



Attention to the Complaints and Enquiries of Investors Annual Report 2011



**Attention to the Complaints and Enquiries of
Investors. Annual Report 2011**

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1 Introduction

1 Introduction

This Annual Report sets out information for the year 2011 on the steps taken by the CNMV to deal with the complaints and enquiries made by investors through its Investor Assistance Office (IAO).

Enquiries may refer to securities market regulations, products or services as well as the legal rights available to investors. Enquirers can access the service through a call center or else complete and submit an online form on the CNMV website. Both channels assure a prompt response. They can also write to the regulator using ordinary mail.

In the case of complaints, investors can approach the IAO when they feel their interests have been harmed or their rights undermined through the action of a company providing investment services.

For complaints to be accepted by the CNMV, they must first have been put to the respondent entity's Customer Service Department and/or Client's Ombudsman. The investor can then choose to take them further if he or she disputes their decision or no reply is forthcoming within two months.

Complaints are resolved through a non-binding report from the CNMV which states whether the entity has adhered to the good practices required of securities market participants. It will also inform the investor of his rights and the legal channels through which to pursue them.

Complaints can be either mailed or presented in person to the CNMV's General Registry.

The Report is organised into four chapters plus three annexes. Following this short introduction, chapter two offers a run-through of the IAO's 2011 activity as regards the number of enquiries and complaints received and, in the case of complaints, the resolutions issued, the kinds of entities complained against and the follow-up of reports finding in the complainant's favour. The third chapter opens with a discussion of the criteria and recommendations applied in dealing with some of the year's most relevant cases in view of their frequency or novelty. Finally, the last chapter examines the questions brought up most regularly in investor enquiries during 2011.

Of the three annexes, the first presents key statistics on complaints received, the second comprises a list of complaints classified by subject matter and the third details the main products involved in complaints concluding with a report favourable to the user.

2 IOA Activity in 2011

2 IOA Activity in 2011

2.1 Complaints

2.1.1 Volume and nature of complaints

A total of 2,005 complaints were received in 2011, 12.7% fewer than in 2010. This decline, however, has been cut short in 2012, with the numbers of complaints from February onwards more than doubling those of last year.

Finally, CNMV departments processed 2,408 complaints, 15.4% more than in the previous year. Of this number, 2,086 were investigated and the conclusions written up in a report, a 17.6% increase over the number of resolved cases in 2010.

Total complaints filed and processed

TABLE 1

	2009	2010	2011
Filed in the year	2,154	2,296	2,005
Processed	1,137	2,086	2,408
Resolved	823	1,774	2,086
Not accepted	314	312	322
In progress at year end	1,410	1,620	1,217

Source: CNMV.

A total of 1,217 complaints were pending resolution at the 2011 close, some 400 fewer than the year before. The time elapsing between acceptance of a complaint and the issue of a report was 279 days on average (nine months), on a par with 2010. Further, 19.1% of complaints were settled within four months of their presentation to the CNMV.

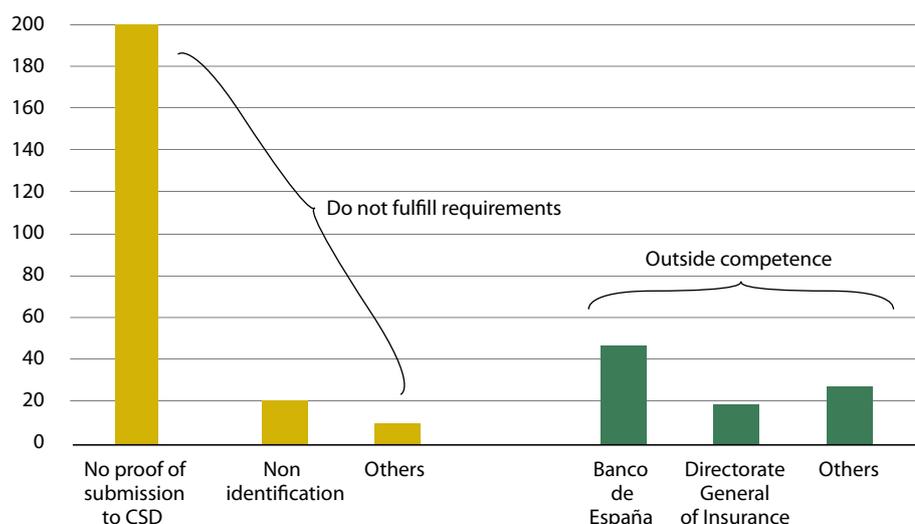
Non-accepted complaints, at 322, were slightly more numerous than in 2010 but worked out roughly the same in percentage terms (13.4%). A majority of non-acceptance cases were due to user non-compliance with process requirements, particularly failure to provide proof of having placed the matter before the respondent's Customer Service Department or Client's Ombudsman and having received no response or a disputed response within two months of such submission.

Ninety-one complaints, 3.7% of the total processed, were turned down as being outside the competence of the CNMV. This was lower than the figure for 2010 in both absolute and relative terms. Any cases judged to be the competence of the complaints services of Banco de España (45) or the Directorate-General of Insurance and Pension Funds (19) were passed on under the "one-stop-shop" facility operated by the three institutions.

Remaining non-acceptances (27) were mainly due to defects of identification which were not corrected despite a request to this effect from the CNMV or other, diverse causes (e.g. reiteration).

