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# Catalan Consumer Agency Report 2010

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**Director of the Catalan Consumer Agency**

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There are two central aspects in the Report for 2010: analysis of the data and the beginning of a new cycle.

Beginning with the analysis and consumer service, which is the gateway to the Agency, there have been 13.57% fewer queries than in 2009. Complaints were up by 4.04% compared to 2009 and mediation decisions by 15.23%, while there has also been a rise in the number of companies which have signed up for the Consumer Arbitration Board of Catalonia.

The decrease in queries is quite likely to be due to the slowdown in the market and the fall in domestic consumption. This unstable market situation has also probably led to greater awareness and responsibility on the part of consumers and businesses alike about reaching agreements in consumer disputes, which explains the significant increase in both decisions and membership of the Arbitration Board.

Furthermore, there has been a 49.98% decrease in complaints compared to 2009. Given that inspections (market inspection campaigns, consumer complaints and the alert network) have been 41.05% higher than in 2009, this would seem to confirm the theory put forward above of a decline in consumer spending and greater responsibility, as 42% of total inspections have come through the alert network and here the ACC has acted quickly and efficiently to prevent products for which alerts have been issued achieving a significant presence and influence in the market. Inspections due to alerts have reduced inspections for other reasons to a little below the total in 2009.

Alerts, which affect safety, health and economic interest rights, have been, are and will remain a priority for the Agency as a basic factor in achieving a safe and hazard-free market. Prevention and oversight are in turn designed to ensure this safety.

We are also beginning a new cycle, a cycle whose starting point is the Consumer Code of Catalonia. The new Code brings together in a single Act not only the provisions of the 1990 Market Discipline and Protection of Consumers and Users Act and the 1993 Consumer Statute for current issues, but it also includes appropriate legislation for contemporary consumer relations. In addition it takes into account changes in a dynamic and changing market in terms of supply and new forms of contracts (such as electronic relationships between suppliers of goods and services and consumers) and also in terms of demand due to changes in consumption habits and mainly owing to new technology and issues not covered in previous legislation or which it becomes advisable to add or change as a result of day-to-day experience.

But like any Act, the wording has no spirit other than the one provided by Parliament, and this has to be developed and conveyed to the public since, as the Act says, we are all consumers and users.

The spirit of the law should make consumer relations more equitable as in this context there are no good or bad ones. The roles of consumers, users and suppliers need to be balanced so that excellence is the norm in these relationships and we can prevent or eliminate unfair market behaviour and malpractice so we can all benefit from a reliable and quality market.



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# Summary of the Annual Report 2010

Below is a Summary of the Annual Report 2010 of the Catalan Consumer Agency (ACC). On the accompanying CD you will find the full Report which also includes a breakdown of activities across the country.

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## Structure and budget

In 2010 the ACC has had a total budget coming to €15,817,442.81 and an employment structure of 193 jobs.

The organizational structure is as follows:

### GOVERNING BOARD

President:  
**Regional Minister of Enterprise and Employment**

Vice President:  
**Secretary General for Enterprise and Employment**

### Director of the Catalan Consumer Agency

### Sub-directorate General of Consumer Affairs

### Information and Training Service

Information Section  
Training and Education Section

### Mediation and Arbitration Service

Mediation Section  
Arbitration Section

### Sub-directorate General of Market Discipline

### Inspection and Market Oversight Service

Product Inspection Section  
Services Inspection Section  
Programming and Coordination Section

### Regulations and Procedures Service

### Studies and Communication Service

Publicity and Promotion Section  
European Consumer Section

### Administration Service

### Consumer Offices in:

Girona  
Lleida  
Tarragona  
Terres de l'Ebre

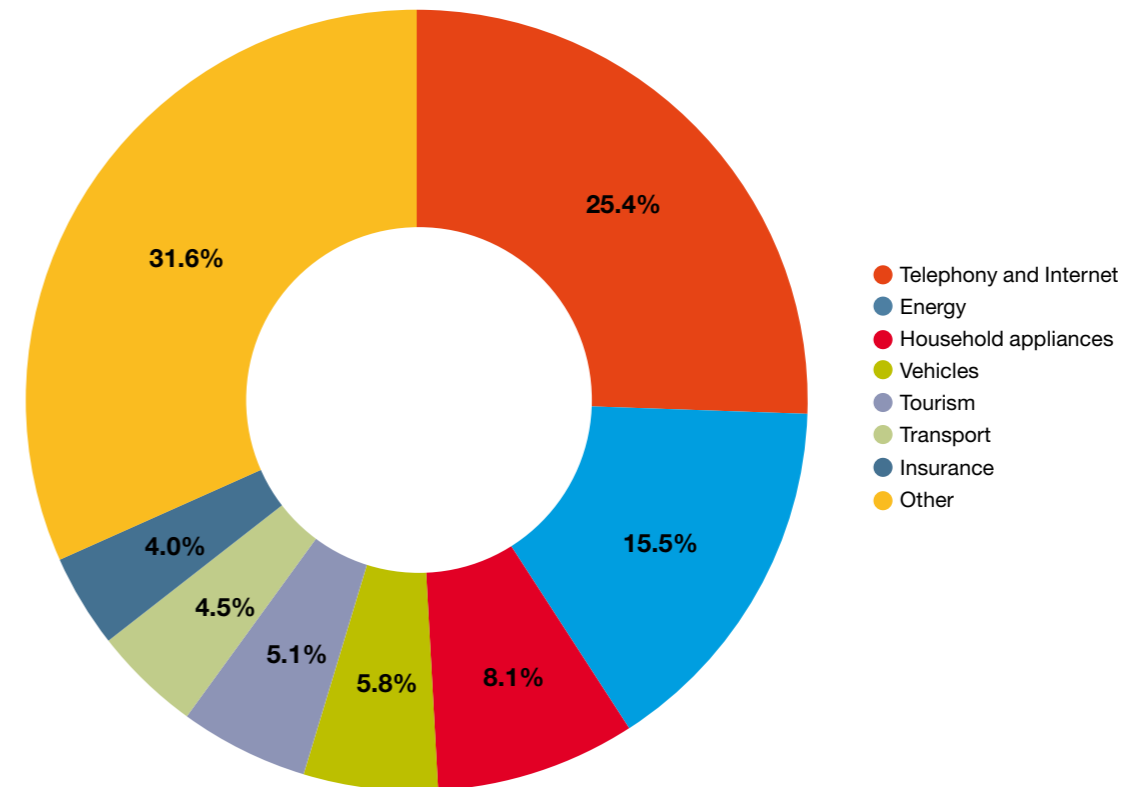
## The consolidation of information for consumers

One of the ACC's main commitments is to ensure that the public is aware someone is looking after their interests as consumers, and it offers personalized service to all consumers through a range of communication channels.

