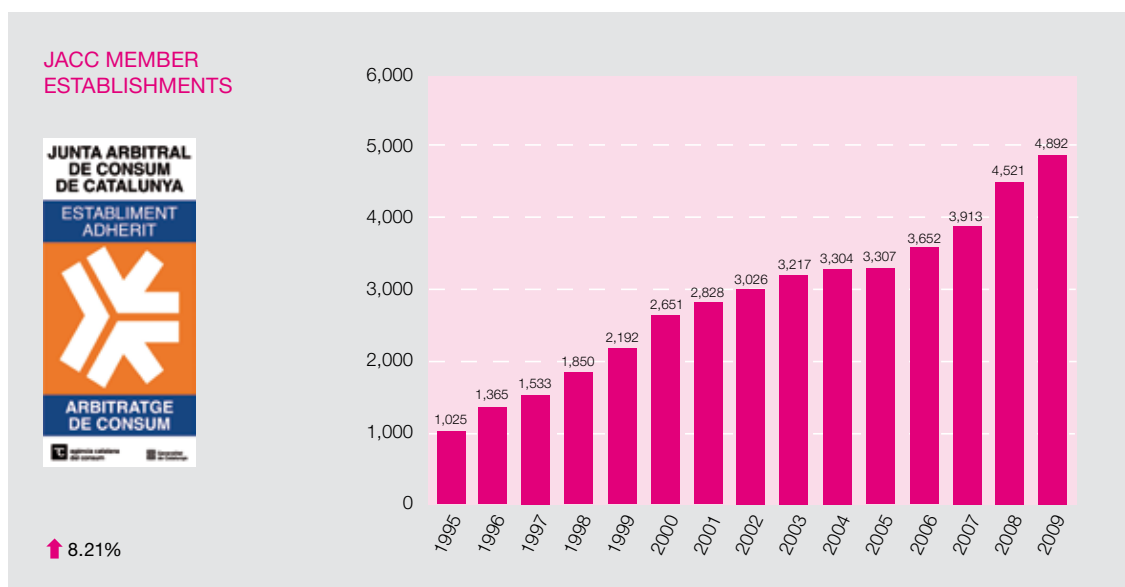
Mention must be made of the use of videoconference at the arbitration hearings, used in Barcelona, Girona, Lleida, Tarragona and Tortosa, and in different county councils with the agreement of delegation of powers.

5

Mediation and arbitration

Adherence of establishments and companies to the arbitration

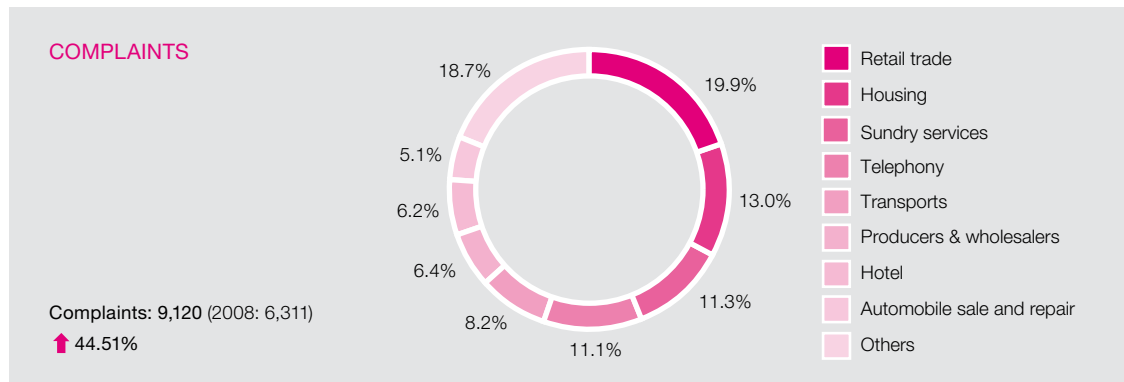
The traders and service providers which are members of the JACC may exhibit the membership sign in their establishments and use it in their documentation and advertising as a synonym of guarantee and quality of the products and services they offer. Being a member constitutes a guarantee of quality and safety for consumers. In 2009, there were 4,892 member establishments in the JACC, distributed all over the territory.