Non-accepted complaints and those outside the competence of the CNMV. Reasons

FIGURE 1



Source: CNMV.

2.1.2 The subject of complaints

Incidents in the delivery of investment services were the main cause of complaint in 2011 (82%) against only 18% referring to problems encountered with mutual funds and other UCITS. The recent-year trend, as table 2 shows, has been towards a growing concentration of complaints in provision of investment services.

Table 2 and figure 2 go into greater detail on the subjects of complaints under these two headings. The increase in complaints concerning the provision of investment services traced mainly to deficiencies in the information offered to clients and, in second place, order transmission and execution, which remains the single largest group. Especially prominent in 2011 were complaints about the processing of sell orders and about the information supplied to and collected from clients during the sale of preference shares and hedging derivatives.

Complaints resolved. Distribution by subject

TABLE 2

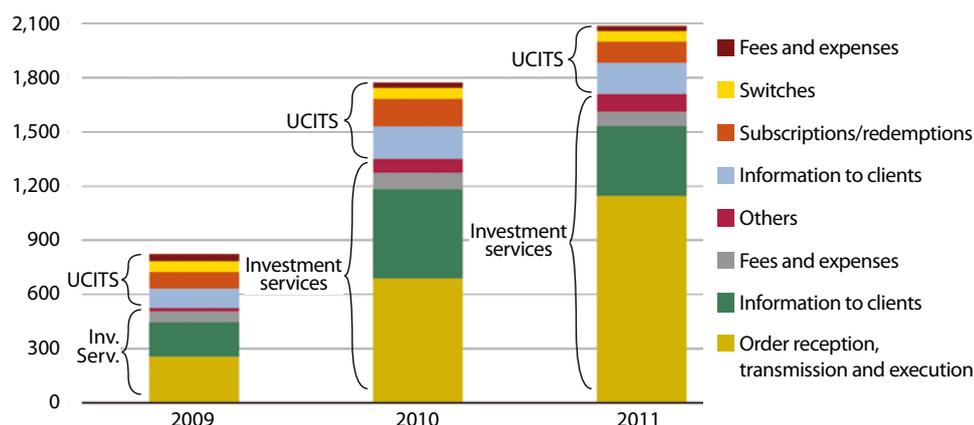
	2009		2010		2011	
	Number	% total	Number	% total	Number	% total
Investment services	525	63.8	1,349	76.0	1,709	81.9
Order reception, transmission and execution	256	31.1	690	38.9	1,147	55.0
Information to clients	188	22.8	491	27.7	383	18.4
Fees and expenses	63	7.7	92	5.2	81	3.9
Others	18	2.2	76	4.3	98	4.7
Investment funds and other UCITS	298	36.2	424	24.0	377	18.1
Information to clients	108	13.1	181	10.2	173	8.3
Subscriptions/redemptions	92	11.2	151	8.5	117	5.6
Switches	61	7.4	61	3.4	59	2.8
Fees and expenses	37	4.5	31	1.7	28	1.3
Total complaints resolved	823	100	1,774	100	2,086	100

Source: CNMV.

Distribution of complaints resolved by subject

FIGURE 2

IOA Activity in 2011



Source: CNMV.

2.1.3 Type of resolution

The number of complaints concluding in a report favourable to the complainant rose by 51.3% to a year-end total of 1,218, and accounted for over half of resolved cases against the 24.3% of unfavourable reports.

Accommodations fell by 22% to 187, while withdrawals dropped to just 16 cases (a decrease of 51.1%). As both types of resolution point to an agreement being reached between provider and client, we can say that this kind of arrangement lost ground in 2011.

If we assume that favourable reports, accommodations and withdrawals all indicate entity conduct at odds with good practice, it is clear that its instance has increased. Specifically, these three resolutions represented 70% of resolved and 59% of processed cases, compared to 61% and 52% respectively in 2010.

Most of the accommodations and withdrawals registered in 2011 related to incidents arising in investment services provision (84.2%), particularly in the processing, execution and settlement of orders, which accounted for 56% of the total. Meantime, those involving investment funds and other UCITS advanced by a fairly small margin (see table A.9 of Annexe 1).

Complaints processed by type of resolution

TABLE 3

	2009		2010		2011		% change 11/10
	Number	% total	Number	% total	Number	% total	
Resolved	823	72.4	1,774	85.0	2,086	86.6	17.6
Report favourable to complainant	292	25.7	805	38.6	1,218	50.6	51.3
Report unfavourable to complainant	255	22.4	540	25.9	586	24.3	8.5
No opinion stated	57	5.0	154	7.4	79	3.3	-48.7
Accommodation	198	17.4	242	11.6	187	7.8	-22.7
Withdrawal	21	1.8	33	1.6	16	0.7	-51.5
Not accepted	314	27.6	312	15.0	322	13.4	3.2
Competence of other bodies	86	7.6	131	6.3	91	3.7	-31.3
Non-compliant	228	20.1	181	8.7	231	9.6	28.2
Total complaints processed	1,137	100	2,086	100	2,408	100	15.4
Total filed in the year	2,154		2,296		2,005		-12.7

Source: CNMV.

As remarked, in 2011 the CNMV received 91 complaints that were within the competence of other financial sector supervisors, to which they were duly passed on. Note also that more complaints were turned down for failure to comply with at least one admission condition.

