The Spanish Consumer Protection Act (ley general para la defensa de los derechos de los consumidores y usuarios, abbreviated LDC) was published in the Official Journal of the Spanish Government of July 24, 1984. According to Spanish constitutional law it enters into force twenty days after its publication, that is on August 13, 1984. The Act therefore now forms part of Spanish law.

GENERAL REMARKS

Importance of the Act

The LDC is the first act which the Spanish legislator has promulgated following his constitutional mandate to defend the interests of Spanish consumers. It forms a comprehensive document on the rights of consumers and users which have been inserted in a very general manner into the Spanish legal order by Articles 51 and 53 of the Constitution of 1978. These rights include, among others, the rights of safety, health, protection of legitimate economic interests, and consumer representation. According to the Constitution, consumer protection should adhere to an economic order which guarantees private initiative (Art. 33), freedom of competition and market economy (Art. 38), yet submitting all private initiative in the country to a test of conformity with the public interest (Art. 128).
Criticism of the Proposal

During the period of public discussion, the proposal was subjected to substantial criticism from Spanish lawyers, especially teachers of commercial and criminal law, and by interest groups from industry and trade. The critics pointed out that the proposal did not regulate the distribution of goods even though this is a consumer concern, that the text was hybrid insofar as it stated broad principles as well as provided very specific regulations, and that it would lead to legal insecurity with respect to possible contraventions by business and the ensuing penalties. It was said that an inequality existed insofar as consumer organizations were to receive legal rights but businesses nothing equivalent thereto, and that Government should not contribute to the financing of consumer organizations unless these would accept full responsibility in cases brought against them. Finally, the proposal was criticized for hastily pushing through consumer protection, proposing in one act what had taken other countries years to accomplish.

Different Stages of the Enactment of the Proposal

The proposal dating from 1979 made no progress under the former Conservative Government because of business pressures, but the following Socialist Government was more active in its promotion. One of the main reasons for the newly felt need for a consumer policy in Spain was the scandal concerning poisonous olive oil which led to the death of or serious bodily harm to many consumers (the toxic syndrome). This scandal reminded the Government of its negligence in the area of consumer protection and the need for greater responsibility. At the same time pressure groups in industry and trade realized that they could not export Spanish products or hope for Spain's entry into the Common Market without fulfilling certain requirements of consumer protection.

In the first phase political parties were entitled to present their proposals to Parliament after hearing the regional governments (las Comunidades autónomas), local governments, and consumer organizations. The Council of Ministers in its session of November 9, 1983, approved the submission of the proposal of the Socialist Party to Parliament (Cortes generales). On April 14, 1984 the Official Journal of the Cortes published the opinion of the Parliamentary Commission for Social Policy and Employment regarding the proposal, in which