Time-sharing in Spain

One year after the expiry of the deadline set by the Directive 2008/122/EC of the European Parliament and the Council of 14 January 2009, on the protection of consumers in respect of certain aspects of timeshare, long-term holiday products, resale and exchange contracts, the Spanish legislator has transposed it through the Royal Decree-Law 8/2012 of 16 March (BOE of March, 17), already in force. The Time-sharing Act (Act 42/1998 of 15 December) is repealed.

In addition to some rules on the language of pre-contractual information and the contract itself, Art. 17, entitled "Rules of private international law", states that when according with the Rome I Regulation the applicable law is the of a non-member State of the EEA, the consumer may invoke the legal protection granted by the Royal Decree-Law in the following cases:

a) When the any of the inmovable properties concerned is located whithin the territory of a Member State of the European Economic Area.

b) In the case of a contract not directly related to immovable property, if the trader pursues commercial or professional activities in a Member State or by any means directs such activities to a Member State and the contract falls within the scope of such activities

Also on the applicable law, Annexes I to IV provide for standard forms for different types of contracts which include the following standard term: "In accordance with private international law, the contract may be governed by a law other than the law of the Member State in which the consumer is resident or is habitually domiciled, and disputes may be referred to courts other than those of the Member State in which the consumer has his habitual residence or domicile "

Art. 20 provides for the submission to arbitration and other ADR methods included in the list published by the European Commission on ADR for consumers contracts.