2.1.4 Entities complained against

Almost all complaints were lodged against banks or *cajas de ahorros* (Spanish savings banks), in consonance with their dominant role in the channelling of Spanish savings. As many as 95.7% of complaints resolved in 2011 were directed against these two types of entity.

Note that the large-scale transformation of registered banking institutions that took place in the year distorts the balance between banks and *cajas*. The criterion adopted to classify complaints to one or other group was the entity's status at the time the corresponding report was being drafted by the CNMV (and not the status they had when the complaint was filed).

A figure in Annexe 1 tracks the various changes affecting entities in this period. In this section, all references are to the combined situation of banks and *cajas*.

Complaints resolved by type of entity and subject matter

We can see from table 4 that most of the 2011 complaints directed at banks and *cajas* involved the provision of investment services and, within this category, order reception, transmission and execution.

The next most complained about subject is the information supplied to customers during the marketing of investment products. Note, however, that many complaints refer to more than one subject, and though they may be classified according to the primary incident, there are frequently other incidents involved.

Complaints concerning collective investment schemes touched firstly on client information followed by incidents with subscriptions and redemptions.

Of the reports issued in response to complaints lodged against banks and *cajas*, 58% were favourable to the investor, against 27.8% unfavourable and 9.6% corresponding jointly to accommodations and withdrawals. (see table A.7 of Annexe 1).

As table 4 shows, the number of complaints filed against other kinds of entities (credit cooperatives, investment firms and UCITS managers) is small by comparison to those involving banks and *cajas*. The order of subjects complained about is similar to that detailed above; the sole, logical exception being incidents with fund subscriptions and redemptions in the case of UCITS management companies.

Subjects of complaints

TABLE 4

	Banks and <i>cajas</i>	Co-ops	IFs	UCITS mgrs	Total
Investment services	1,659	23	28	0	1,710
Order reception, transmission and execution	1,129	5	13	0	1,147
Information to clients	278	3	8	0	289
Fees and expenses	80	0	1	0	81
Others	172	15	6	0	193
Investment funds and other UCITS	338	4	5	29	376
Information to clients	165	1	2	5	173
Subscriptions/redemptions	102	1	0	13	116
Switches	47	1	2	9	59
Fees and expenses	25	1	1	1	28
Total complaints resolved	1,998	27	33	28	2,086

Source: CNMV.

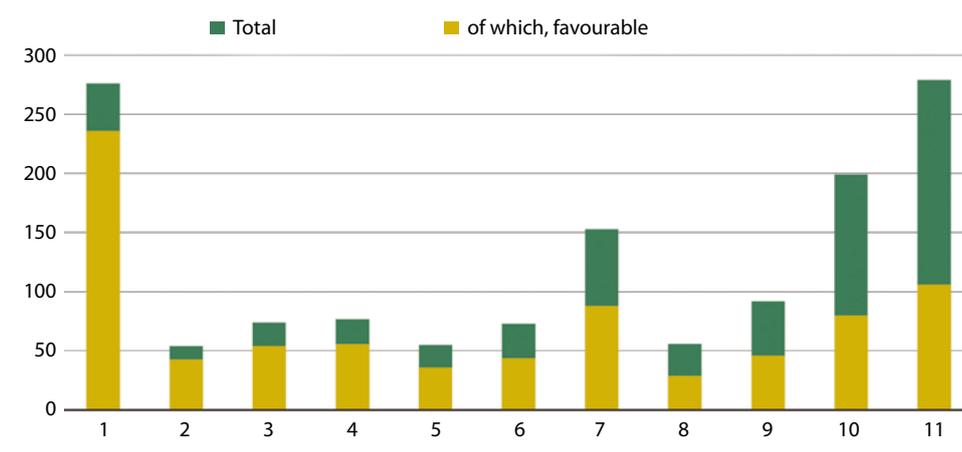
Complaints by entity

Complaints against banks and *cajas* were directed at 77 entities (the same number as in 2010). Four entities received over 100 complaints, with two of their number comfortably exceeding the 200 mark. Indeed these four entities accounted for over 45% of the complaints received in 2011.

Generally speaking, the number of complaints an entity receives reflects its own size and that of its branch network. It is accordingly worth looking at the proportion of complaints each entity received that was resolved with a report favourable to the complainant. Figure 5 tracks this proportion at the eleven entities receiving more than 50 complaints.

**Total complaints received and resolved with a favourable report
At the eleven entities receiving more than 50 complaints**

FIGURE 3



Source: CNMV.

2.1.5 Follow-up of reports favourable to the complainant

When a case closes with a report favourable to the complainant, i.e., which considers the provider is in some way at fault, the respondent entity is asked to provide information, with supporting documentation, on any remedial measures taken.

A fault is deemed to have been rectified when the provider awards the claimant economic compensation (whose amount the CNMV report will in no case go into) or when it accepts the arguments given in the CNMV report and takes steps to avoid any future recurrence.

Providers failing to respond within the deadline set (one month after the case file closing) are deemed not to have rectified the fault for statistical purposes.

The purpose of this follow-up is so entities take steps to correct faults or bad practices and stop them recurring. It also provides a check on how far entities are taking on board the criteria proposed by the CNMV in its complaint reports.

Of the 1,118 complaints in 2011 concluding in a report favourable to the complainant, entities claimed to have rectified their procedures along the lines indicated in just 117 cases – 9.6% of the total compared to 14.6% in 2010. In 238 cases (19.3%) the entity reported that no remedial action had been taken, and in a further 863 (70.8%) no reply was forthcoming.