The 012 Citizen Helpline provides a queries service for consumers and informs them about their rights and duties. 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 consumer affairs specialists look for the best answer. In 2010 the 012 Helpline handled 63,856 queries. Although the number of consumer queries to the 012 Helpline fell compared to 2009 (74,860), the average length of call time has risen considerably because queries are increasingly specialized. The highest numbers of queries have been about telephony, energy, transport and travel.

### Information. Queries

QUERIES. Total 76,793  
012 QUERIES: 63,856



The public can also email and or go to the ACC if they have queries or would like information, and these options are gradually becoming more used. Queries sent by email or using the website form now amount to more than 4,400.

## Information for consumers on the ACC website

The ACC's website, [www.consum.cat](http://www.consum.cat), has received 525,367 visits in 2010.

This information channel is designed to provide a response to the ACC's three main groups of users: consumers, consumer organizations and companies.

A new section has been created on the website with the publication on 23 July 2010 in the Catalan Government's Official Journal of the Consumer Code of Catalonia Act 22/2010, of 20 July.

This new section, entitled 'The Consumer Code of Catalonia', is intended to help with understanding the new Act. It had a total of 4,721 page views from when it was set up to the end of 2010.

In November a new project was launched that includes remodelling the graphic design of the ACC website's homepage and changing the structure of its content in order to interact with website users in a more comprehensive and user friendly way. The project also provides for the integration of Web 2.0 tools with the inclusion of links to Twitter and Facebook for the various news, notices, alerts and featured items sections. In addition RSS feeds, which currently exist for news, are to be expanded for the notices, alerts and main feature sections.

[www.consum.cat](http://www.consum.cat)

## Training in responsible consumption

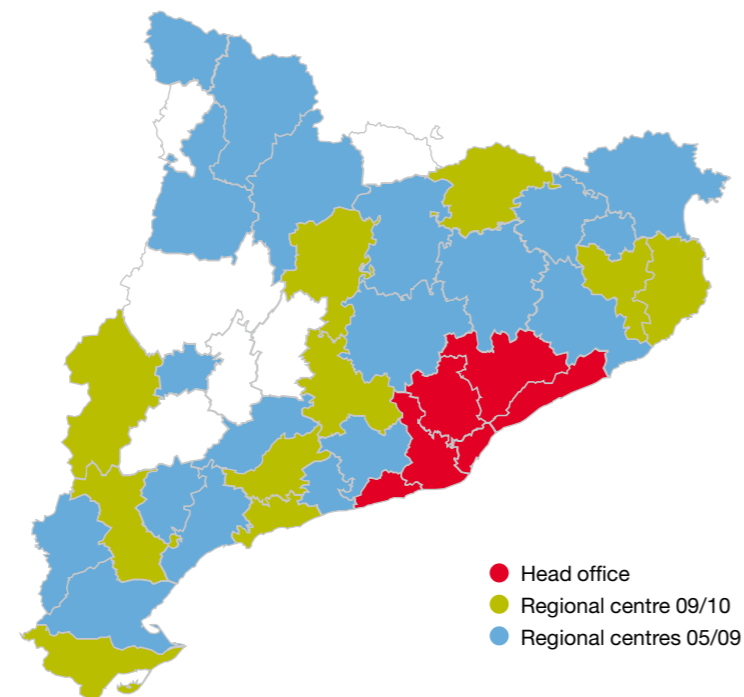
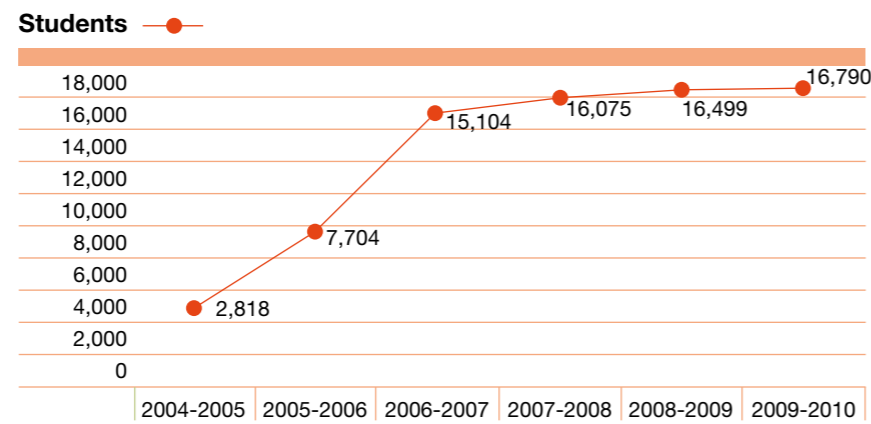
The ACC carries out a number of activities for consumers in their various guises (consumers, residents' associations, senior citizens, homemakers' associations and assorted groups), traders and consumer affairs officers in public consumer information offices and consumer associations throughout Catalonia to provide them with training in general aspects of consumer affairs and conflict resolution and in new legislation in this area. In 2010, the ACC held 75 talks for consumers, 39 briefing sessions for traders and 33 training activities for consumer affairs officers with a total of 295 classroom hours.

Much of this training for consumer affairs officers, businesses and shops in the second half of the year concerned the Consumer Code of Catalonia enacted in July 2010.

The ACC continues to make a special effort targeted at younger consumers to educate them about more responsible consumption. Hence it set up the Catalonia School of Consumer Affairs in October 2003 as an ongoing educational project for children and young people in primary, secondary, higher secondary and vocational and special education.

The Catalonia School of Consumer Affairs runs recreational and educational workshops for young people where they learn about their rights and duties as consumers. In the 2009-2010 academic year its activities continued to have a twin structure: its head office in Barcelona, covering 10,771 students in the inner metro ring, and its itinerant regional centre which travels round the rest of Catalonia and provides workshops in schools for 6,019 students.

Nearly 17,000 students attended consumer education workshops.



