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# ‘A legal framework is of utmost importance’

Posted by [Steve Adams](#) • May 21, 2012 • [Printer-friendly](#)  
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Francisco Lizarza

In the May 2012 issue of RCI Ventures magazine we featured a news story about the Timeshare Directive finally being adopted as law in Spain.

Francisco Lizarza, chairman of the Resort Development Organisation (RDO) in Spain, gave an exclusive interview to Ventures about his reaction to this important development for the industry in the country.

**Ventures (V): How do you think adoption of the new laws will impact the industry in Spain?**

Francisco Lizarza (FL): I think the success of every industry depends fundamentally on the entrepreneurs who develop it and on the quality of the product itself. However, the

legal framework in which this economic activity is to be carried out is certainly of utmost importance as it can give a boost to, or constrain, such development.

A precise legal framework, which should not be confusing or too bureaucratic (and this is perhaps an area where the Directive can be criticised), will improve competence between the agents operating in this industry and will be instrumental in the success of those products which offer a better quality, value for money, are more attractive and provide a higher degree of security to the consumer.

**V: What do you see as the most important elements of the new law?**

FL: First of all, the new Spanish law provides an almost literal transposition of the consumer protection rules of Directive 2008/122/EU, following the harmonising mandate contained in that Directive, in order for the rights concerning elements such as information, withdrawal and prohibition of advanced payments to be very similar in all the EU countries.

It should be taken into account that, if there is an industry that is developed in a transnational manner, it is the timeshare industry, where a consumer of any given nationality can purchase in a different country in respect of accommodation units located in one or several countries also different from his own. All these consumers should feel that their rights in all these countries have an equivalent content. On the other hand, the new law continues to regulate the Spanish system of rotational use, albeit modernising it.

The departure in this case is that, while the previous law intended that the Spanish legal system be the only applicable legal system in Spain, the new law recognises that it is possible to operate with systems subject to non-Spanish law (i.e. the Club-Trustee system) in the case of personal rights under another legal rule, such as the European Regulation Rome I.

**V: Do you think most reputable firms were ready for the laws to be adopted and had already modified their activities and paperwork?**

FL: All reputable firms must adapt the content of the legal information provided to the consumers and the contracts to the new law, and many of them did it over a year ago by adopting the same provisions contained in the Directive. This is not an option but an obligation. The same obligation to comply with the legal rules is also contained in RDO's own Code of Ethics. This is demanded of all operators – big and small – and RDO tries to ensure, within its possibilities, that they do.

**V: Do you expect the Spanish authorities to police the industry closely to ensure the laws are enforced? Will RDO offer any support?**

FL: RDO has for several years worked on what we call the 'Enforcement Project', employing dedicated, specialised staff and spending a considerable part of its budget on receiving and checking claims from consumers and collecting information on transactions that RDO considers are in contravention of the Law. RDO has brought them to the attention of the police and it is the complaints lodged or communicated by

RDO that have, in many cases, led to the closing down of companies which were operating fraudulently.

**V: Do you think the new legislation will ultimately be a good thing the timeshare industry in Spain?**

FL: The Directive and – as a consequence thereof – the new Spanish Law do not, in my opinion, contemplate the best provisions for the development of the industry or even the best ways of protecting consumers (since too much information may lead to disinformation). But whether the new law is the best possible law or simply a good set of regulations for the development of the industry is no longer the point. The point now is that there is a law, which, whether we like it or not, has to be observed by all. Everyone has to abide by it and all entrepreneurs in the industry can legally compete under the same legislative framework. This in itself is good for everybody.

- The RDO has published guidance notes on the new legislation that are available to its members at <http://www.rdo.org/>

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