Tables A.7 and A.8 of Annexe 1 offer a breakdown by entity of post-complaint rectifications.

2.2 Enquiries

The CNMV runs an enquiries services for retail investors. This service provides a permanent interface with the investor public, allowing the regulator to identify in real time where incidents are happening and where information is not getting through, and thus take rapid, across-the board action as needed.

Investors can use the enquiries service to ask about securities market operation, regulations, products and services, the rights they possess and the channels available to defend them.

They can get help finding and using the data held in the CNMV's official registers regarding investment firms (fees, communications, schedules of activities, among others) or listed companies (material events, significant shareholdings, financial statements, incidents with traded securities, short positions, etc.). The service also helps investors to locate and understand tender offer, issue and listing prospectuses, and issues regular warnings on companies acting without authorisation and against trusting offers that promise high returns at no apparent risk.

Guidance is available on how to proceed in the event of disputes with listed companies, issuers, or even the CNMV itself, and for users concerned about the operation of markets or the poor or unexpected performance of a given financial instrument.

On occasion, the origin of such disputes is the conduct of an investment service provider. Where this is so, investors are advised in their capacity as investment service users by reference to the rules of conduct governing these entities' relations with their clients.

Often investors ask about specific incidents with investment service providers, particularly credit institutions, regarding the sale of a product, the content of account statements or delays filling an order, among other incidents. In this situation, the enquirer will be told about entities' duties when marketing investment products, the periodic statements they should be sent regarding the progress of their investments,

and the diligence providers must exercise in the processing and execution of securities orders.

What the service cannot do is issue an opinion on an entity's conduct in a particular case, in the absence of sufficient data and without hearing the arguments of all parties. If the enquirer decides, on the basis of the information given, that the entity has acted wrongly, they are advised to lodge a complaint and informed of how to go about it. One pre-condition is that they first approach the entity's Customer Relations Department and/or Client's Ombudsman, whose contact data the service will provide. This is to ensure that the respondent is apprised of the incident and given the opportunity to explain its conduct and take action as needed.

Enquirers are also warned that the complaint report is for information purposes only. It is not binding on the parties and makes neither economic assessments nor judgements on the validity of contracts, since this would be a matter for the courts of law.

Enquiry volumes and channels

The CNMV dealt with 11,755 investor enquiries in 2011, 10.8% more than in the previous year.

Enquiries can be made by phone, ordinary mail or a dedicated online form. The telephone channel remained the most popular with investors, followed by the online form and ordinary mail. The online form replaced e-mail enquiries in 2009. This last channel was still used residually in 2010, but was discontinued as an enquiry vehicle in 2011.

Ninety percent of phone enquiries were handled by call centre operators, who assist investors as well as instructing them on how to locate public information through the CNMV website.

Distribution by channel of enquiries

TABLE 5

	2009		2010 ¹		2011		% change 11/10
	Number	% total	Number	% total	Number	% total	
Tel.	9,556	70	8,219	77	8,417	72	2.4
E-mail ²	2,944	22	29	0	0	0	-100.0
Written	1,136	8	278	3	174	2	-37.4
Form ²	38	0	2,087	20	3,164	27	51.6
Total	13,674	100	10,613	100	11,755	100	10.8

Source: CNMV.

- 1 As of 2010, the investor enquiries handled at stock exchange fairs attended by the CNMV ceased to count towards these totals.
- 2 E-mail was replaced by the enquiries form at end 2009.

2.3 International cooperation mechanisms

FIN-NET is a network for the out-of-court resolution of cross-border disputes between consumers and financial service providers in the European Economic Area (EEA). Through its offices, investment service users can rapidly channel any complaints they wish to direct against providers in another country.

Any resident of an EEA country wishing to complain about a foreign provider with its domicile elsewhere within the area now has the convenient alternative of approaching the complaints settlement scheme in their home country. This local scheme will help them identify the relevant complaints scheme in the service provider's country and indicate the next steps that they should follow. The consumer can then choose to contact the foreign complaints scheme directly or else leave the complaint with their home-country scheme, which will pass it on accordingly.

To streamline the process, FIN-NET offers claimants a consumer guide and a form which helps them set out the key points of their complaint. Both documents are available from the FIN-NET website (http://ec.europa.eu/internal_market/fin-net/Index_en.htm).

FIN-NET has 54 members as we write (July 2012) drawn from 23 countries in the European Economic Area, with Iceland set to join shortly. Members of FIN-NET are linked through a Memorandum of Understanding, which outlines the mechanisms and other conditions according to which they will cooperate to facilitate the settlement of cross-border disputes.

One FIN-NET focus in 2011 was the latest wave of European legislation on the protection of financial product consumers, including proposals for directives on the out-of-court resolution of disputes and collective redress.

Also occupying its attention was Commission Recommendation 2010/304/EU of 12 May on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries, and the measures FIN-NET members should take to further its enforcement. On this point, the CNMV took part in a conference organised by Spain's Instituto Nacional del Consumo in concert with the EU's Directorate-General of Public Health and Consumer Affairs to explain the work methods used by the responsible organisations, with particular regard to data gathering and classification.