6

Inspection and market control

In 2009, a total of 9,120 complaints were handled in Catalonia, 44.5% more than the previous year, corresponding to different sectors.



Inspections

The ACC inspection implemented 18,516 actions in the course of 2009, 19.13% more than in 2008, with a view to providing a better service and protecting consumers from possible irregularities. There were several reasons for these actions, although the warning network (42%) and complaints (31.1%) occupy a leading position.

6

Inspection and market control

INSPECTIONS

Reason for the inspection	Barcelona	Girona	Lleida	Tarragona	Terres de l'Ebre	Total Catalonia	Percentage
Campaign	905	584	621	444	308	2,862	15%
Complaint	4,723	459	245	220	41	5,688	31%
Communication	1,095	201	373	26	2	1,697	9%
Ex officio/Service orders	203	129	73	31	8	444	2%
Warning network	3,086	1,552	1,491	969	727	7,825	42%
Total	10,012	2,925	2,803	1,690	1,086	18,516	100%

These actions yielded different results, such as the verification of compliance with the regulations on the marketing of goods and services, intervention and recall from the market of products that do not fulfil the regulations or which entail a safety risk for consumers, and also for verifying the situation of a given sector.

Inspection campaigns

The following inspection campaigns were carried out:

Food product control campaigns

- Mandatory labelling of fresh food (meat, fish and fruit)
- Packaged liquid fruit (*smoothies*)

Non-food product control campaigns

- Toys
- Lighting

Service control campaigns

- Tourist services
- Pawn shops

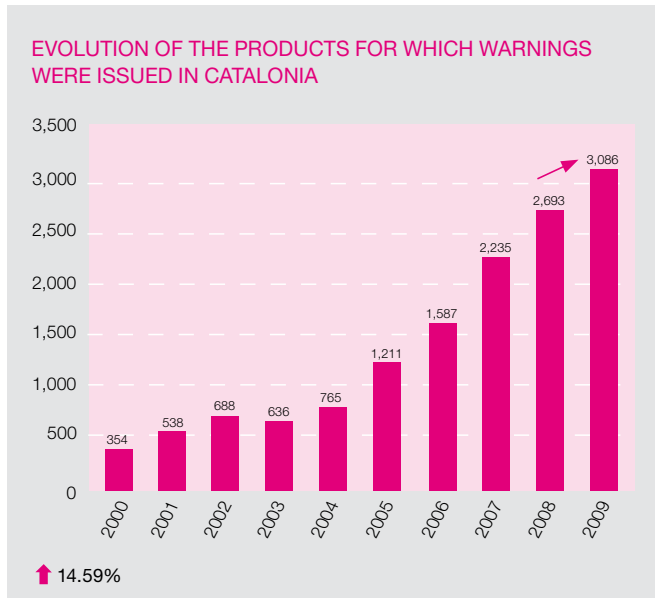
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Inspection and market control

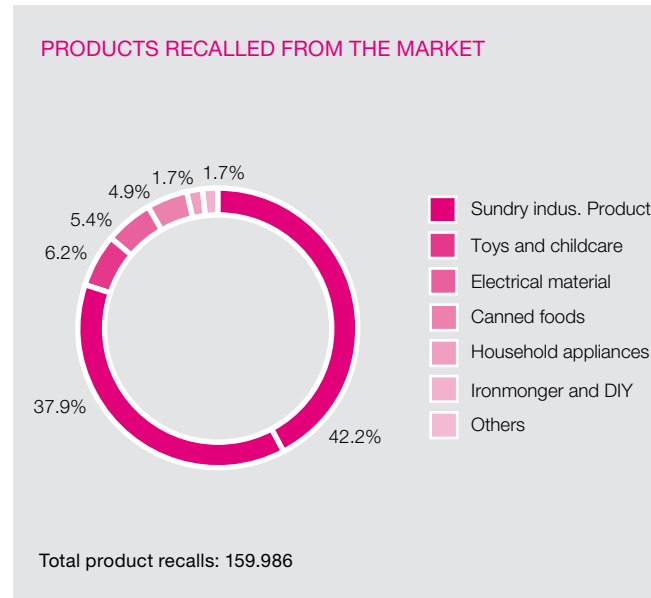
Warning network

It should be mentioned that the number of hazardous product warnings managed annually has grown exponentially. There were 3,086 warnings in 2009. This figure constitutes an increase of 14.6% on 2008.