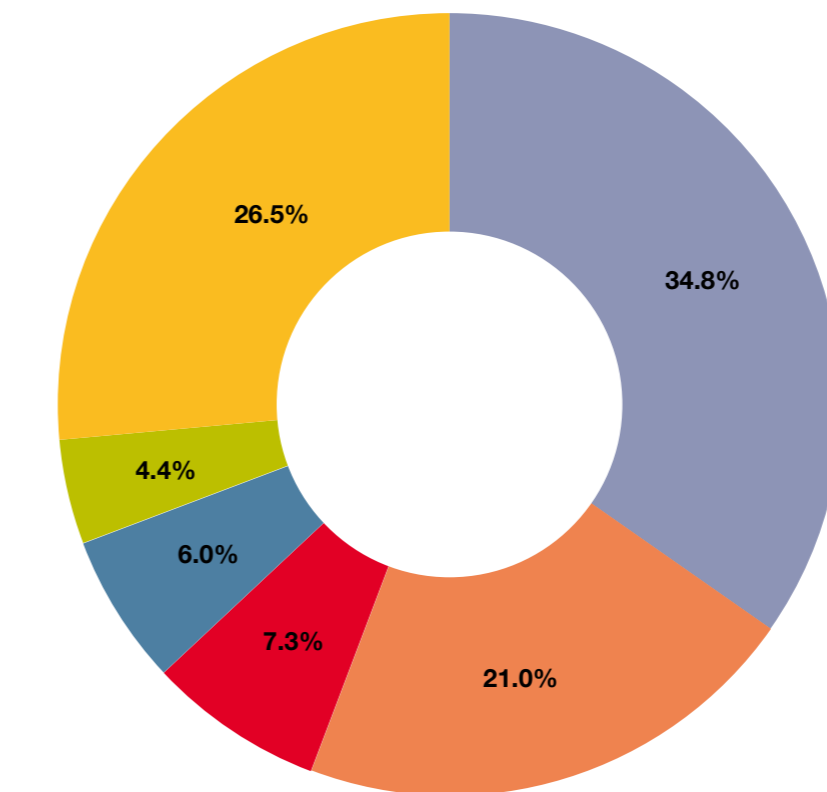
## The resolution of complaints, mediation and arbitration

The Consumer Arbitration Board of Catalonia (JACC) is an administrative agency attached to the ACC which handles complaints made by the public across Catalonia when they feel they have been unfairly dealt with when purchasing a product or receiving a service.

The ACC received 15,697 complaints in 2010. The majority have been about telephony and Internet (34.76%) and transport (21.05%), followed by electricity and travel agencies.

Complaints by sectors  
15,697 (2009: 15,088) ↑ 4.04%

4.04% more complaints



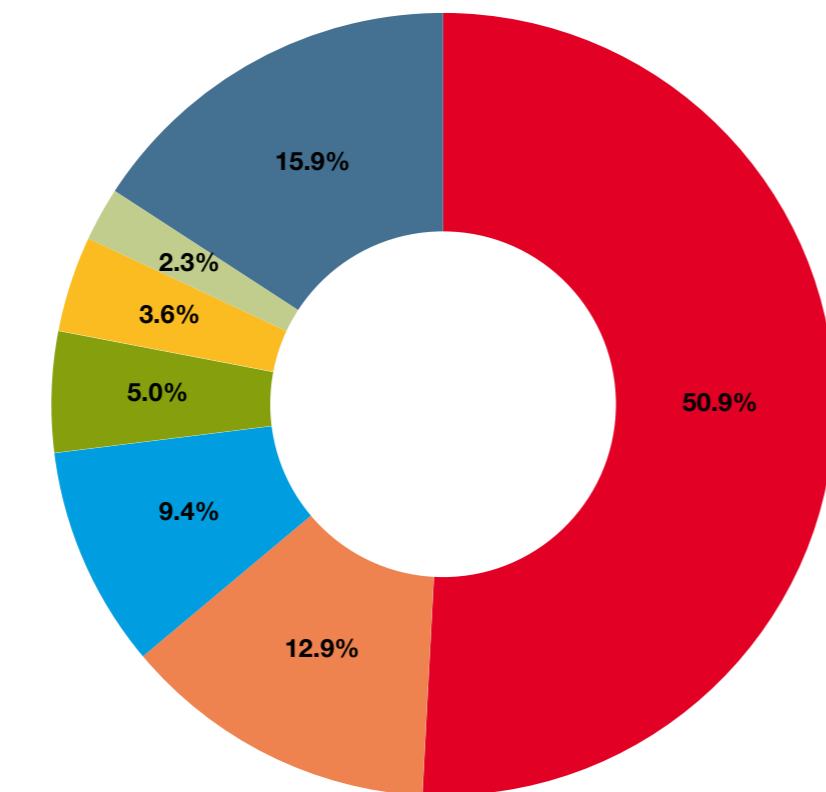
- Telephony and Internet
- Transport
- Energy
- Household appliances
- Vehicles
- Other

The Consumer Arbitration Board of Catalonia (JACC) has recorded a major increase in the two methods it uses to find solutions to complaints made by consumers and users.

In mediation, a neutral and impartial third party who has no connection with either party tries to find negotiated solutions between the consumer and the company. 3,514 complaints were dealt with through mediation in 2010. 50.94% of mediation cases are for telephony and the internet, with electricity in second place (12.9%) followed by household appliances (9.4%) and transport (5%).

**Cases resolved by mediation agreement by sectors**

3,514 cases resolved by mediation (2009: 3,024) ↑ 16.20%



- Telephony and Internet
- Energy
- Household appliances
- Transport
- Sundry commercial services
- Vehicles
- Other

