



## NEW CUSTOMER SERVICE ACT IN SPAIN

On 11 December 2025, the Spanish Congress of Deputies definitively approved the first specific piece of legislation regulating customer service in Spain. This represents an unprecedented development in the Spanish legal system, where rules governing this area had previously been dispersed across general consumer protection legislation<sup>1</sup>, regional regulations and sector-specific frameworks.

This Act, promoted by the Ministry of Social Rights, Consumer Affairs and Agenda 2030, emerges in a context of growing public concern regarding the quality and accessibility of customer service—an area that has steadily gained importance for consumers in recent years. In this setting, the Minister of Consumer Affairs has described the new Act as “historic”, arguing that it substantially strengthens consumer rights and significantly reshapes the traditional paradigm governing the business–customer relationship<sup>2</sup>.

Beyond the political and media attention surrounding its approval, the Law introduces deep and far-reaching changes to the legal framework governing customer service, with direct implications for a wide range of economic sectors. Among these, air transport stands out due to the nature of its operations—its complex structure, the high volume of interactions with passengers and its dependence on efficient after-sales service—which places it among the sectors most sensitive to the changes introduced.

In this *newsletter*, we will address the main new features of the Act, the scope of the new obligations and the expected practical implications for airlines operating in Spain.

### MAIN CHANGES AND NEW FEATURES INTRODUCED BY THE ACT

The new Customer Service Act sets out an ambitious and highly detailed regulatory framework that transforms the legal regime applicable to customer service in Spain. The most relevant elements include:

- A particularly broad scope of application, extending to all companies—whether established in Spain or in another State—that effectively provide services of general interest in Spanish territory (including passenger air transport), as well as

- companies exceeding the thresholds of 250 employees or €50 million in annual turnover.
- The requirement to provide effective, universally accessible and free-of-charge customer service, including a mandatory toll-free telephone number, thereby eliminating the use of special-rate prefixes for after-sales services<sup>3</sup>.
- The obligation to ensure continuous 24/7 customer service whenever incidents arise that affect the continuity of a service whose proper provision requires permanent availability.
- A reinforced response-time standard, requiring companies to ensure that 95% of telephone calls are answered within three minutes, with no scope for sector-specific adjustments or proportionality.
- A prohibition on the exclusive use of automated answering systems, ensuring that consumers can request assistance from a human operator whenever they deem it necessary.
- A maximum period of 15 working days to respond to queries, complaints, claims or incidents, unless sector-specific legislation establishes a different deadline.
- Expanded language obligations, requiring customer service to be provided in Spanish and, where applicable, in the co-official languages of the relevant region<sup>5</sup>.
- A strengthened framework for the protection of vulnerable consumers, obliging companies to prioritise their assistance and adapt communication channels to guarantee effective accessibility—particularly for individuals with disabilities or specific support needs.
- An obligation to ensure the invariability of the final price throughout the purchasing process, together with a detailed regime governing personalised pricing and automated decision-making, requiring clear and comprehensible disclosure whenever the price offered has been personalised through algorithmic or automated systems.

<sup>1</sup> Royal Legislative Decree 1/2007, of 16 November, approving the revised text of the General Act for the Protection of Consumers and Users and its supplementary laws (“Consumer and User Act”).

<sup>2</sup> Congress of Deputies, “Congress approves the first act safeguarding consumer rights against large companies in customer service,” press release of the Ministry of Social Rights, Consumer Affairs and Agenda 2030, 11 December 2025, available at [DSCA.gob.es](https://dscgob.es).

<sup>3</sup> On 17 December 2025, the final text of the Customer Service Act was published in the Official Gazette of the Spanish Parliament and is still pending publication in the Official State Gazette. Under the Act, it will enter into force on the day following its publication in the Official State Gazette and provides for a twelve-month transitional period to allow companies to gradually adapt their customer service systems to the new standards.

<sup>4</sup> It should be noted that this requirement is not entirely new, as it derives from Article 21 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights (“Directive 2011/83/EU”), which already required that consumers be provided with a telephone line at no more than the basic rate. When transposing this Directive, the Spanish Government adopted a stricter approach, extending the obligation beyond what was required under EU law, and the new Act maintains—and even reinforces—this interpretation. For further details, please refer to our November 2022 newsletter ([here](#)).

<sup>5</sup> In Spain, Basque, Galician, Catalan and Valencian are co-official languages alongside Spanish.

- The mandatory implementation of an annual external evaluation and audit, requiring companies to measure and document the quality of their customer service, retain such documentation for five years and publish the corresponding report on their website.

In short, the above obligations establish a highly demanding regulatory framework that is set to substantially transform the functioning of customer service systems in Spain.

### POTENTIAL CHALLENGES FOR AIRLINES

The practical application of the new Act poses a series of challenges for airlines which, beyond the regulatory dimension, have a direct impact on their operational and organisational structures. Although airlines are accustomed to handling large volumes of interactions and have well-established customer service systems, the new framework introduces obligations that do not always align with the operational realities of air transport—particularly in situations of disruption that are wholly outside the operator's control.