As a result of the inspections, 160,000 products were recalled from the market.



In 2009 there has been an increase of more than 14.6% in product warnings.



42.2% of the products recalled are products for children (toys and childcare).

7

Penalties

In 2009, a total of 1,148 penalty proceedings were brought through market control and consumer affairs inspections. Penalties totalled 2.4 million Euros.

The offences that gave rise to the highest penalties were contractual clauses (18.88% of the total amount), non-compliant documentation and information to consumers (16.61%), product safety problems (12.66%), non-fulfilment in the rendering of services, trade transactions or trading activity (9.54%), among others.

TYPE OF OFFENCES PENALISED

Reason for the penalty (offence)	Amount	% Amount
Contractual clauses	€449,339	18.88%
Non-compliance of documentation, information, books	€395,300	16.61%
Product safety	€301,250	12.66%
Non-fulfilment in the rendering of services, commercial transactions or trading activity	€226,900	9.54%
Offences in product labelling labelling and packaging	€209,900	8.82%
Offences in price matters	€187,000	7.86%
Product alteration, adulteration and fraud	€182,950	7.69%
Advertising offences	€182,000	7.65%
Infringement of linguistic rights	€148,100	6.22%
Offences in control and collaboration with inspectors	€96,850	4.07%
Total	€2,379,589	100.00%

Nine hundred and thirty-eight (938) penalties for the amount of €2,379,589 were imposed.

8

Regulations

A Draft Decree has been prepared regulating the registration and reporting obligations in matters of loans or mortgages taken out by consumers, and brokerage in the hiring of loans or credits, and the Decree Bill which modifies different articles of Decree 70/2003, of March 4, regulating claims/complaint sheets in commercial establishments and in the rendering of services.

However, the most intensive work consisted of the analysis of the observations and proposals received and the drafting of the final text of the Draft Law of the Consumer Code of Catalonia, which was finally approved by the Government in December, 2009.

Some thirty reports have also been produced on regulations enacted by other organisations (both Catalonia, Spain and the European Union).

Queries and reports

Responses have been provided to 387 legal queries and 23 legal reports were written in answer to different matters related to regulations and powers in matters of consumption, both by external and internal organisations. Thirteen communications with observations were also issued to the queries put by the National Institute of Consumer Affairs.

9

Consumer affairs promotion

Grants to consumer and user organisations

Grants have been awarded to 14 consumer and user organisations for a total amount of about €612,000 for actions in matters of consumer affairs, with a total expenses budget of 1.52 million Euros.

Subsidies to country councils in matters pertaining to information and the defence of consumers and users

In matters of information and the defence of consumers and users, subsidies were awarded to nine county councils for a total amount of €145,000 on different lines of action, with a total estimate of expenses of €500,000.

Delegation of powers to district councils

Agreements on the delegation of powers in matters of consumer affairs have been signed with 25 district councils for a total financing value of 1.22 million Euros. The Vall d'Aran had powers transferred to it in 2005.



10

Studies and surveys to guide actions for the defence of consumers

Within the research framework of the School of Consumer Affairs of Catalonia (ECC), a study was drafted on the knowledge of consumer rights and obligations by the young people of Catalonia based on the data collected during the 2007-2008 school year among the students of secondary education that attended workshops in the ECC. During the 2008-2009 year the data collection phase was designed and implemented for the study titled *Young people and the use of the new information and communication technologies*.

As far as telephone surveys are concerned, we participated in the Barometer of the climate of confidence in the housing sector.

Work continued on the assessment of the satisfaction of ACC users through studies to gauge the level of satisfaction of consumers that brought a query or lodged a complaint with the ACC and from companies against which a claim was brought by consumers through the JACC of the ACC.

11

Communication and publicity of consumers' right and obligations

In 2009, the Catalan Agency of Consumer Affairs (ACC) was present in the mass media and publicised its task in the printed press, radio and television by means of adverts and different events. This participation in television, radio and printed press accounted for about 243.8 million impacts in 2009. Moreover, 50 press releases were written on different issues of current events related to consumer defence.