FIN-NET members

TABLE 6

EEA countries	Alternative dispute resolution schemes
Germany	Schlichtungsstelle bei der Deutschen Bundesbank Ombudsman der privaten Banken Deutscher Sparkassen- und Giroverband (DSGV) Verband der Privaten Bausparkassen e.V. – Kundenbeschwerdestelle Ombudsman der deutschen genossenschaftlichen Bankengruppe c/o Kundenbeschwerdestelle beim Bundesverband der Deutschen Volksbanken und Raiffeisenbanken BVR Ombudsman der öffentlichen Banken Deutschlands (VÖB) Schlichtungsstelle der Landesbausparkassen (LBS) Schlichtungsstelle nach dem Investmentgesetz Ombudsman private Kranken- und Pflegeversicherung Ombudsstelle für Investmentfonds Versicherungsombudsman e.V.
Austria	Gemeinsame Schlichtungsstelle der Österreichischen Kreditwirtschaft
Belgium	Ombudsman des assurances/Ombudsman van de verzekeringen Service de Médiation Banques – Crédit – Placements/Bemiddelingsdienst Banken – Krediet – Beleggingen

Denmark	Pengeinstitutankenævnet
	Realkreditankenævnet
	Ankenævnet for Forsikring
	Ankenævnet for Fondsmæglerselskaber
Spain	Oficina de Atención al Inversor, de la Dirección de Inversores de la Comisión Nacional del Mercado de Valores
	Dirección General de Seguros y Fondos de Pensiones, del Ministerio de Economía y Hacienda
	Servicio de Reclamaciones del Banco de España
Estonia	Tarbijakaebuste Komisjon
Finland	Arvopaperilautakunta
	Kuluttajariitalautakunta
	Vakuutuslautakunta
	Pankkilautakunta
France	Médiateur de l'Autorité des Marchés Financiers (AMF)
	Médiateur de la Fédération Française des Sociétés d'Assurances (FFSA)
	Médiateur de l'Association française des Sociétés Financières (ASF)
Greece	Hellenic Ombudsman for Banking – Investment Services (H.O.B.I.S.)
	Directorate of Insurance Enterprises and Actuaries of the Ministry of Development
Netherlands	Klachteninstituut Financiële Dienstverlening (Kifid)
Hungary	Budapesti Békéltető Testület- Arbitration Board of Budapest
	Pénzügyi Békéltető Testület (PBT)- Financial Arbitration Board
Ireland	Biúró an Ombudsman um Sheirbhísí Airgeadais/Financial Services Ombudsman's Bureau
Italy	Arbitro Bancario Finanziario
	Ombudsman Bancario
	Istituto di Vigilanza sulle assicurazioni private e di interesse collettivo (ISVAP)
Liechtenstein	Bankenombudsmann
	Schlichtungsstelle zur Beilegung von Streitigkeiten bei der Ausführung von Überweisungen
Lithuania	Valstybinė vartotojų teisių apsaugos taryba –State Consumer Rights Protection Authority
Luxembourg	Commission de Surveillance du Secteur Financier (CSSF)
	Médiateur en Assurances
Malta	'Manager' Għall-Ilmenti tal-Konsumatur, Awtorità għas-Servizzi Finanzjarji ta' Malta
Norway	Finansklagenemnda
Poland	Bankowy Arbitraz Konsumentcki
	Rzecznik Ubezpieczonych
	Sąd Polubowny przy Komisji Nadzoru Finansowego
Portugal	Centro de Arbitragem de Conflitos de Consumo de Lisboa
	Serviço de Mediação de Conflitos, CMVM
United Kingdom	Financial Ombudsman Service
Czech Republic	Finanční arbitř České republiky
Sweden	Allmänna reklamationsnämnden (ARN)

3 General Criteria and Recommendations Applied in Resolving Complaints

3 General Criteria and Recommendations Applied in Resolving Complaints

3.1 Information on the client

3.1.1 Pre-MiFID

Before selling any investment product, entities were obliged to procure information on the client's financial situation, investment experience and investment objectives, to ensure that the characteristics of the product being offered were right for the prospective buyer.

When selling products whose characteristics place them in a risk category – structured products without capital protection, very long-term or perpetual instruments, products with some kind of embedded derivative, etc. entities had to unite sufficient information on the client to decide whether the product was suitable for their experience and investor profile.

To this end, entities **had to create and conserve a record of clients' past investments** attesting to their risk profile, bearing in mind factors like previous transactions involving assets of a similar nature and degree of risk. Such records must include the dates of all transactions together with their amounts and conditions.

Regarding the **investment experience** denoting sufficient knowledge to understand a product's risks, the doctrine, as stated in earlier reports, was that entities could not hold up **one previous transaction** as sufficient proof of the client's experience with the asset in question, even if the instrument was the same as the one currently under dispute.

However, it was also considered that an investor's experience for these purposes need not be confined to past dealings with their present provider but could encompass investments made through any entity, as long as the provider had known or procured this transactional history before offering the product or service, and was able to vouch for the fact by listing such past investments along with the entities dealt with.

3.1.2 Post-MiFID

Appropriateness testing

The rules of conduct binding on investment service providers say that when a client wishes to buy a complex product, the entity must compile information on their investment knowledge and experience in order to decide whether it is appropriate or not for their particular profile. The entity must be able to prove that it has evaluated the client and informed them of the results of this evaluation.

As a rule, the CNMV team does not verify the tests entities use to comply with this appropriateness rule to check whether they are fit for their purpose. What it does is analyse the responses clients gave and the conclusions entities reached on the basis of this information. And some cases have emerged where it is hard to see how providers could interpret the test results as signalling appropriateness, given that the client had denied any previous instruction, knowledge or experience of comparable products.

