

ANALYSIS



Telecommunications

New customer service and telemarketing numbers

As of 17 October 2026, customer help or support must be provided exclusively via the telephone numbers available for this purpose in Spain's National Telephone Numbering Plan. As of that same date, advertising or sales calls will come from a number starting with 400 and will not allow callbacks.

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1. General considerations

The *Official Journal of Spain* of 16 April published two decisions from the State Secretariat for Telecommunications and Digital Infrastructure regarding the use of telephone numbers. These are the Decision of 14 April 2026 allocating public numbering resources to customer service and laying down the general terms of use thereof (the ‘Customer Service Decision’), and the Decision of 14 April 2026 allocating public numbering resources to telemarketing and laying down the general terms of use thereof (the ‘Telemarketing Decision’). The aim is to clearly differentiate between customer service calls and telemarketing calls and to provide users with tools to easily distinguish between them. This follows Article 16(3) of the Customer Service Act 10/2025 of 26 December, which requires that, where a telephone channel is established for customer help or support, such service must have a specific numerical code distinct from the code used for advertising or sales via a telephone channel, which must also be specific to the same.

The correct use of the numbering system will be monitored by the Spanish Markets and Competition Authority (CNMC), without prejudice to the powers of other government agencies regarding compliance with other obligations (for example, compliance with minimum quality standards for customer service).

These latest decisions entered into force on the day following their publication. However, a six-month period is granted, until 17 October 2026, for the CNMC, operators, and customer service departments

to implement the necessary technical modifications in their respective systems to process and route communications to these numbers under the regulated terms.

2. Numbering for customer service and terms of use

2.1. Public numbering resources for customer service

The Decision of 14 April 2026, issued by the State Secretariat for Telecommunications and Digital Infrastructure, allocating public numbering resources to customer service and laying down the general terms of use thereof, determines that the numbers that may be used for customer service are as follows:

- *Short numbering (“1XYA” format)* used by electronic communications operators for internal services offered to end users, under the terms set forth in the National Telephone Numbering Plan and in the Decision of 29 May 2009 of the State Secretariat for Telecommunications and the Information Society, allocating public numbering resources to internal services within each public telephone network and releasing certain short three-digit numbers.
- *800 and 900 numbers.* Non-geographic numbers in the range NXY = 800 and 900, which are already allocated in the National Telephone Numbering Plan to customer service, allow the cost

of the call to be borne by the provider of the good or service.

- *Geographic numbering* used for customer service under standard rates.

These numbers will support both outgoing and incoming calls.

2.2. Cost

In the case of short numbers already in use by operators as part of their services and in the case of 800 and 900 codes, calls will be free of charge. In the third case, the geographic numbering will correspond to a standard geographic landline (para. 3 of the Customer Service Decision).

This concept of a *standard call* is judge-made (CJEU, 2 March 2017, C-568/2015; ECLI:EU:C:2017:154). Neither Article 21(2) of the revised version of the Consumer and User Protection Act, nor Article 10(1) of the Customer Service Act, nor the Customer Service Decision, defines the concept of a *standard geographic landline call*, much less determines its price. Although not strictly legally defined, it is generally accepted in the market that a *standard call* is a call to domestic landlines, for which operators have pricing freedom and which are typically included in flat-rate plans.

2.3. Specific and exclusive use

Companies falling within the scope of Act 10/2025 that provide a telephone channel for customer service

must use exclusively the specified number ranges (no other numbers may be used for this service). Nor may they use these numbers for telemarketing (Art. 16(3) of Act 10/2025). Companies referred to in paragraph four of the sole transitory provision of said Act are not required to comply with this obligation (see section 4 hereunder).

2.4. Effective date: six months

Pursuant to the “Electronic Communications Markets, Network Access, and Numbering Regulations”, approved by Royal Decree 2296/2004 of 10 December, electronic communications operators must make the necessary alterations to the systems they operate to process and route communications efficiently when new number blocks are made available for use under the National Numbering Plan. In particular, the Customer Service Decision urges the CNMV, operators, and customer service departments regulated by Act 10/2025 to take the necessary steps so that, within six months of the Decision’s entry into force, calls from the affected customer service departments may only be made using the public numbering resources allocated in paragraph one(1) of the Customer Service Decision.