In this context, one of the greatest challenges will be meeting the reinforced response-time requirement, which obliges companies to answer 95% of requests within three minutes. While this threshold may be reasonable under normal operating conditions, it becomes extremely difficult to meet in exceptional scenarios such as severe weather, technical incidents or airport congestion<sup>6</sup>. In such circumstances, the volume of interactions can increase exponentially in a matter of minutes, yet the Act provides no flexibility or modulation mechanisms for situations in which strict compliance is objectively unachievable.

Similarly, the obligation to provide continuous 24/7 assistance whenever an incident affects service continuity<sup>7</sup>—combined with the prohibition on using automated systems as the sole means of interaction—introduces an additional layer of rigidity that contrasts with both the dynamic nature of air transport and current technological advances. Although the provision appears aimed at restricting traditional answering systems, the reality is that modern AI-based tools—capable of resolving queries quickly and accurately—are equally impacted. As a result, a rule designed to reinforce human attention risks discouraging the use of technological solutions that, in practice, improve efficiency and enhance the passenger experience.

Furthermore, the language requirements introduce an additional element of complexity. Airlines must ensure that their customer service channels always offer communication in Spanish and, when the service is directed at customers located in regions with a co-official language, also in that language. This will require adapting resources and personnel to guarantee appropriate linguistic coverage in the relevant channels.

In addition, airlines will need to adapt their dynamic pricing systems to new obligations governing price invariability and enhanced transparency in automated decision-making. Meeting these requirements will entail reviewing algorithms, digital processes and internal workflows, with a direct impact on sales platforms.

Taken together, these elements reflect a legislative choice in favour of a rigid and uniform framework, without parameters allowing obligations to be adjusted based on the type of service, the nature or magnitude of the incident or the operator's actual response capacity. This lack of flexibility may lead to divergent interpretations by the competent authorities and requires airlines to develop robust internal policies to guide decision-making and adequately justify their actions. Strengthening systems for traceability, monitoring and evidence retention will therefore be essential to demonstrate due diligence in especially complex operational contexts.



### THE PENALTY SYSTEM: FROM FORMAL OBLIGATION TO OPERATIONAL RISK

All the foregoing also translates into a broader challenge for airlines: the obligation to demonstrate compliance with the standards established by the Act. The framework relies on a stringent penalty regime that places on companies the burden of proving, for example, waiting times, sequences of interactions, the effective availability of human assistance and the time taken to resolve incidents<sup>8</sup>.

Any breach—such as failing to provide a toll-free number, denying access to a human operator, failing to meet response deadlines or not offering service in a co-official language when required—may result in significant financial penalties, imposed either by regional authorities or, where applicable, by the national administration.

In fact, Although the Consumer and User Protection Act generally classifies customer service infringements as minor infringement<sup>9</sup>, in the case of air transport—considered a service of general interest—such infringements may be treated as serious offences, thereby increasing the applicable penalty range<sup>10</sup>. In this scenario, fines may reach up to €100,000 and may be increased by up to six times the illicit benefit obtained where it is proven that the infringement generated an economic advantage for the airline. This places the upper limit of the penalty range, at the state level, at around €600,000, without prejudice to the application of regional penalty frameworks by the autonomous communities.

Ultimately, the Act reinforces an existing penalty framework that carries significant consequences for companies that fail to adapt in time. These are not merely symbolic sanctions: the financial and reputational exposure is substantial, and increased regulatory scrutiny is expected in sectors with particularly high volumes of consumer complaints, such as air transport.

<sup>7</sup> Although some airlines already provide customer service across wide time frames, others do not offer overnight support or rely on external vendors with limited capacity, so they may need to reassess the current structure of their customer service operations.

<sup>8</sup> The penalty framework is based on the general consumer sanctioning regime set out in the Consumer and User Protection Act and the applicable regional regulations.

<sup>9</sup> Article 47.1.q) in connection with Article 48.2.a) of the Consumer and User Protection Act.

<sup>10</sup> Article 48.3.a) of the Consumer and User Protection Act.

#### CONCLUSION: A DEMANDING FRAMEWORK REQUIRING PROPORTIONAL APPLICATION

The new Customer Service Act represents a far-reaching shift in how airlines must design, structure and document their customer service operations in Spain. The combination of highly demanding standards and an operative penalty regime makes timely adaptation an immediate priority from legal, organisational and reputational standpoints.

Going forward, the key issue will not be formal compliance alone, but how authorities interpret and apply the Act in real operational scenarios, particularly during disruptions in which the sector's capacity to respond is naturally limited. An overly rigid or context-insensitive application risks generating legal uncertainty, increasing litigation and penalising operators who act with due diligence under extraordinary circumstances.

For airlines, effective adaptation will require anticipation, a thorough review of internal processes, strengthened traceability systems and comprehensive documentation of compliance at every stage of the customer journey. Only in this way will it be possible to mitigate a regulatory risk that is no longer theoretical, but fully operational.



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