

Financial institutions' customer services following Act 10/2025

Act 10/2025 reforms the regime governing financial institutions' customer services and introduces a procedure for the submission, processing and resolution of complaints filed by their customers, including special provisions when such customers are consumers.

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1. The purpose of the Customer Services Act 10/2025 of 16 December is (Art. 1) “to regulate minimum quality standards and the evaluation of customer services provided by companies that offer certain basic services of public interest and by large companies”. We will not analyse its content outside the financial services sector, where there are specific rules applicable to queries and complaints made by customers of financial institutions. Article 2(1)(e) of the new law expressly refers to the Financial System (Reform Measures)

Act 44/2002 of 22 November, the customer service regime, which goes beyond the scope of consumer law, to which Act 10/2025 is limited. The rules on customer complaints in the financial services sector are applicable not only to those who are legally considered consumers, since the sectoral legislation refer to users of financial services. This is clearly evident in the payment services sector, where errors or deficiencies in the provision of services affect both consumers and those who do not have such status but who can still use

the customer services of payment service providers and, subsequently, if their complaint is not satisfied, the Bank of Spain's complaints service.

2. The second final provision of Act 10/2025 amends Articles 29 to 31 of the aforementioned Act 44/2002. The customer service department and the "customer ombudsman" are now regulated in a more extensive Article 29. The procedure applicable to the resolution of customer complaints before the customer ombudsman is also established in greater detail in new Articles 29 *bis* to 29 *septies*, and Articles 30 (submission of complaints and queries to the Bank of Spain, the Spanish Securities Market Authority and the Directorate-General for Insurance and Pension Funds) and 31 (enabling of regulatory implementation) are amended, in the latter case not particularly significant as they changes in the new wording of this Article 31 replace the generic masculine used in the previous version.
3. The amendment of Act 44/2002 by this customer services law is bereft of an administrative track for complaints that have not been resolved by the internal services of the financial institution or by the customer ombudsman: the bill creating an independent financial consumer protection authority for the judicial resolution of disputes between financial institutions and their customers. This bill has been awaiting, for more than a year, the lower house's Economy, Trade and Digital Transformation Committee Report. For this reason, the amended Article 30 of Act 44/2022 retains the system created by it (implemented by Order ECC 2502/2012, of 16 November, regulating the procedure

for filing complaints with the complaint services of the Bank of Spain, the Spanish Securities Market Authority and the Directorate-General for Insurance and Pension Funds). This situation will remain unchanged until the future creation of the aforementioned independent authority in compliance with the first additional provision of Act 7/2017 of 2 November, which incorporates into Spanish law Directive 2013/11/EU of the European Parliament and of the Council of 21 May on alternative dispute resolution for consumer disputes. Although Directive 2013/11/EU did not require the creation of a single entity for the protection of financial customers, this has been the understanding of successive governments, which have presented draft bills for the creation of this independent administrative authority, texts which logically repealed in their various versions Article 30 of Act 44/2002, which deals precisely with the submission of complaints to the Bank of Spain, the Spanish Securities Market Authority and the Directorate-General for Insurance and Pension Funds.

Hence, the only significant change in the area of complaints to financial supervisors has been, in addition to the affirmation of the transitional nature of the system until the creation of a single administrative authority, the establishment of a maximum period of ninety calendar days for the resolution of the administrative case, "counted from the date of submission of the complaint or, where applicable, from the date on which reception of the documentation necessary to conduct the proceedings is recorded in a durable medium".

4. The bulk of the reform therefore focuses on the regime governing customer service

departments or services in financial institutions. Not only does it lay down certain obligations regarding the provision of this service, but it also contains a clearly regulatory internal dispute resolution procedure within the financial institution. In fact, the sole repealing provision of Act 10/2025, in addition to including a general repealing clause for “equal or lower ranking opposing, contradictory or incompatible provisions”, it only expressly mentions the repeal of Articles 6, 9, 10, 11, 12, 13, 14, 15 and 16 of Order ECO/734/2004, of 11 March, on customer service departments and services and the customer ombudsman of financial institutions. These are the articles relating to the procedure for the submission, processing and resolution of complaints (Articles 10 to 16 of this ministerial order, now Articles 29 *bis* to 29 *septies* of Act 44/2002), as well as the organisational requirements (Article 6) and information-related duties of institutions (Article 9) regarding the existence of this service. The content of these last two articles of the ministerial order, updated with reference to payment services, has been transferred almost verbatim to the amended Article 29.

5. Act 10/2025’s reform of the financial institutions’ customer complaints system has focused not only on the procedure for the submission, processing and resolution of customer complaints, but also on the financial institutions’ obligation to guarantee continuous customer service “24 hours a day, every day of the year, when necessary to deal with complaints arising from the failure to address incidents relating to the maintenance of those services that require continuous provision” (Art. 29). Outside of this scenario, customer

service will be provided during business hours.