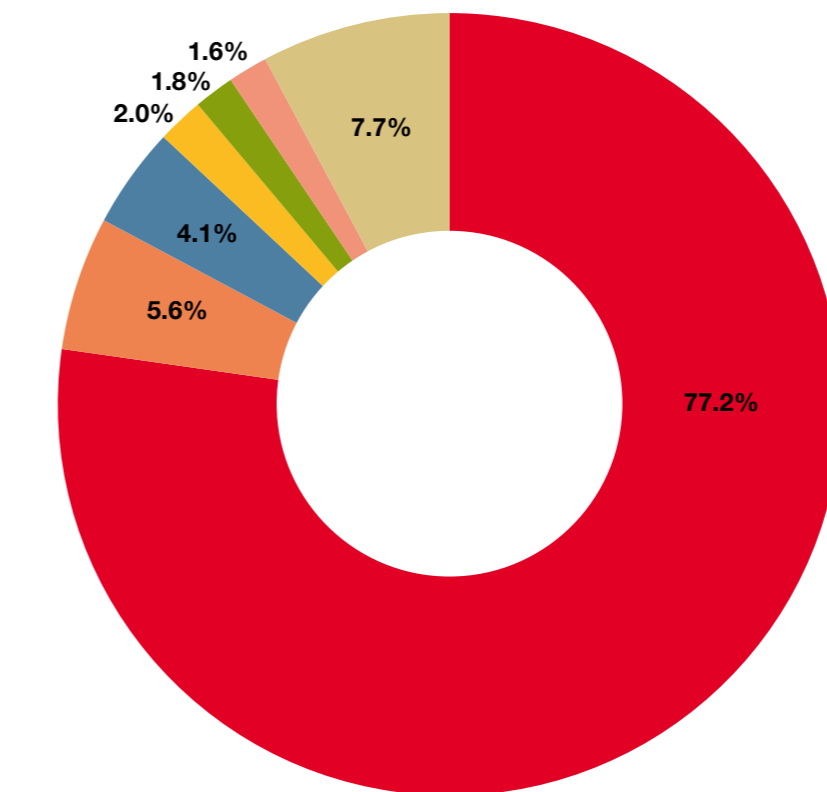
Consumer arbitration is an out-of-court and completely voluntary system in which the parties to the conflict ask an independent arbitration agency to resolve their disputes. The decision of this agency, called a finding, is binding for both parties and has the same effect as a court ruling.

In 2010 1,755 findings were handed down (a 15.23% increase over the previous year). 830 of these arbitration cases were heard by an arbitration panel consisting of three arbitrators and 925 by a single arbitrator. 94% of the decisions made by the panels have been unanimous.

The sector with the highest percentage of findings was telephony and internet, accounting for 77.21% of the total.

**Findings by sectors**

1,755 findings (2009: 1,523) ↑ 15.23%



- Telephony and Internet
- Energy
- Household appliances
- Education
- Vehicles
- Dry cleaners
- Other

Arbitration hearings include the use of videoconferencing in Barcelona, Girona, Lleida, Tarragona and Tortosa and at several county councils which have delegated powers agreements. In addition, videoconferencing has been used to work with other Arbitration Boards, specifically the Consumer Arbitration Board of the Region of Valencia and the Consumer Arbitration Board of the Community of Madrid.

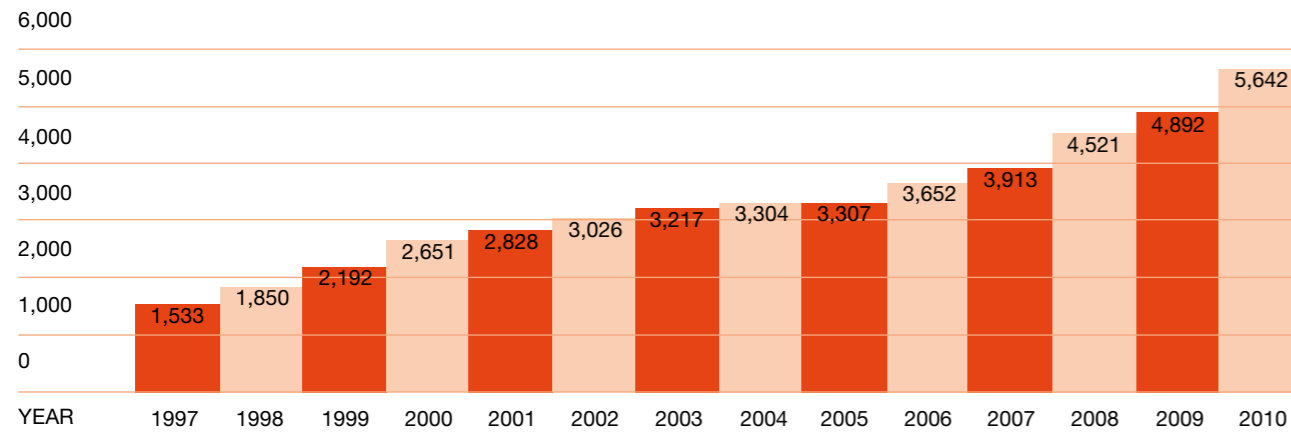


### Establishments and companies signing up for arbitration

Traders and service providers that sign up for arbitration through the JACC must display their membership sign in their establishments and use it in their documentation and advertising to certify the guarantee and quality of the products and services they offer. Subscription to arbitration means a guarantee of quality and safety for consumers. In 2010 there were 5,642 JACC member establishments across Catalonia.

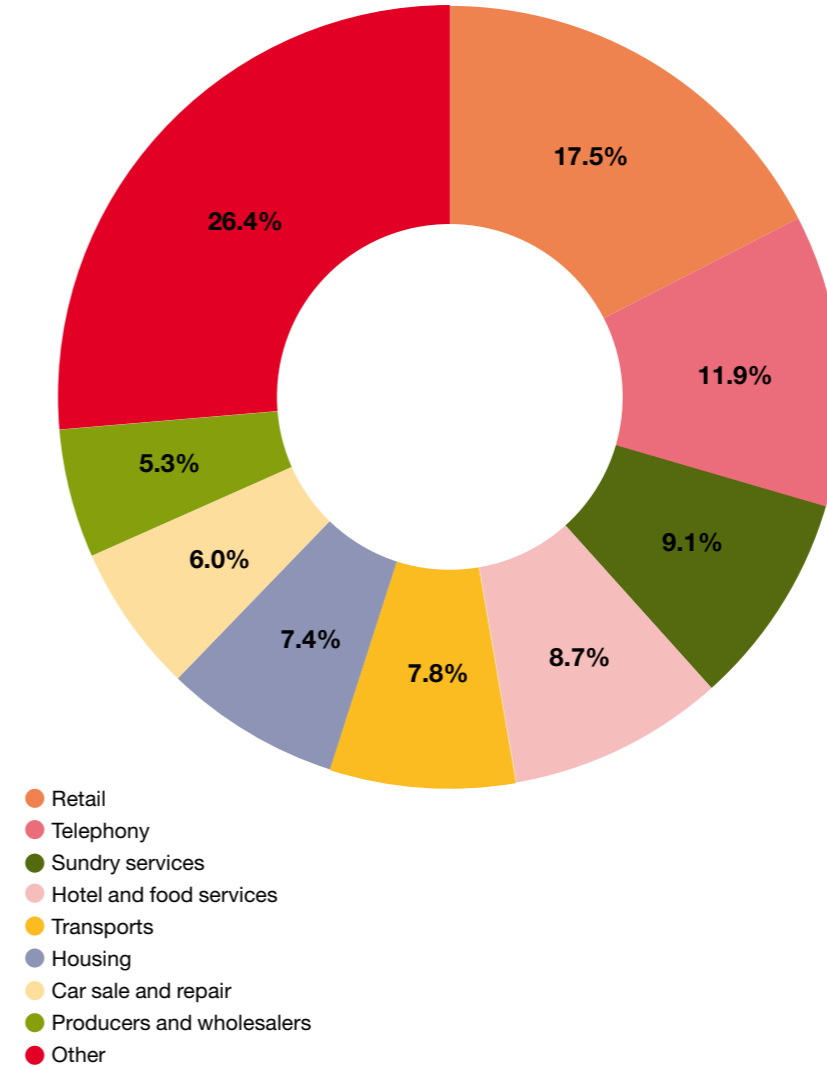
**JACC member establishments**  
↑ 15.33%