In other cases, firms were found to be acting incorrectly regarding the inclusion of **clauses or warnings** in their contracts with investors advising of the inappropriateness of the planned transaction. The first recommendation is that such clauses should be **visible** and prominently displayed so they cannot be confused with other warnings or disclosures in the text. Good practice in this case is that warnings should appear in a separate document, which refers unequivocally to the planned transaction, rather than within the body of a framework contract.

Another kind of fault is where an entity includes clauses and/or warnings in the documents supplied to clients whose **content is contradictory**, so the they end up making mutually incompatible declarations or statements in different signed papers relating to the same transaction. For instance, cases have come to light of a signed appropriateness test result (finding the product was appropriate) dated the same day as a disclaimer stating that the client had declined to take the appropriateness test. In other cases, the documentation assured that the product was appropriate, yet the corresponding contract featured an inappropriateness warning.

Suitability testing

In cases of **investment advice provision and portfolio management**, entities are obliged to gather more detailed information on the client, so they check not only their knowledge and experience in the relevant investment sphere, but also their financial situation and investment goals. This involves suitability testing, which is used to assign the client a determined risk profile delimiting the kind of products they can be offered.

In the course of examining complaints, instances were found in which the characteristics of the provider-client relationship showed that an **advisory service was effectively being rendered despite the absence of a contractual agreement** to this effect. It should be stated here that under the principles of Spanish contract law there is no need for advisory services to be subject to a written agreement. The fact of the relation, therefore, cannot rely on the validity or efficacy of the contract per se but has to be deduced from evidence.

This is the case of clients belonging to an entity's **personal or private banking segment** and therefore assigned a personal advisor. In these circumstances, the segment through which a client makes their investments, along with other pointers that may appear in the case file like the way in which the product was offered or the context of the transaction, can lead to the conclusion that the entity is making personalised recommendations to its client.

Further, although no contract has been signed, the provision of an advisory service including personalised recommendations will normally be documented in the diverse communications that pass between entity and client. The existence of personalised documents presenting the investment or the content of **e-mails** exchanged can be seen as evidence of an advisory relationship.

Remember whenever an advisory service is provided, whether or not it goes by that name and is rendered on ongoing or occasional basis, the entity is obliged to run a suitability test, covering all the factors stipulated.

3.2 Information on the product

The information firms give their clients about product characteristics and risks should be clear, fair, thorough and delivered in good time, to avoid misleading clients, and should carefully specify the risks so they are in no doubt about the effects of the planned transaction.

In cases where an entity is unable to substantiate delivering this information via a product factsheet or prospectus, it may be deemed to have complied with this condition if the product's risks and characteristics are laid out in the securities subscription/purchase order filled in by the client.

Many of the complaints received during 2011 turned on incidents with swaps. In the case of these products, **termination cost** was deemed to be key investor information, in view of its quantity, which entities should communicate at the point of sale. Saying solely that the swap would be terminated at market price constitutes the minimum information requirement. Good practice, in the CNMV's view, is for contracts to specify the formula used for calculating payment and how it can be verified by the client.

3.3 Investment service costs

Other pre-sale information requirements refer to the costs attached to the financial service.

Current legal provisions authorise investment firms to freely set the fees and charges applied to each service effectively rendered, when this service has been accepted or requested by the client. The condition is that entities must notify such fees beforehand to the CNMV and draw up a maximum fee schedule for all standard operations. This schedule should be available to clients at any time, and delivered to them immediately on request whether at branch offices or via the Internet.

3.3.1 Information on exchange rates

Entities must likewise advise clients of the exchange rates applied to trades involving foreign securities. The Banco de España says entities are free to apply the exchange rates they choose in currency sales and purchases, both spot and forward, except in the case of currency – and foreign banknote – transactions of up to 3,000 euros, when they are obliged to apply their published rates.¹

However, in view of the disclosure requirements discussed above, it is stipulated that entities must inform investors beforehand in a durable medium of all associated costs and charges, such that “when part of the total price is payable in a currency other than the euro, they must indicate the currency involved and the applicable exchange rate and costs”.²

1 Banco de España Circular 8/1990, 1 bis and Circular 22/1992 of 18 December.

2 Article 66 of Royal Decree 217/2008 of 15 February on the legal regime of investment firms and other providers of investment services.

Entities must accordingly **advise clients of the exchange rate and costs** applicable to the planned transaction and, failing this, of how the exchange rate will be calculated and any spread imposed, if the rate in question is not the market rate.

3.3.2 Maximum fees

Good practice is for entities to inform clients precisely of the fees and charges they will actually pay for the service being sought. **It is not good practice simply to refer them to the rates set in the fee schedule, which expresses only the maximum possible charge** per investment service.

Finally, the CNMV considers that the application of the maximum rates stated in the registered fee schedule should respect the **proportionality principle** with regard to the value of the product involved. Entities, as such, should adjust the amount of their fees to the product's unit price and, certainly, to the actual cost of the service rendered.

We make this observation because, in some cases, entities were charging clients the **maximum fee** envisaged in the schedule for a securities trading service. As this maximum was expressed as a fixed amount per security, the cost to the client was disproportionately high when prices were at lows.

The potentially abusive nature of such charges cannot, however, be determined by the CNMV but only by a court of law.

