

REGULATIONS FOR RETAILERS

COMMERCIAL SECTOR

TRADING REGULATIONS

Commerce is one of the motors of the economy of the Gavà area.

Apart from its agricultural tradition and its large industrial and business sectors, Gavà has more than 1,000 commercial establishments where local residents can find everything they need without having to go out of town to do their shopping. Food, clothing, footwear, homeware, leisure and culture are the most predominant local commercial sectors.

To engage in a commercial business you need to comply with the general regulations. In this document you will find most of these regulations although further compulsory rules may apply depending on the business in question.

Practical guide to opening hours

This practical guide is useful for adapting shop opening hours to comply with Catalan legislation. The law on shop opening hours allows shops to open for a maximum of 12 hours a day, between 07.00 a.m. and 10.00 p.m. up to a maximum of 72 hours per week, with the obligation to close on Sundays and public holidays and to bring forward the closing time to 08.00 p.m. on 24 and 31 December. Within these limits, shopkeepers have the freedom to choose how to distribute their opening hours. Apart from certain exceptions due to the nature of the business concerned, shops can generally open for a maximum of 8 Sundays or public holidays per year, in line with the official calendar established by the Generalitat.

The practical guide to shop opening hours provides a grid to show the different types of establishments and when they can open:

- When can I open?
- What kind of establishment have I got?
- Other information

When can I open?

In this space you will find information on weekly opening days, general opening times, Sunday and public holiday opening, compulsory closing days and restricted opening days for each type of commercial establishment in Catalonia:

- Shops in general.
- Pastries, cakes, “churros” (sweet fritters), bread and pre-prepared meals.
- Press, flowers and plants.
- Sale of petrol and fuel.
- Commercial establishments in tourist towns
- Commercial establishments in tourist venues (museums, monuments and tourist recreational centres).
- Commercial establishments at border points, stations and on land, air and sea transport.
- Shops within hotels.
- Food stores of less than 150m² that do not belong to, or operate under the same commercial name as, groups or distribution chains.
- Convenience stores.
- Commercial establishments of less than 150m² located in towns of less than 5,000 inhabitants with authorization from the town council.
- Pharmacies.

Ajuntament de Gavà

Àrea d'Igualtat i Ciutadania

Opening hours 2013

	Opening days of the week	Opening hours	Sunday and public holiday opening	Compulsory closing	Restricted opening
Commercial establishments in general (general opening hours)	From Monday to Saturday	Between 07.00 a.m. and 10.00 p.m. to a maximum of 12 hours per day	13 January / 7 July / 12 October / 1 November / 6, 8, 15 and 22 December	Other Sundays and public holidays	Latest closing time, 24 and 31 December: 08.00 p.m
Pastries, cakes, "churros" (sweet fritters), bread, pre-prepared dishes	Without restriction	Without restriction	All	Without restriction	Without restriction
Press, flowers and plants	Without restriction	Without restriction	All	Without restriction	Without restriction
Sale of petrol and fuel	Without restriction	Without restriction	All	Without restriction	Without restriction
Commercial establishments in tourist towns	As per authorization for public holidays	As per authorization	As per authorization, except for compulsory closing days	1 January / 25 December	Latest closing time, 24 and 31 December: 08.00 p.m
Commercial establishments in tourist venues (museums, monuments and tourist recreational centres)	Without restriction	Without restriction	All	Without restriction	Without restriction
Commercial establishments at border posts, stations and on land, air and sea transport	Without restriction	Without restriction	All	Without restriction	Without restriction
Shops within hotels	Without restriction	Without restriction	All	Without restriction	Without restriction
Food shops (<150 m²) (that do not belong to, or operate under the same name as, groups or distribution chains)	Without restriction	Without restriction	All, except for compulsory closing days	1 January / 25 December	Latest closing time, 24 and 31 December: 08.00 p.m
Convenience stores	Without restriction	Unlimited (minimum 18 hours per day)	All, except for compulsory closing days	1 January / 25 December	Latest closing time, 24 and 31 December: 08.00 p.m
Commercial establishments of <150 m² located in towns with <5,000 inhabitants with authorization from the town council (otherwise: general opening hours)	Without restriction	Without restriction	All	Without restriction	Without restriction
Pharmacies	These are governed by specific applicable regulations				
Shops in the vicinity of itinerant markets that are held on public holidays	These are governed by specific applicable regulations				

What kind of establishment have I got?

Convenience stores:

These are commercial establishments of less than 500m² that must offer, in a similar format, all the following groups of articles: books, newspapers and magazines; food products; CDs and videos; toys, gifts and miscellaneous articles. They should be open to the public a minimum of 18 hours a day.

Shops within hotels:

Commercial establishments located within hotels so long as the activity they are engaged in is permanent in nature and cannot be accessed directly from the street.

Food outlets exempt from general opening hours:

Self-service establishments owned by small or medium-sized companies with a surface area of less than 150m² and a product offering directed exclusively at everyday food items.

Commercial establishments in tourist venues:

Commercial establishments in museums, monuments and tourist recreational centres directly related to the product being promoted.

Commercial establishments in tourist towns:

A tourist town is understood to be one which complies with certain established parameters relative to seasonal accommodation stocks, or somewhere with a high number of visitors for reasons of tourism. From the point of view of business opening hours, any rating as a tourist town is the responsibility of the Directorate-General of Trade, acting on a request from the relevant town council.

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Further information:

Sunday and public holiday opening:

Town councils can substitute one or two of the national public holidays with permission to open for business by one or two of its local holidays. For more information, contact your town council.

CONSUMER AFFAIRS

CONSUMER AFFAIRS REGULATIONS

Publication of opening hours:

Commercial establishments that put goods on sale or offer services must notify the general public of their opening hours in such a way that this information is visible from the outside, including when the commercial establishment is closed.