ESTABLISHMENTS



In 2010 a total of 4,562 complaints were handled in Catalonia, 50% fewer than the previous year, corresponding to different sectors.

**Complaints**  
Complaints: 4,562 (2009: 9,120)



### Inspections

The ACC has carried out 26,117 inspections, 41% more than in 2009, with a view to providing better service and protecting consumers against possible irregularities. There were several reasons for these inspections, although the alert network (51%) and complaints (22%) occupy a leading position.



## Inspections

Reason for inspection	Barcelona	Girona	Lleida	Tarragona	Terres de l'Ebre	Total
Campaign	1,027	826	518	647	364	3,382
Complaint	4,682	376	240	359	23	5,680
Referral	1,723	325	66	121	11	2,246
Ex officio	916	131	116	90	19	1,272
Service order	69	1	0	18	6	94
Alert network	5,045	1,799	2,536	2,155	1,908	13,443
<b>Overall total</b>	<b>13,462</b>	<b>3,458</b>	<b>3,476</b>	<b>3,390</b>	<b>2,331</b>	<b>26,117</b>

These actions yielded different results, such as verification of compliance with the regulations on the marketing of goods and services, the recall of products in breach of the regulations or which entail a safety risk for consumers, and finding out about the situation in a specific sector.

## Inspection campaigns

The following inspection campaigns have been carried out:

### Food product control campaigns

- Children's food
- Scheduled food product testing
- Foodstuffs advertised as "does not contain"

### Non-food product control campaigns

- Scheduled non-food product testing

### Service control campaigns

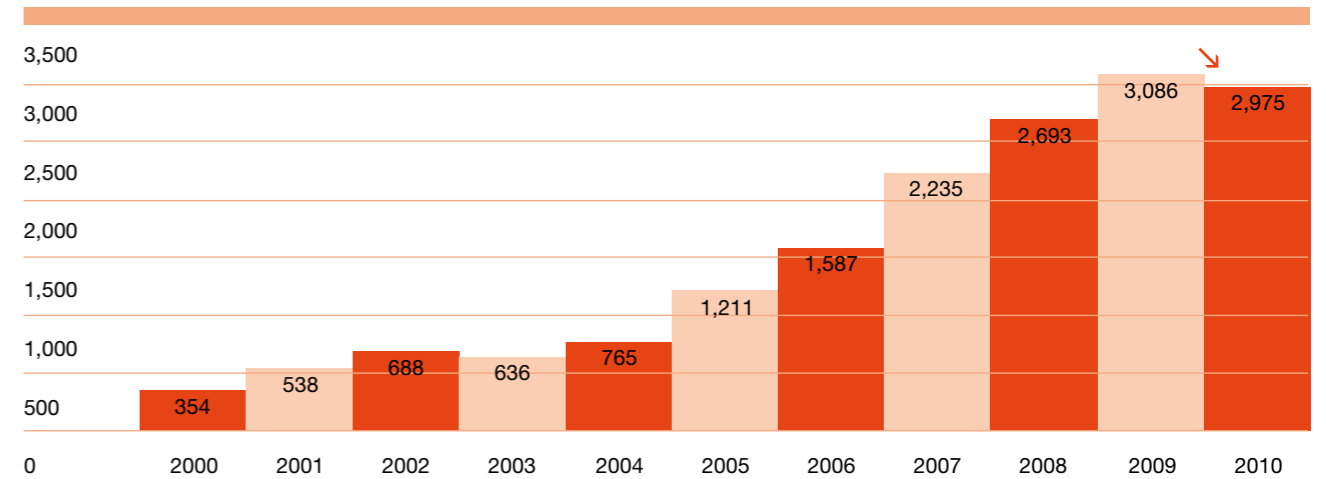
- Driving schools
- Summer sales
- Winter sales
- Price and other information
- Internet shopping
- CO<sub>2</sub> oversight

## Alert network

A total of 2,975 hazardous product alerts have been handled in 2010. This is a fall of 4% compared to 2009.

