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Implications of Act 10/2025 for customer services in financial services: new rules of the game



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Executive summary

- Act 10/2025, of 26 December, which regulates customer service (hereinafter, "**CSA**") establishes a legal framework for the protection of financial services customers. It applies to them on a supplementary basis and updates and reinforces Act 44/2002, of 22 November, on measures to reform the financial system (hereinafter, "**Act 44/2002**") through its amendment.
- The subjective scope of the obligation to have a Customer Service Department (hereinafter, "**CSD**") is broadened to include a greater number of entities in the financial sector.
- The organisational requirements of the CSD and the procedure for processing and resolving complaints and claims have been reinforced, incorporating principles of accessibility, personalised attention and functional separation.
- The CSA incorporates a transitional regime that grants entities a general period of 12 months to adapt to the new requirements.



Context, purpose and scope of Act 10/2025

On 28 December 2025, the CSA came into force. This is a long-awaited and widely followed regulation, particularly due to the media impact associated with the so-called "call centre odyssey" and the limitations on the use of answering machines or other similar systems as the exclusive channel for customer service.

The CSA addresses the regulation of customer service centres of companies established in Spain or in another country that offer or provide certain basic services of general

interest in Spanish territory, such as water, gas and electricity supply and distribution services; transport services; postal services; electronic communications services, including telephone services; and financial services.

In this note, we focus exclusively on how the CSA affects financial services.



Application to the financial sector

The CSDs of entities in the financial sector will be governed by their sectoral regulations (in particular, Act 44/2002, as amended by the Second Final Provision of the CSA) and, on a supplementary basis, by the other provisions of the CSA, with some exceptions.

To avoid overlap with the control mechanisms already exercised by sectoral supervisors (the Bank of Spain, the National Securities Market Commission (CNMV) and the Directorate General of Insurance and Pension Funds (DGSFP)), the CSA expressly excludes the application of certain provisions, in particular:

1. **Article 13.8**, relating to the suspension of collection management actions or service provision when the complaint, claim or incident is subject to extrajudicial dispute resolution procedures.
2. **Article 18**, on the implementation of a system for assessing customer satisfaction with the customer service.

3. **Article 19**, concerning collaboration with consumer associations and public administrations.
4. **Articles 21 and 22**, on the annual evaluation of the service and the annual audit by an external auditor accredited by the National Accreditation Entity.
5. **Article 23**, on penalties, due to its reference to the general regime of Royal Legislative Decree 1/2007 of 16 November, which approves the revised text of the General Law for the Protection of Consumers and Users and other complementary laws.

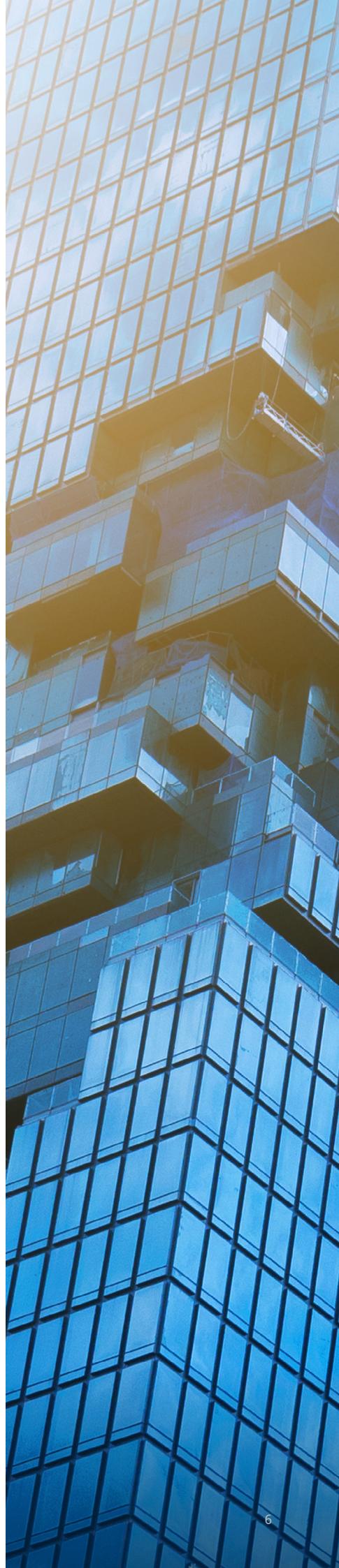
Likewise, Order ECO/734/2004 of 11 March, relating to customer service departments and services and the financial customer ombudsman, has been partially repealed, specifically Articles 6 and 9 to 16 of the Order. The matter has been reorganised through the amendments introduced in Act 44/2002.