3. Numbering for telemarketing

3.1. 400 code

The Customer Service Act 10/2025 of 26 December requires a clear distinction between telemarketing and other types of telephone communi-

cations, such as customer service or after-sales service calls, and therefore establishes obligations aimed at improving transparency and facilitating the identification of telemarketing. In particular, it requires the use of specific codes for each of these types of calls (Art. 16(3)). In compliance with this requirement, the Decision of 14 April 2026 of the State Secretariat for Telecommunications and Digital Infrastructure, allocating public numbering resources to telemarketing and laying down the general terms of use thereof, makes a specific code within the National Numbering Plan available for advertising or sales calls. In particular, the numbering range NXY = 400 is allocated to telemarketing. These are nine-digit numbers, identified by the initial digits NXY = 400.

3.2. *Terms of use*

Telemarketing using this numbering range will only allow outgoing calls, but not incoming calls. The target will be numbers used to identify end users (geographic numbers, mobile numbers, and numbers for nomadic voice services).

Companies falling within the scope of Act 10/2025 may not use any numbering range other than the NXY = 400 range for advertising or sales calls, except in the cases exempted by the sole transitory provision, paragraph 4, of said Act (see section 4 hereunder).

For the purposes of access and interconnection between operators, telephone calls made from the NXY = 400 range shall be considered as

originating from a fixed network access point.

The Telemarketing Decision also imposes disclosure obligations on operators offering telemarketing, who must announce the opening of the NXY = 400 range for making advertising or sales calls through the most appropriate channel or channels between the fifth and eighth months following the effective date of the Telemarketing Decision (between 17 September and 17 December 2026).

3.3. *Right to opt out*

The Telemarketing Decision provides for the possibility of a user requesting to be disconnected from telemarketing “in accordance with the provisions of Article 24 of Royal Decree 899/2009, of 22 May, approving the Charter of Rights for Users of Electronic Communications Services” (para. three(5) of the Telemarketing Decision). At this point, the ambiguity of the regulation must be highlighted. Article 24(1) of Royal Decree 899/2009 sets out the duty of operators offering telemarketing to guarantee their subscribers “the right to opt out from certain services, including, at a minimum, international and premium-rate calls”. While safeguarding this minimum (international and premium-rate calls) and guaranteeing a maximum period of ten business days to carry out the disconnection requested by the user, the contracts shall determine the conditions for exercising the right to opt out. Article 3(5) of the Telemarketing Decision provides that “in accordance with the provisions of Article 24 of

Operators of publicly available telephone services have six months to adapt their systems to the new numbering uses

Royal Decree 899/2009, [...] *operators of publicly available telephone services may offer their clients*, upon request, the option to opt out of advertising or sales calls via the NXY = 400 range”. Contrary to what might initially appear to be the case, the user’s right to opt out of telemarketing is not expressly recognised, nor is there an expansion of the minimum mandatory scope of the right to opt out that operators must guarantee, extending it to advertising or sales calls (400 code); rather, the regulation merely states the obvious: that “*operators [...] may offer their clients*, upon request, the option to opt out”. In other words: on a contractual and discretionary basis, telephone service operators will regulate how this right to opt out of telemarketing via the 400 number is exercised, and, where applicable, the timeframe for carrying out the effective opt-out shall not exceed ten business days. However, the regulation does not require telephone service providers to guarantee end users the ability to opt out of telemarketing.

3.4. Numbering availability for allocation

Operators of publicly available telephone services or an equivalent category established by the CNMC shall be entitled to obtain numbers belonging to the NXY = 400 range. Operators

to whom these numbers are made available must ensure that they are retained.

The numbers in the NXY = 400 range shall be made available in accordance with the general numbering management procedures set out in the General Telecommunications Act 11/2022 of 28 June, and its implementing regulations. However, the CNMC shall establish an initial availability period during which, exceptionally, the order of submission of applications may not be applied, provided that this is justified and proportionate.

4. Exceptions: exempt companies

Both Decisions exempt certain companies falling within the scope of Act 10/2025 from the application of the new obligations regarding the use of specific and separate codes, provided that their national market share does not exceed 5% or, even if it exceeds that percentage, they do not reach the thresholds set out in Article 2(2) of the aforementioned Act.

Thus, pursuant to paragraph four of the sole transitory provision of Act 10/2025, the following are not required to provide a specific and distinct code for customer service and telemarketing, nor are they subject to the prohibition on offering advertising or sales calls using codes other than the NXY = 400 number: electricity, gas, and telephone service providers, provided that the service provider or group of companies to which it belongs does not hold a 5% share of the national market and does not fall into the category of companies defined in Article 2(2) (companies

or groups of companies employing more than two hundred and fifty workers and whose annual revenue exceeds fifty million euros or whose annual balance sheet total has exceeded forty-three million euros). To

this end, the CNMC shall submit an annual report, by March of each year, analysing the market shares and the size of companies in the electricity and gas retail sectors for the previous financial year.