### Change in product alerts in Catalonia

↓ 3.60%

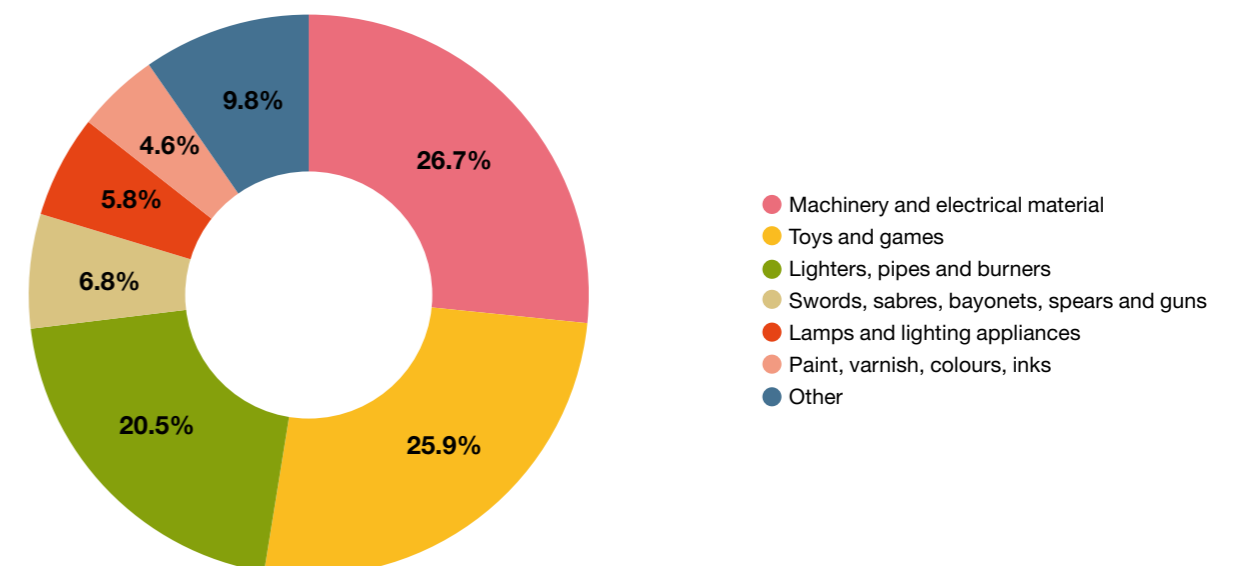


## Product recall

147,003 products have been recalled as a result of inspections.

### Products recalled

Total products recalled: 147,003



In 2010 a total of 1,170 penalty proceedings have been brought through market discipline and consumer affairs inspections. Fines coming to €3.88 million have been imposed.

The offences that have led to the highest percentages of fines have been contract clauses (36.6% of the total amount), breach of product safety regulations (9.2%), advertising infringements (8.4%) and breach of product labelling and packaging regulations (8.3%).

#### Type of offences penalised

Reason for the penalty (offence)	Total	€ Amount	% Amount
Contractual clauses	188	1,422,126	36.6
Breach of product safety regulations	130	357,550	9.2
Advertising infringements	67	325,150	8.4
Offences in product labelling and packaging	261	321,725	8.3
Non-compliance of documentation, information, books	270	309,500	8.0
Product alteration, adulteration and fraud	48	247,800	6.4
Infringement of linguistic rights	235	221,525	5.7
Offences in price matters	95	207,275	5.3
Offences in control and collaboration with inspectors	93	137,350	3.5
Rendering of services	94	185,900	4.8
Non-compliance in trading activity	47	64,000	1.6
Non-compliance in commercial transactions	47	87,400	2.2
<b>Total</b>	<b>1,575</b>	<b>3,887,301</b>	<b>100.0</b>

**A total of 1,047 fines coming to €3,887,301 have been imposed.**

The most intensive work has consisted of drawing up and passing the Consumer Code of Catalonia Act 22/2010, of 20 July, which was published in the Official Journal of the Government of Catalonia on 23 July 2010 (DOGC 5677).

In addition 27 reports about regulations introduced by other government agencies in Catalonia, Spain and the European Union have been drawn up.

### Queries and reports

625 legal queries have been answered and 17 legal reports have been drawn up about a range of questions concerning consumer affairs regulations and powers requested by internal and external organizations. Another 10 communications with remarks have been produced for queries sent by the National Institute of Consumer Affairs.

## Grants to consumer and user organizations

Grants have been awarded to 16 consumer and user organisations for a total amount of €604,000 for consumer affairs actions with a total budget of €1.59 million.

## Subsidies to county councils for consumer and user information and defence

Subsidies have been awarded to nine county councils totalling €145,000 for consumer and user information and defence activities with a total budget of €563,000.

## Delegation of powers to county councils

In addition, agreements have been signed with 28 county councils to delegate powers in consumer affairs for a total of €1.3 million. The Vall d'Aran had powers transferred to it in 2005.

### Delegation of powers to county councils

#### Barcelona

Alt Penedès  
Anoia  
Bages  
Berguedà  
Maresme  
Osona

#### Lleida

Alt Urgell  
Alta Ribagorça  
Pallars Jussà  
Pallars Sobirà  
Pla d'Urgell  
Solsonès

#### Terres de l'Ebre

Baix Ebre  
Montsià  
Ribera d'Ebre  
Terra Alta

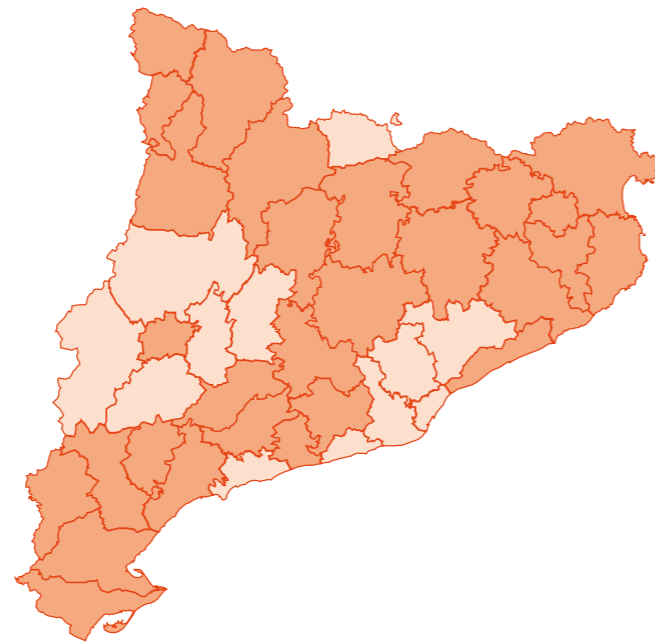
#### Girona

Alt Empordà  
Baix Empordà  
Gironès  
La Garrotxa  
La Selva  
Pla de l'Estany  
Ripollès

#### Vall d'Aran

#### Tarragona

Alt Camp  
Baix Penedès  
Baix Camp  
Conca de Barberà  
Priorat



Studies and surveys are carried out to examine what the people of Catalonia know about their rights and find out what their consumer habits are.

A project has been started up to systematize and integrate data about consumer habits and the defence of consumers in Catalonia and other geographical areas based on drawing up a system of indicators that are harmonized with the objectives and methods being developed in the EU. In addition an IT platform has been set up that synthesizes presentation and consultation to enable a breakdown by subject area.

Two six-monthly phone surveys have also been carried out as part of the housing sector confidence barometer.

In 2010 the ACC has been present in the media and has publicized a range of events in the newspapers, specialist magazines, on the radio and television and in the digital media. This media presence has generated a total of 538,459,434 impacts in 2010. In addition, 85 press releases have been written about various current issues concerning the defence of consumers.