Sales receipts

Commercial and service establishments are obliged to issue a sales receipt or an invoice for any purchase made by the customer. It is prohibited to use paper or any other support that is illegible or might fade during the guarantee period of the product or service. Sales receipts should detail the following:

- The name and fiscal identification number (NIF) of the company and its address
- The item charged for (product, brand, model, description of the service, etc.)
- The total amount paid (including a breakdown of taxes)
- Date of the sale

Labelling

There are many rules governing labelling and they are regulated by regional, state and European laws.

Some products are obliged to show the expiry date, manufacturing batch number, name, quantity, category, product composition, etc. Others must provide instructions or warnings of any risks in their use. You should consult the specific regulations for each product or business sector.

Liability in the case of labelling infractions:

- The company or business name appearing on or identified by the label is considered to be liable in the case of packaged goods.
- If the product does not show the information required to correctly identify those responsible for it, the liability for the infraction passes to the person who has sold the product.
- In the case of products sold loose or in bulk, the person holding the product is considered liable.

Official forms for complaints and claims

All commercial establishments selling goods or providing services to consumers either directly or as intermediaries must have official complaint and claim forms available in accordance with the model established by current legislation. The use of non-official forms or documents is prohibited.

Commercial establishments should display a permanent and visible sign stating that forms for complaints and claims are available, which should also feature a Citizens' Advice contact number for making consumer-related enquiries and, if the commercial establishment has one, the telephone number and email address of its customer services department.

Customer and user services

Business owners and traders are obliged to personally address, facilitate and supply any information requested of them by consumers and, if appropriate, to do so in person.

Business owners and traders are obliged to respond as quickly as possible to consumers who complain, make claims or report incidents relating to the consumer relationship, at the very least within a maximum of one month.

Language Regulations

Consumers are entitled to receive invitations to purchase and contractual documentation such as adhesion contracts, quotations, deposit receipts, invoices and other business documents in Catalan. Fixed standard information should also appear in Catalan, including the establishment's posters and signs, in line with the following:

- Permanent signs and general information posters displayed in the establishment's window, whether inside or outside (exterior sign, sign showing opening hours, etc.).
- Documentation containing service offers (catalogues, brochures, product sales literature, promotional offers, restaurant menus, etc.)

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- Signs, awnings, canopies and banners: In compliance with Law 1/1998 of 7 January 1998 on Language Policy, all of an establishment's permanent signage both inside (for example, checkout tills, exits) and outside (cake shop, bakery, etc.) must appear at least in Catalan. This law does not apply to brands or commercial names or to signs protected by industrial property law.

Guarantees for goods and services

a) Guarantees for consumer goods

Vendors must take responsibility for the conformity of their products for 2 years from their date of delivery.

For the first 6 months, it is assumed that any non-conformities are inherent in the product. During the remaining 18 months, it is the responsibility of the consumer to prove that the nonconformity is inherent in the product.

In the event of a nonconformity, consumers have the following options:

1. The repair or replacement of the product, except when the preferred option is impossible to comply with or disproportionate.
2. A reduction in price or the termination of the contract involving a refund of the money paid.

At their discretion, the manufacturer, vendor, importer, trader, etc. can offer a commercial guarantee, which should be more beneficial to the consumer than the guarantee that complies with the law. In the case of durable goods, the commercial guarantee should always be given in writing.

b) Guarantees for services

Apart from the regulations for specific sectors and without prejudice to the law on product compliance, services should be guaranteed for a minimum of 6 months from the completion of their provision.

Payments

Commercial and service establishments are obliged to accept legal tender and provide change. They must also allow payments using the methods indicated in their premises,

which must be clearly visible to members of the public. If such methods are unavailable, payments will always be made in cash.

If the commercial establishment usually accepts cards or other means of payment, this cannot be restricted in certain conditions or during certain periods, such as the Sales period.

Offers and promotions

When the business owner or trader announces offers and promotions for a specified period of time, he or she must be in a position to meet customer demand. If the product or service offered runs out, the business owner or trader must provide an order form that indicates the right of the consumer to obtain the promotional item or service or an alternative with similar features, specifying the date up to which this right can be exercised.

Offers with a reduced price

Information on reductions to the usual prices of goods or services on sale can be done by indicating the usual or standard price and putting the reduced price alongside it, or by substituting this information with an indication of the percentage reduction applicable alongside the normal or standard prices.

Seasonal sales periods

A 'sales period' is understood to be when the articles in question are offered in the same establishment where they are usually sold at a lower price than they were beforehand. Products that have not been displayed previously at regular prices cannot be considered as 'sale items', nor can damaged products or those acquired with the express purpose of selling them at a price lower than the usual. It is not necessary to notify or secure official permission from the authorities for a sales period, but simply comply strictly with the established conditions. 'Sales' is an optional commercial practice that can be introduced during the sales season or not, for the length of time deemed appropriate by current legislation.

You may not start promotional selling and then link up with the 'Sales' period or vice-versa, especially when promotional selling generally consists of selling articles at a cheaper price than the usual one, as this is considered to be extending the official 'Sales' period for longer than legally authorised.

Prices

It is mandatory for commercial establishments to show the price of all the articles on display preceded by the initials PVP (Recommended Retail Price) by means of signs or tags visible to the public. The full or final price of the product must be specified, including taxes and handling charges where applicable.

You should also be aware that for loose or bulk products the price per unit of weight should be indicated (kilo, litre, metre, etc.) and that the price must always refer to the net weight of the product. For products sold in units or pieces, as well as the unit cost of the product there should also be a reference to the unit of measurement.

For service establishments such as hairdressers, bars, travel agencies, etc., the price should be shown in a way that is visible to the public by means of a sign, price list or leaflets.