At the same time, the ACC participates actively in Trade Fairs in Catalonia to offer direct information to anyone that asks. It does so by distributing collections of information leaflets on the defence of the rights of consumers and users, and by promoting the organisation. In 2009, the ACC attended 10 fairs.

Special mention must be made of the "Safe with you" product safety Exhibition, which started out in Barcelona in the Jardins del Palau Robert at the end of 2008, to convey to the citizens the key elements to guarantee the safe purchasing and consumption of products. In the course of 2009 it visited different Catalan towns.

Finally, the ACC started to publish and distribute the Consum notícies [Consumer news] electronic bulletin, and has published and republished different information leaflets to inform consumers of their rights.

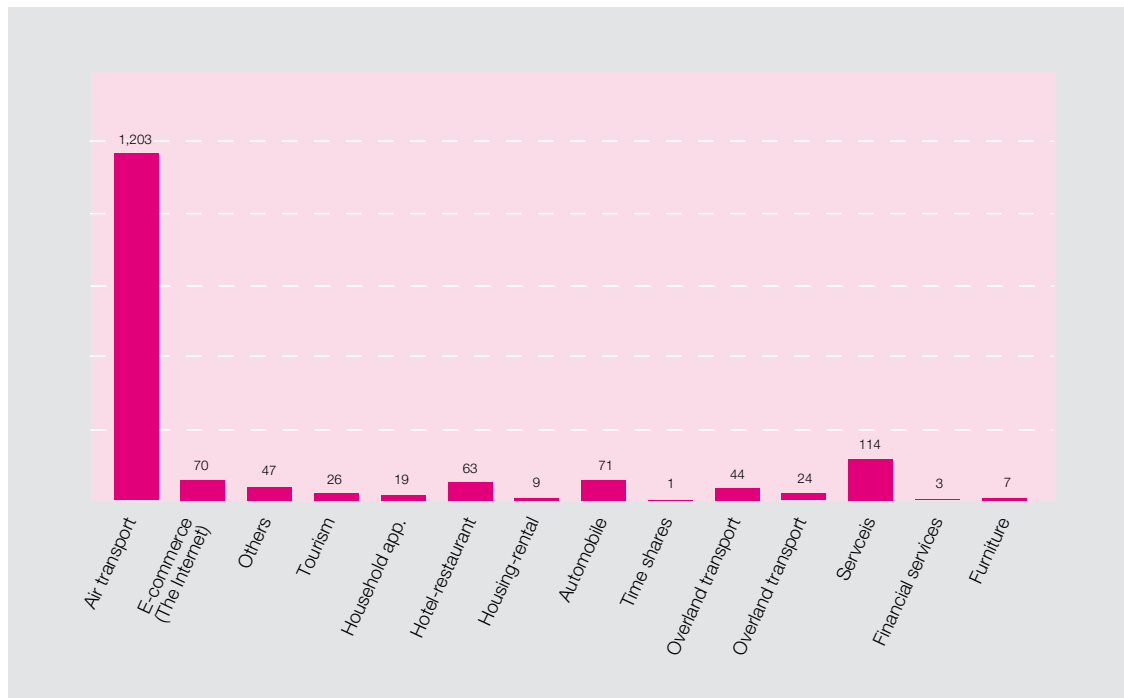


12

Management of cross border queries and claims

The ACC also manages queries related to consumer affairs between European countries. Basically, it performs three functions: it provides assessment to consumers to leverage the possibilities offered by the European market better, acts as a mediator in claims between countries and disseminates common market policy in matters of consumer affairs.

The European Consumption Branch worked on 1,862 cases, 131 of which correspond to queries and 1,731 to specific claims and complaints. This figure represents an overall increase of 14% on 2008. Most claims (69%) are related to air travel.



13

The Council of Consumers of Catalonia

The Council of Consumers of Catalonia (CPCC) is the organ of representation and consultation of consumer and user associations, and is the institutional representative of consumer and user organisations before the Administration of the Government of Catalonia and other administrations, organisations and entities.

The CPCC played a very active role in 2009, the Plenary met twice and five ordinary sessions of the Standing Commission were held.