Also, forewarning clients of the total costs of a projected service would enable investors in cases like the above to make a properly informed decision.

3.3.3 Fees charged by foreign intermediaries

Fee schedules may state that the provider is entitled to pass on the **charges levied by foreign intermediaries intervening in a transaction**. However, when a retail client approaches a provider to take out a financial investment, investment service and/or ancillary service, the latter is obliged to inform them of the operation's total cost in a durable medium before acting on their instructions. If the exact cost cannot be worked out beforehand, they should be told its calculation base or bases for the purposes of verification.

3.3.4 Information on applicable fees

The CNMV takes the view that at the time and/or before a client gives instructions, even in the case of secondary market purchases, the entity should inform them not only of the fees and/or expenses they will be charged for the **trade**, but also the fees they must pay for the **administration of their securities**, since this is a cost and/or expense attached to the financial instrument and thus an important input to the investment decision.

3.3.5 Payment of fees for services actually rendered

Some cases have emerged where a client's purchase order was filled on the market in different tranches at different prices. Despite the fact that the entity receiving the

instruction neither executed nor settled the trade, which was closed by a broker and/or market member, it charged the client a **fee for each split** made.

Fees charged should correspond to the actual service rendered.³ And given that the service being rendered here is the brokering (reception and transmission) of a **single order**, the entity, we believe, is only entitled to charge the client a single fee.

This is not to say that the entity cannot rightfully pass on expenses in respect of the execution and settlement of the various order tranches, if this is envisaged in its fee schedule and assuming such expenses were affected by the order being split.

3.4 Handling of client orders

Entities providing investment services should conduct all operations with care and diligence, filling them in accordance with their best execution policies and, where appropriate, the specific instructions given by the client.

3.4.1 Preferential subscription rights

In the case of bonus issues, the CNMV understands that custodians should generally **arrange the exercise of any subscription rights** in the power of their clients by reason of previous share ownership or their acquisition on the market **which remain unsold** at the end of their trading period (whether or not the holder has issued sell instructions in their regard).

This is because the normal practice with a bonus issue is to issue all the shares. Once the free distribution period is over, the new instruments are assigned automatically to rights holders in a pre-determined ratio. Those that cannot be assigned are kept on deposit for several years to be claimed by their legitimate owners.

3.4.2 Advance information on the revocability of subscription orders

While it is true that the revocability or otherwise of orders to buy new issue shares in their subscription period depends mainly on the terms and procedures set out in the corresponding prospectus, the CNMV sees this as **key precontractual information which should be conveyed to investors**.

3.5 Portfolio management

Firms providing portfolio management services must sign a contract with their clients which specifies, among other matters, the overall risk profile of their future investments. They must also fulfill the precontractual requirement to conduct a suitability test.

Prominent among the incidents reported with this kind of service are those in which a client has signed a portfolio management contract specifying a particular investment profile, and the provider then performs operations under its aegis with a **higher**

³ See article 3.3 of Order EHA/1665/2010 of 11 June implementing articles 71 and 76 of Royal Decree 217/2008 of 15 February on fees and standard contracts.

level of risk. In this instance, the entity is clearly remiss in operating outside the contractually established bounds.

It is another matter, of course, if the client later changed the default profile for management of their assets. Such novation can come about because of a change to the specified investment criteria or upon the client making an express request to have certain products included in their portfolio, in which case the entity should warn that these instructions run counter to the existing management guidance.

3.6 Foreign intermediaries

A series of complaints concerned foreign entities operating in Spain both through a branch and under the free provision of services, who **offer clients trading services through their Spanish branch** and simultaneously offer **to execute client orders** by dealing on their own account **in their country of origin** in a market-making capacity.

In such cases, supervision of the execution service rendered in a market-making capacity, including the quotation of bid and offer prices, is the **competence of the firm's home country supervisor.**

The firm, however, also provides services in Spain through a local branch, and here it is the CNMV's responsibility to supervise its **marketing** activities, and, particularly, to oversee its compliance with Spanish rules of conduct and disclosure requirements vis à vis clients.

In general, the CNMV takes the view that all business conducted with Spanish clients by an entity operating in Spain through both a branch and European passport, should be attributed to the branch, in the absence of **demarcation between the services and activities offered**, such that Spanish rules of conduct shall apply.

4 The Main Subjects of Enquiries

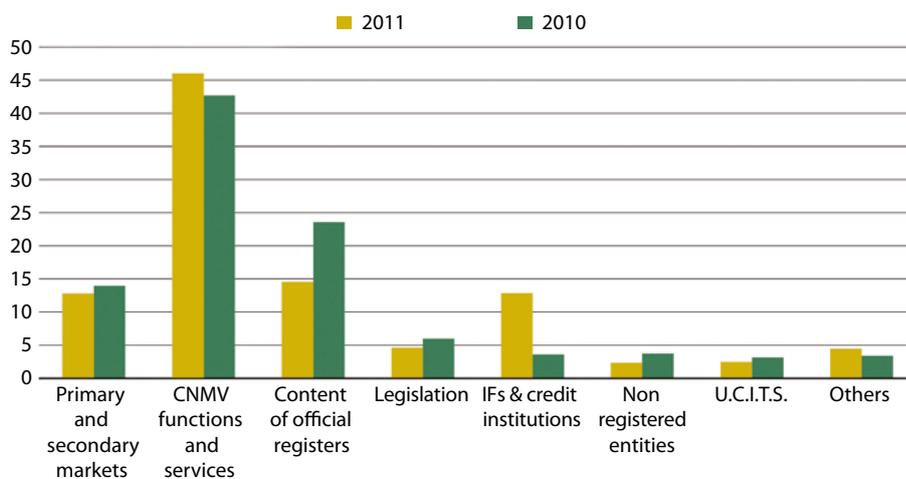
4 The Main Subjects of Enquiries

Investors again tended to primarily approach the CNMV with enquiries about the services and functions within its remit, as we can see from figure 4. Among matters enquired about under this heading were CNMV communications, statistics and publications, the status of complaints in progress, and guidance on how to complain. These last enquiries were especially numerous in 2011 due to the multiple controversies between clients and providers about the selling of investment products.

