

**PRESS RELEASE**

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The Banco de España received 34,645 complaints and 46,821 queries in 2013

In 2013 a total of 34,645 claims and complaints and 46,821 queries (3,590 in writing and 43,231 by telephone) were made to the Banco de España. This was a notable increase over the previous year, which in the case of claims and complaints amounted to 142.1%. These figures can be found in the Complaints Report of the Banco de España published today.¹

The sharp rise in complaints reflects various factors, although unquestionably the most important one is the effect of those relating to *floor clauses*, which numbered 18,387, or 53.1% of the total. Even so, not counting these, the increase in complaints in 2013 was notable, amounting to a significant 13.6%.

In 82% of the cases relating to *floor clauses*, the complainant obtained a favourable outcome by one or another procedure, as compared with 18% in which a report was issued in favour of entities.

Of the remaining 16,258 complaints not referring to *floor clauses*, the Banco de España last year issued 6,121 reports, of which 3,334 were favourable to the complainant and 2,492 to entities (in 295 reports there was no ruling). In addition to the reports favourable to the complainant there were 2,291 acceptances of liability, i.e. those cases in which entities acknowledged that the customer was right once the related report was commenced by the Market Conduct and Claims Department, and 68 cases in which complainants desisted because their pretensions had been met (see details in Table 2.7 of the Complaints Report). Of the 3,334 reports issued in favour of customers,² entities rectified their initial decision in 24.8% of cases.

Assets-side transactions (loans), which account for 31.1% of the total, continue to be the main cause for complaint, although they have been declining since 2011. By contrast, liabilities-side transactions (deposits, current accounts) again rose in 2013, amounting to 28.4% of the total, against 23% in 2012.

Complaints relating to payment services also increased, this time by 2 pp, to 21.3% of the total.

Increasingly complex financial products, the heightened sensitivity of consumers of banking services and the impact of the current economic situation may explain this overall trend in complaints which, aside from those relating to *floor clauses*, has become structural.

In any event, the report shows that the Banco de España's interaction with entities to enable them to handle complaints more effectively in their customers' interests has improved the rates of acceptance of liability and of rectification compared with the previous year. However, despite the notable

improvement, both rates remain at inadequate levels.

The Report also points out that entities, in this regard, should be more active and their customer service departments should handle complaints earlier, and, if appropriate, rectify any of their actions which are contrary to regulations on transparency and/or good banking practice in the judgement of the reports of the Market Conduct and Claims Department. The latter considers that compliance by the entities with its rulings is key to ensuring that regulations on the protection of users of financial services and good practices in the industry are effectively applied. This, consequently, contributes to greater legal certainty between entities and customers and, ultimately, to the proper functioning of the financial system. Therefore, the Report underlines that special attention will be paid to this matter in supervisory actions by the Department based on claims and complaints in which there is evidence of serious or repeated infringements of these regulations.

To cater for this task, in June 2014, a new Division for the Oversight of Institutions' Conduct was created within the Market Conduct and Claims Department, thus completing its structure. This Department was created in 2013 for the purpose of bringing under a single roof the Banco de España's competences in relation to market conduct, information transparency, good practices, the publication of information, consumer information, financial education, conflict resolution and other similar matters, which are all very closely interrelated.

The aim of these new arrangements is to respond to the growing importance and social impact of financial institutions' relations with their customers, a matter of great significance for the orderly functioning of the banking services market and a priority issue for international banking regulation and supervisory agencies.

¹ This is the last Complaints Report which refers to the *Servicio de Reclamaciones* (Claims Service), an administrative unit of the Banco de España which ceased to exist upon the creation of the *Departamento de Conducta de Mercado y Reclamaciones* (Market Conduct and Claims Department).

² This percentage refers only to those entities with 15 or more complaints resolved in favour of the customer.