With regard to financial services “that require continuous provision”, the new law does not specify which services it refers to; one might think, with many doubts, of payment services, although probably not all those listed in Article 1 of Royal Decree-law 19/2018 of 23 November on Payment Services and other Urgent Measures in Financial Matters, but only those associated with basic payment accounts. It is more difficult to extend the concept of *continuous provision* for the purposes of assistance to investment services or to those related to insurance contracts, real estate lenders or credit intermediaries referred to in the Real Estate Credit Facility Agreement Act 5/2019 of 15 March: these do not appear to be services whose interruption requires attention to the *incident* outside working hours, as is the case with water, electricity or gas supplies, to cite the most obvious examples.

6. Financial institutions must also ensure “the availability of in-person channels, whether permanent or intermittent, or telephone or telematic channels for customer service, in accordance with the principle of personalised service”. Article 29 defines *personalised service* as “one that takes into account the age, disability, foreign status and administrative situation of the person contacting customer service, the characteristics of the geographical area in which the person resides in terms of population and the level of digital skills of that person, among other issues”. This is a list of undefined concepts (apart from the status of foreign customer) that should be clarified in regulations. A reading of the preamble

to the law allows the personalised service to be linked to situations of financial exclusion or lack of access to financial services and products “appropriate for leading a normal social life”. (The preamble to this law continues: “In general, the available statistical information shows that older people, those on lower incomes and those living in smaller municipalities have lower digital skills. These groups are therefore the most vulnerable to lack of access to financial services and financial exclusion”). This Act 10/2025 also amends Article 21 of the recast version of the Consumer Act (LGDCU) to consider financial and insurance services as basic services of public interest, which means that they must have a free consumer helpline, as is required in the case of water and energy supply and

of credit institutions and the insurers acts and the Royal Decree-law on payment services, to mention the most important texts). However, the long list of financial institutions contained in the amended Article 29 of Act 44/2002 omits any reference to private equity managers and other closed-end collective investment institutions; although these investments were originally prohibited to retail customers, following the amendments to Act 22/2014 in 2022, they are now allowed access to these financial products, subject to certain requirements.

Some financial services are considered basic services of public interest

distribution services, health services and postal services.

7. The law lists the entities required to have, either individually or collectively, a customer service department or a customer ombudsman. This list is partially included in the aforementioned 2004 ministerial order on customer service departments and services. They are now brought together in a single provision (Article 29), without prejudice to the fact that the obligation to have such a department was already included in financial regulations (the securities markets, collective investment institutions, the organisation and supervision

8. Despite the limited success of the customer ombudsman and the fact that it is optional for financial institutions, the new Articles 29 *bis* to 29 *septies* regulate the procedure applicable to the resolution of customer complaints before this ombudsman, should such a role exist in the financial institution or institutions that have jointly appointed him. He shall hear complaints not previously resolved by the office or service that is the subject of the complaint or by the customer service department or service. As the second paragraph of Article 29 *bis* provides that customers may request the processing, in accordance with this procedure, of complaints that fall within the remit of the customer service department or service of the financial institution, this encourages financial institutions to adopt this procedure for application in their customer service departments. Perhaps the most notable new feature of the new regime is the standardisation of the time limits for the financial institution to resolve complaints to one month (previously, if the customer was not a consumer, it was two

months) and fifteen days if the complaint concerns payment services.

9. A procedural rule has made this previously voluntary complaints resolution procedure mandatory if the consumer or user intends to go to court, as the necessary admissibility requirement is considered to have been met “with the resolution of complaints submitted by users of financial services to the Bank of Spain, the Spanish Securities Market Authority and the Directorate-General for Insurance and Pension Funds under the terms established by Article 30 of Act 44/2002 of 22 November” (seventh additional provision of the Public Justice Service (Efficiency Measures) Act 1/2025 of 2 January. Act 44/2002 requires, as a prerequisite for the admission of complaints before financial supervisors, that such complaints be submitted to the customer service department or, where

appropriate, to the customer ombudsman of the financial institution. Therefore, and in order to promote alternative dispute resolution in this area as well, the customer must first resort to internal channels within the financial institution and then to external channels through the complaints services of the financial supervisors as a *sine qua non* requirement that will then allow them access to civil jurisdiction.

10. A transitory period of twelve months is provided for, during which financial institutions must adapt their customer service departments to the changes introduced by Act 10/2025. The regulatory enablement to adapt, “in the interests of proportionality”, the requirements laid down in relation to customer service departments “for flexible application by credit cooperatives and savings banks” is expressly included.