

tourism and hotels

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**LAW 4/2012 OF JULY 6, 2012, ON TIMESHARE, LONG-TERM HOLIDAY
PRODUCT, RESALE AND EXCHANGE CONTRACTS AND TAX
REGULATIONS**

Law 4/2012 of July 6, 2012, on timeshare, long-term holiday product, resale and exchange contracts and tax regulations (“**Law 4/2012**”) was published in the Official State Gazette on July 7, 2012.

Law 4/2012 is the result of the passage through Parliament as a Bill of Royal Decree-Law 8/2012, of March 16, 2012 on timeshare, long-term holiday product, resale and exchange contracts (“**Royal Decree-Law 8/2012**”), which it reproduces with minimum technical and terminological corrections. For more information, see our Hotels and Tourism Newsletter 1/2012 ([see publication](#)).

The changes with respect to Royal Decree-Law 8/2012 are as follows:

1. It expressly provides that a breach of the obligations regarding the information that must be supplied to the consumer under the law, both prior to the contract or for its formalization, and during its term, will entitle the consumer to terminate the contractual relationship. To terminate the contract in these cases the consumer simply has to serve duly authenticated notice on the trader stating the information that the consumer considers has not been provided or was insufficient and the burden of proving the existence and sufficiency of the information lies with the trader, which does not affect the right of withdrawal regulated in the law or the penalties that may be imposed on the trader in accordance with the law (article 8.2 of Law 4/2012).
2. It also provides that if the consumer is resident in Spain or the trader carries on its activities in Spain, the precontractual information and the contract must also be drafted in Spanish and, if requested by any of the parties, may also be drafted in any of the other official languages in Spain for the place where the contract is executed (articles 9.3, 11.1 and 30.3 of Law 4/2012).

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