The CPCC issued a report on the queries and claims related to air travel received by consumer organisations in the course of 2007. The report, besides presenting the data, invited air travel companies to join the consumer arbitration system.

**CONSELL
DE LES PERSONES
CONSUMIDORES DE
CATALUNYA**



14

Coordination with other agencies and organisations

The ACC carries out systematic coordination actions with different organisations:

Public offices for information to consumers

In the course of 2009, periodical meetings were held in the different territorial areas with the consumer information public offices at municipal (OMIC) and country (OCIC) level and the County Council of Barcelona to address different topics. In Catalonia overall, 27 meetings were held with county consumer information offices and 15 with municipal offices of the different territorial areas.

Consumer arbitration boards

Four periodic meetings were held with the consumer arbitration boards to address different matters that directly affect the development of the arbitration of consumer affairs in Catalonia, in a consolidated framework of coordination between the arbitration boards in Catalan territory.

Four ordinary meetings were held in February, May, July and October. These meetings, besides dealing with the specific cases of claims submitted to arbitration and promotion actions, also covered aspects related to the enforcement of the new Royal Decree on Arbitration. The meetings feature the participation, besides the JACC, of the municipal boards of Vilafranca del Penedès, Lleida, Terrassa, Barcelona, Badalona, Hospitalet de Llobregat, Mataró and Sabadell.

Commission of business organisations

Within the framework of the ACC's agreements with the main business organisations of Catalonia: el Consell de Cambres [the Council of Chambers], Foment de Treball [Employment Promotion], Pimec and Pimec-Comerç Confederació de Comerç de Catalunya [Trade Confederation of Catalonia], ABC, CECOT, Comertia, FEPIIME and the Spanish Confederation of Automobile Repair Workshops, to work jointly in consumer policies and to improve market transparency, four ordinary meetings were held to deal with the Commission's different work areas of:

- To improve information and training in companies in consumer affairs matters
- To promote the arbitration of consumer affairs as a conflict-solving mechanism between companies and consumers
- To promote proximity economy and corporate social responsibility
- To improve market discipline
- To promote the harmonisation of Catalan language.

15

The Catalan Agency of Consumer Affairs month by month

January

- Recommendations on buying things in the sales.
- The Catalan Consumer Affairs School (ECC) sets up in the Conca de Barberà.
- The ACC will immediately withdraw from the market any product which may come into contact with the skin and contains dimethyl fumarate.

February

- The ACC starts up a campaign on the benefits of ecological farming.
- The ECC sets up in Pla d'Urgell.
- The ACC brings disciplinary proceedings against four automobile manufacturers for possible non-fulfilment of obligation requirements to consumers on CO₂ emissions.
- The Government of Catalonia and the County Council of Alt Camp sign the agreement for the delegation of powers in matters of consumer affairs.
- The ECC sets up in Alt Urgell.

March

- The ECC sets up in Berguedà.
- The "Safe with you" travelling exhibition reaches Lloret de Mar.
- The ACC schedules an inspection campaign focused on e-commerce.
- The ECC sets up in Garrotxa.
- The ACC prepares the 5th Festival of Responsible Consumption laying the emphasis on the fact that the economic crisis should not affect product safety.

15

The Catalan Agency of Consumer Affairs month by month

April

- The ACC participates in the 1st European Consumer Summit held in Brussels on April 1 and 2.
- The Government of Catalonia and the County Council of Solsonès sign the agreement for the delegation of powers in matters of consumer affairs.
- The ECC sets up in Alt Empordà.
- The Government of Catalonia and the County Council of Ripollès sign the agreement for the delegation of powers in matters of consumer affairs.
- The “Take control of your economy” tool is published on the website.
- The ECC sets up in Pla de l’Estany.
- The ACC participates in the Expoebre Trade Fair.

May

- The ACC delivers the awards to the best teams in the school competition on responsible consumption Consumópolis 4: “What do we do in our free time?”.
- The first edition of the European Consumer Master will train a new professional: the consumer manager. The ACC and the Ongoing Training Institute of the University of Barcelona will teach the first edition of this Master between October 2009 and December 2010.
- The ECC sets up in Osona.
- The ACC participates in the Local Festivities in May in Vilafranca del Penedès.
- The exhibition on product safety “Safe with you”, organised by the ACC, opens in Badalona.
- Consum notícies, the ACC’s new current events bulletin, is started up.
- The ECC sets up in Bages.

