Dear Mrs. García Tejerina,

Re: Royal Decree on consumer right to information

Consumers International (CI) is the international federation of consumer organisations with more than 250 member organisations in 120 countries, including the Spanish organizations OCU, CECU and FACUA. Established in 1960 we represent our members in international processes and support their national work through information exchange and joint projects. CI has General Consultative Status with the United Nations and speaks on behalf of our membership in international organisations including the Organisation for Economic Co-operation and Development, the World Health Organisation and Codex Alimentarius.

We have recently learnt through our Spanish member OCU (Organización de Consumidores y Usuarios), that the Spanish Government is considering the adoption of a Royal Decree regulating comparative testing, analyzing and reporting in food products (“Real Decreto por el que se regula la realización de estudios, informes y análisis comparativos en productos alimenticios”).

By requiring consumer organisations to disclose information about the testing laboratories that they have used and introducing a potential 20 day delay in the publishing of results, we are concerned that this decree may undermine consumer organizations ability to conduct and publish comparative tests of food products and, as such the decree will threaten fundamental consumer rights to safety and to be informed. This is particularly concerning when the decree relates to food which is so important to consumers’ safety and well being.
The United Nations Guidelines for Consumer Protection include a number of objectives that together make a clear case for the publication of comparative tests including:

(a) To assist countries in achieving or maintaining adequate protection for their population as consumers; (b) To facilitate production and distribution patterns responsive to the needs and desires of consumers; (c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers; (d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers; (e) To facilitate the development of independent consumer groups;

Furthermore the UN Guidelines recognize the following legitimate needs of consumers that in our opinion are relevant to this issue:

(a) The protection of consumers from hazards to their health and safety;

(c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;

(f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them;

We urge you to work with independent national consumer organizations to reassess this decree both in light of the impact on Spanish consumers and the precedent that it sets for other countries, particularly those countries where the development of independent consumer organizations and recognition of consumer protection is less advanced.

With best regards

Amanda Long
Director General
Consumers International

James Guest
President
Consumers International