In lockstep the ACC attends trade fairs in Catalonia to give out information booklets about the rights of consumers and users and to promote itself. In 2010 the ACC was present at 6 trade fairs around the country.

The ACC has also run the “Consum IN. La nostra força” (Consume IN: our strength) exhibition which encourages visitors to think about the rights and in particular the duties of consumers and publicizes a new and more responsible approach to consumer spending. The exhibition was opened at the Pedralbes Centre shopping centre in Barcelona and subsequently travelled around Catalonia from April to October.

Furthermore, following on the success in 2009 of the “Amb tu, segur” (Safe with You) product safety exhibition opened in 2008, in 2010 the exhibition has been taken on the road around a number of Catalan towns.

The ACC has continued to produce its “Consum notícies” (Consumer News) electronic newsletter and has published and reissued a number of information leaflets about consumer rights.

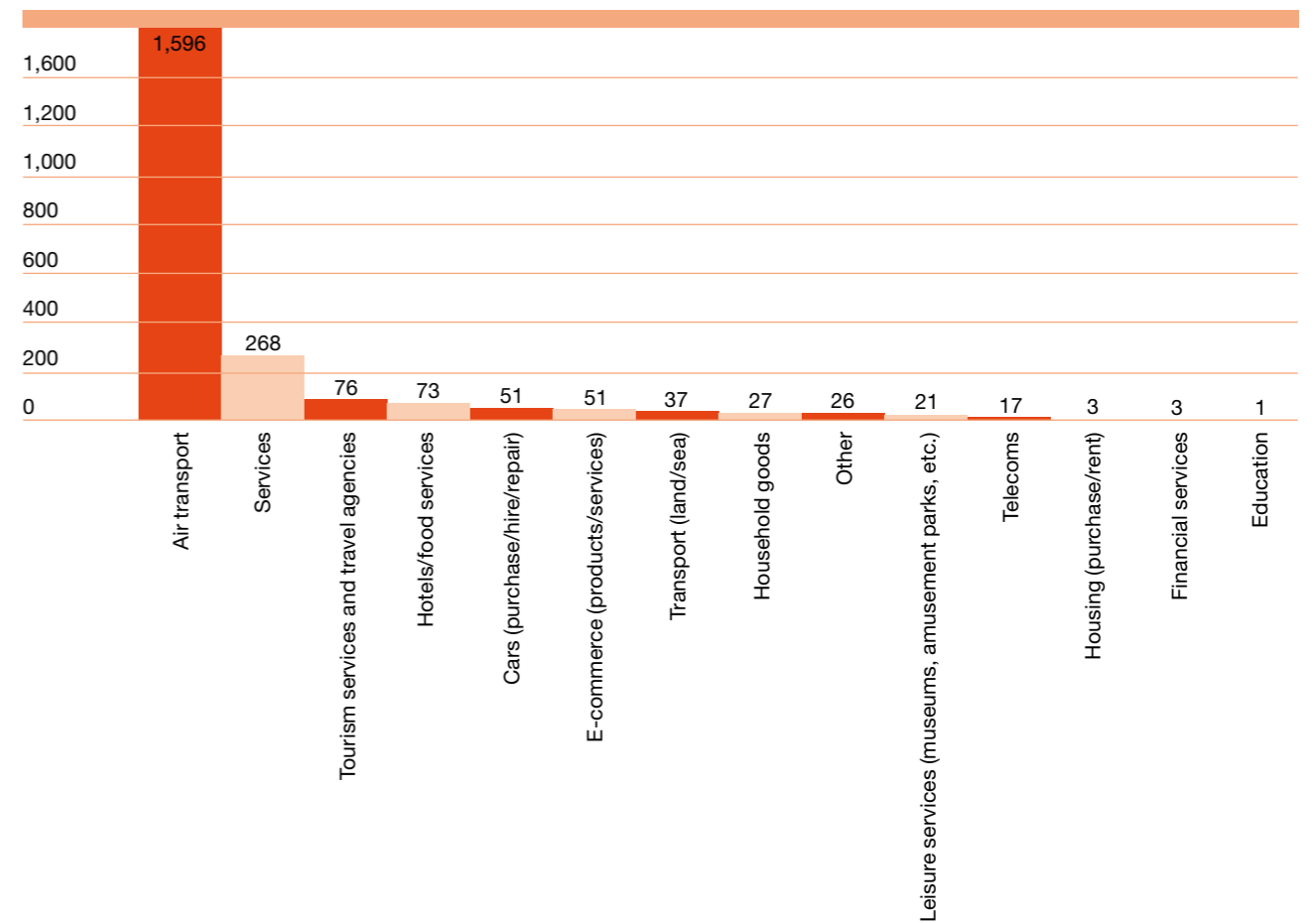
Finally the new Consum TV IP channel has been started up in 2010. This is an internal IP/FTP television channel designed to provide the public with enhanced information about the ACC. The channel has been broadcast on the monitor located in ACC reception on the ground floor, a public waiting area for consumers who visit the ACC.



In addition to its other tasks at the European and international levels, the ACC also handles queries, complaints and claims from consumers about consumer issues involving other countries, mainly in the EU. Its basic role here is to advise consumers about how to take better advantage of the opportunities offered by the European market, mediate in consumer complaints concerning different countries and publicize EU policy on consumer affairs.

The European Consumer Section has worked on a total of 2,361 cases, of which 111 are queries and 2,250 are specific complaints and claims. This is an overall increase of 26.80% compared to 2009. The majority of complaints (71%) were about air transport and air passenger rights. It should be noted that airline passengers suffered from two major incidents in 2010: firstly the closure of airspace in mid-April because of the explosion of a volcano on Iceland, and secondly the failure of Spanish air traffic controllers to come to work in early December coinciding with a holiday period, which obviously had a particular impact on Catalonia.

Figure showing cross-border complaints in 2010



The Consumer Council of Catalonia is the representation and consultation body for consumer and user associations and represents consumer and user organizations before the Government of Catalonia and other levels of government, organizations and agencies.

The Consumer Council of Catalonia has been very active in 2010. It has held one full meeting and its Standing Committee has met six times to discuss, among other topics, the effects of heavy snowfall on consumers, a study of the law on guarantees, improved internal regulations, a standard voucher for exchanges and returns in shops, a reduction in carrier bag use and new regulations for the Consumer Organizations Registry.