15

The Catalan Agency of Consumer Affairs month by month

June

- “Your rights always travel with you!”, new campaign by the ACC.
- Presentation for a guide for the establishment of a code of good linguistic practices in business.

July

- The ACC begins an inspection campaign on labelling in collaboration with French consumption inspectors.
- The NEPIM network is presented officially to the Committee of the Regions of the European Union.
- The Arbitration Board of Consumer Affairs of Catalonia (JACC) starts up arbitration hearings in Alt Penedès.
- The results of the inspection campaign on information on the prices of products and services in Catalonia are presented. The ACC verifies cases of major non-compliance in chemists, travel agencies and perfume shops.
- Bassols Energy Comercial, SL, joins the consumer arbitration system.

August

- The registration period for the 20th Course of Consumer Affairs Technicians opens.

September

- The Bill of rights of users of electronic communication services takes effect.
- The “Safe with you” exhibition on product safety opens in the CITILAB of Cornellà de Llobregat.
- The ACC participates in the Trade Fair of Sant Miquel in Lleida.
- Santa Coloma de Gramenet, first Catalan Municipality to host JACC offices to deal with consumer claims.

15

The Catalan Agency of Consumer Affairs month by month

October

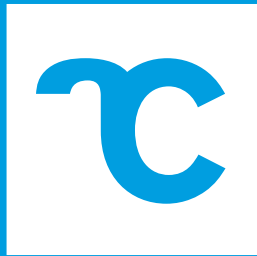
- The ECC sets up in Tarragonès and starts the fifth course in its territorial headquarters.
- The European Commissioner for Consumer Protection, Meglena Kuneva, opens the 2009-2010 academic year of the ECC.
- The ferry services of the Iscomar shipping company are suspended. The ACC reminds consumers that they are entitled to a refund on their tickets and that they must make the corresponding claim to get their money back.
- The “Safe with you” exhibition reaches Terrassa.
- The ACC participates in the Trade Fair of Móra la Nova.
- The Fishmongers’ Guild and the ACC establish labelling for fresh fish on sale in the 2,000 retail establishments in Catalonia.

November

- The ACC summons companies and consumers to debate the use of the Internet and Internet-based shopping. Working day on e-business and the consumer rights.
- The ACC participates in the Trade Fair of Sant Martíà-Firestany.
- The ACC presents the results of the inspection and warning campaign on the high number of infringements by companies that render tourist services on the Internet.
- The ECC sets up for the second time in Montsià.
- In the framework of the Conference on social responsibility in hiring, the ACC calls for the inclusion of ethical clauses in all provisioning contracts with the public administrations.
- The ECC sets up for the second time in Ribera d’Ebre.

December

- The exhibition on product safety “Safe with you”, organised by the ACC, opens in Bisbal d’Empordà.
- The Government approves the Consumer Code of Catalonia. The new Law, which is now before Parliament, extends and improves consumer protection.
- The ACC immobilises or recalls 67 toys from 22 shops in Girona just before the beginning of the Christmas campaign.



agència catalana del consum

Adreces

Direcciones

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Adreces

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Sección de Consumo en Girona

C/ Migdia, 50-52
17003 Girona
Tel. **972 94 01 00**

Sección de Consumo en Tarragona

C/ Pompeu Fabra, 1
43004 Tarragona
Tel. **977 25 17 17**

Sección de Consumo en Lleida

Av. del Segre, 7
25007 Lleida
Tel. **973 72 80 00**

Área de Consumo en Terres de l'Ebre

C/ Llotja, 4, 2D
43500 Tortosa
Tel. **977 44 84 90**

Addresses

The Catalan Agency of Consumer Affairs (Barcelona)

Tel. **93 551 66 66**
Fax: **93 551 65 17**
www.consum.cat
consum@gencat.cat
C/ Pamplona, 113
08018 BARCELONA
C/ Tànger, 98
08018 BARCELONA

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