Main developments for the financial sector regulated in FP2 of the CSA, amending Act 44/2002

- **Extension of the subjective scope.** The obligation to have a customer service department, and the requirements for the procedure for processing and resolving complaints and claims, has been extended to the following entities, among others:
 - credit institutions
 - payment institutions, account information service providers and other entities provided for in Article 14 of Royal Decree-Law 19/2018 ("Spanish Payment Services Act")
 - electronic money institutions
 - management companies of collective investment institutions
 - insurance brokerage companies and insurance brokers
 - pension fund management entities
 - real estate lenders and credit intermediaries operating in Spain or in more than one autonomous community
 - entities operating in Spain under the freedom to provide services
 - branches in Spain of the above entities originating in other states

Some of these entities already had to have a customer service department in accordance with Order ECO/734/2004. Now, with its incorporation into Act 44/2002, the legal status of this obligation has been reinforced.

- **Scope and organisation of the service.** Entities must process complaints and claims related to the legally recognised rights and interests of financial service users, including those arising from incidents or queries not resolved at the branch or in the sales department. To this end, they must have a customer service department, which may be shared by a group of entities.
- **New definition of complaint or claim.** The concept has been redefined so any statement made by customers to the CSD regarding poor service provision or non-compliance (or defective compliance) with the offer made, and any statement arising from incidents or queries that haven't been satisfactorily resolved, is considered a complaint or claim.
- **Free, accessible and continuous service.** The CSD must be provided free of charge, effectively, in an assessable manner and with universal, inclusive and non-discriminatory access, within business hours. However, when necessary to process complaints or claims arising from incidents not dealt with in services that require continuity, uninterrupted service must be guaranteed, 24 hours a day, every day of the year.
- **Service channels and the principle of personalised service.** There's an obligation to guarantee in-person, telephone and online channels, applying the principle of personalised service and taking into account, among other factors, the customer's age, possible disability, geographical location and digital skills.
- **Limitation on the exclusive use of automated systems.** It's prohibited to provide customer service exclusively through automated answering machines. When customers use only telephone or electronic channels, they have the right to be served by a human operator who allows for fluid interaction.





- **Cost of telephone customer service.** Entities offering telephone customer service must ensure that its use doesn't entail a higher cost than a call to a standard landline or mobile phone. Otherwise, they must provide an alternative landline or mobile number and inform customers of the cost associated with each number.
- **Customer Ombudsman.** The possibility of appointing a Customer Ombudsman has been maintained, with the new addition that decisions in favour of the complainant will be binding on the entity, without prejudice to access to judicial protection, the possibility of resorting to other dispute resolution mechanisms and administrative protection.
- **Resources and training.** The obligation to provide the CSD with sufficient human and technical resources, with adequate training for effective service provision, including specific training for dealing with vulnerable persons, persons with disabilities and the elderly, has been reinforced.
- **Functional separation.** The CSD must be kept separate from commercial and operational areas to prevent conflicts of interest and ensure autonomous decisions.
- **Submission, acknowledgement of receipt and processing.** Complaints can be submitted in paper form or by electronic or telematic means that allow them to be stored; they can't be submitted by telephone, given the need to provide contractual information, although enquiries can be made by phone. Entities have to acknowledge receipt in writing and through the same channel used, assign an identification code and allow the file to be tracked. A period of ten calendar days is allowed to correct defects (with interruption of the calculation of the resolution period) and specific grounds for inadmissibility are established; in such cases, a ten calendar day period for submitting arguments must be opened, which also interrupts the calculation.
- **Resolution period and submission channels.** Entities must resolve within a maximum period of one month (or within the specific periods provided for in the payment services regulations). Submissions can be made at any office open to the public, and through websites, applications or authorised email addresses.
- **Closure of the procedure and access to supervisors.** At the end of the procedure, entities must issue a written and reasoned response addressing all the issues raised in accordance with the contract and good financial practices. If the response is negative or doesn't satisfy the customer, they must be expressly informed of the possibility of using the complaints services of the Bank of Spain, the CNMV or the DGSFP, which will act as a one-stop shop and forward the complaint to the competent supervisor. To access this channel, the customer must provide proof of the previous complaint to the CSD or, where applicable, to the Customer Ombudsman, and that at least one month has elapsed without a response or with a rejection or inadmissibility. A period of 90 calendar days is established for the supervisor to resolve the complaint, starting from the date of submission of the complaint or from the receipt of the complete documentation.

Entry into force and transitional regime

The Act came into force on 28 December 2025, but incorporates a transitional regime in its sole transitional provision, which sets the deadlines and conditions for entities within its scope to

adapt to the new quality requirements in the CSDs. In general, a period of 12 months from the date of entry into force is granted to implement these requirements.



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