CONSELL  
DE LES PERSONES  
DE CONSUMIDORES DE  
CATALUNYA



The Catalan Consumer Agency systematically coordinates its operations with various agencies:

## Public consumer information offices

During 2010 several meetings have been held with municipal (OMIC) and county (OCIC) consumer information offices and with Barcelona Provincial Council to look at a range of issues. A total of 24 meetings with county consumer information offices and 12 with municipal offices have been held across Catalonia.

## Consumer arbitration boards

There have been five regular meetings with consumer arbitration boards to address various topics that directly affect consumer arbitration in Catalonia as part of a consolidated coordination framework for arbitration boards across the country. In addition to the Consumer Arbitration Board of Catalonia, the meetings have also been attended by the municipal boards of Vilafranca del Penedès, Lleida, Terrassa, Barcelona, Badalona, Hospitalet de Llobregat, Mataró and Sabadell.

## Business organizations committee

As part of the agreement between the Catalan Consumer Agency and the leading business organizations in Catalonia (Council of Chambers of Commerce, Foment del Treball, Pimec and Pimec-Comerç Confederació de Comerç de Catalunya, ABC, CECOT, Comertia, FEPIME and the Confederació Espanyola de Tallers de Reparació d'Automòbils) to work together on consumer policies and improving market transparency, five regular meetings have been held about the Committee's various lines of work:

- Improve information and training for businesses about consumer affairs.
- Encourage the use of consumer arbitration as a means for resolving disputes between businesses and consumers.
- Boost the local economy and corporate social responsibility.
- Enhance market discipline.
- Promote the language normalization of Catalan.



## January

- The Consumer Arbitration Board of Catalonia (JACC) starts up arbitration hearings at el Pla de l'Estany.
- The Catalan Parliament begins its debate on the Consumer Code of Catalonia bill.

## February

- The Catalan Consumer Agency (ACC) studies young people's mobile phone, computer and Internet habits.
- The County Council starts up a consumer information service in el Maresme.
- The ACC includes a publicizing penalty in five cases of companies fined for breaches of consumer legislation.
- The JACC starts up arbitration hearings at Santa Coloma de Gramenet.
- The ACC fines Movistar €43,500 for misleading advertising and unfair contract terms.

## March

- The ACC celebrates World Consumer Day.
- The ACC fines Opendoor 2006 S.L., the distributor of Alcohol Killer in Spain, for advertising the drink as an alcohol inhibitor.

## April

- The "ConsumIN - La nostra força" exhibition opens in Barcelona.
- The ACC fines Viajes Marsans, SA, for misleading advertising in 44 travel offers.
- The ACC examines how people in Catalonia use and rate their consumer rights.
- The Responsible Consumption Festival is held at the Moll de la Barceloneta with the slogan "5 years protecting your rights".
- 8th Consumer Council of Catalonia meeting at the headquarters of the ACC.
- Áreas joins the Catalan Consumer Arbitration System.
- The ACC gives prizes to the winning teams in the responsible consumption competition for schools "I tu, de què vas? A mi em va el consum responsable" (What's your thing? I like responsible consumption).

## May

- The JACC starts up arbitration hearings at l'Alt Urgell by videoconference.
- The ACC analyzes the production of packaging waste resulting from shopping.
- The ACC fines Canal Satélite Digital for unfair contract terms and household appliance store Miró for breaches of safety regulations.
- The School of Criminology of Catalonia is fined for misleading advertising and unfair contract terms.
- The ACC encourages companies to sign up for the "Celiac and diabetes agreement".

## June

- A party from the Mexican Federal Consumer Prosecution Office visits the ACC.
- The ACC analyzes deregulation of the energy and telecommunications sectors and its effect on consumers.
- The Catalonia School of Consumer Affairs ends the academic year with nearly 17,000 students trained as responsible consumers.
- The ACC and consumer affairs agencies in southern France carry out joint inspections.
- The JACC starts up consumer arbitration at La Selva with five complaints against Orange, Vodafone and Movistar.
- The Catalan Parliament passes the Consumer Code of Catalonia Act.

## July

- The ACC launches a consumer information campaign to inform consumers and users of their online shopping rights and duties.
- The Consumer Council of Catalonia announces it will support the 10 July demonstration.
- Sant Cugat del Vallès Town Council and the ACC sign an agreement to delegate authority over consumer affairs. Sant Cugat del Vallès becomes the headquarters of the JACC for dealing with consumer complaints.
- Catalan and French inspectors examine advertising about CO2 emissions by vehicles in southern France and Catalonia.
- Agreement between the Barcelona Provincial Council and the ACC to foster the rights of consumers and users.
- The ACC warns of deficiencies in the labelling of meat, fresh fish, fruit and vegetables.

## August

- The ACC provides companies with a free self-assessment programme to check whether they comply with basic consumer regulations.
- Mariló Gramunt Fombuena becomes new Chair of the JACC.
- The Catalonia School of Consumer Affairs ends the academic year with more than 16,600 students.
- The new Consumer Code provides greater protection for the rights of people with sensory disabilities.

## September

- The “Consum IN - La nostra força” exhibition opens at Salt.
- The Government of Catalonia delegates consumer powers to l’Alta Ribagorça county council. The county council is to host free consumer arbitration boards for local people.

## October

- The ACC begins presentations of the new Consumer Code of Catalonia.
- The ACC fines Vueling, Clickair, Ryanair, Easy Jet and Transavia Airlines for violating consumers’ rights.
- The ACC takes part in the 14th Club Super 3 Kids’ Festival on 23 and 24 October.

## November

- The JACC launches consumer arbitration at Sant Cugat del Vallès.
- The ACC announces the first fine for a TV competition broadcast by Antena 3 and Telecinco and produced by Portal Mix, S.L.
- The ACC receives officials from the Quebec ‘Office de la protection du consommateur’.
- Presentation of the new Consumer Code Act at Brussels.
- The ACC advises traders and entrepreneurs how to adapt their businesses to the new features in the Consumer Code of Catalonia.
- The Government of Catalonia delegates consumer powers to Gironès and el Maresme county councils.
- The ACC launches the “Consumópolis” school competition on responsible consumption for the sixth consecutive year.

## December

- The ACC is visited by the Director of Trade and Consumer Affairs in the Provincial Government of Catamarca, Argentina.

# Adreces Direcciones Addresses

## Adreces

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## Direcciones

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C/ Pamplona, 113  
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### **Sección de Consumo en Lleida**

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### **Área de Consumo en Terres de l'Ebre**

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## Addresses

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