The second most popular subject group was information held in the CNMV's official registers, including investment firm and UCITS registration data. Note, however, that enquiries in this category were considerably fewer than in 2010. Included also are consultations on tarified investment service fees, significant shareholdings and material event notices, which received added attention for the news they carried on exchange processes or non-payment of coupons.

Enquiries by subject

FIGURE 4



Source: CNMV.

There follows a run-through of the main and/or most novel subjects enquired about in 2011:

4.1 Preference shares

One salient 2011 development was the surge in enquiries concerning investment service providers, particularly in the banking sector. Driving this increase was a flood of complaints from retail investors, starting in mid-year, about the liquidity conditions, unrealised losses and, above all, marketing of preference shares.

The first set of complaints referred to the instrument's lack of liquidity. On the AIAF market where preference shares are traded, order execution is not automatic but depends on the existence of a suitable matching order. In other words, the fact that an issue is admitted to trading does not mean it is actually being bought and sold. As

an alternative, many entities had begun listing their issues on the SEND platform (or were poised to do so), where trading tends to be more fluid and transparent.

In some cases, issue prospectuses specify a liquidity provider who will stand as a counterparty in trades. As a rule, the prices quoted by a counterparty are a function of the market conditions prevailing at that moment and the return on that particular issue. Note also that liquidity providers may in some circumstances be exempted from their obligations.

Given these trading rules, when a preference shareholder wanted to sell, entities would frequently seek out buyer positions within their own commercial networks, closing the transaction at nominal value whenever this was equal to the market price.

The problem arose when the market price of certain preference shares began to drop below their nominal value due, among other reasons, to the general market mood. This new context ruled out the matching of orders between retail clients of the share issuer and/or distributor or between clients and the entity performing the investment service at a price other than market value, unless it could be proved that the transaction went through at a price close to fair or market value, in the absence of a liquidity contract or where the said contract had expired.

What is not permissible is for inter-client trades to harm the interest of either party or, particularly, for retail investors to have to buy securities at higher than their market or fair value. In a falling market, then, it was simply not possible to sell the shares rapidly and without suffering a capital loss.

This was the background to a large number of the year's complaints. Investors, particularly, sought an explanation for what they saw as a change in the conditions of the product they had taken out. Indeed most enquiries suggested a deficient understanding of the nature, characteristics and risks of preference shares, and also that the product in question was a poor match with the client's investor profile.

Staff of the Investors Department dealt with all preference shareholders who contacted the CNMV. Their guidance consisted basically of explaining the product's conditions and the operation of the market, along with entities' obligations at the point of sale.

This information was couched in generic terms without going into individual providers' conduct, since the CNMV can only give a specific opinion once a complaint process is underway. Investors wishing to file a complaints on the basis of the facts provided were told how they could go about it. They were also informed about the scope of the concluding report and the fact that it would in no case stipulate any economic compensation.

4.2 Exchanges of preference shares and subordinated debt

Numerous investors approached the CNMV to confirm which issues were covered by agreements for the buyback and exchange of preference shares and subordinated debt for shares or mandatorily convertible bonds. These processes were also a common source of investor confusion, with doubts centring on the offer conditions.

4.3 CNMV resolution regarding short positions in Spanish financial sector shares

The scope of the precautionary ban on creating or increasing short positions in Spanish financial sector shares, imposed in August 2011, was another frequent motive of enquiry.

4.4 Payment incidents with certain issues

Investors also enquired as to why SOS Corporación Alimentaria Preferentes, S.A. had failed to make dividend payments to preference shareholders on the appointed dates.

In fact the company published several material event notices announcing that it would not pay the cumulative return, under the condition stated in the relevant securities note of there being insufficient earnings available for distribution.

4.5 Santander Securities

Complaints about the “Santander Securities” began trickling in during 2011 and have since grown steadily in volume. Investors were above all unhappy about how the bank had sold them the product. Specifically, the performance of the investment failed to match with their expectations, which derived from the characteristics they believed the product to have by reference to the precontractual information supplied by the bank and their own investment preferences.

4.6 CAM participation rights

Trading in the participation rights (*cuotas participativas*) of Caja de Ahorros del Mediterráneo was suspended in December 2011. Investors concerned about the suspension itself and adverse news flow around the value and future of the institution contacted the CNMV for additional information.

4.7 Commercial paper issues

Enquiries also began to come in regarding commercial paper issues. Investors asked about the characteristics of this new product they were being offered and how it differed from bank deposits, and also about the guarantees and risks of the investment.

4.8 Compensation schemes

Another frequent topic was what would happen in the case of the hypothetical bankruptcy of a financial entity as custodian and/or issuer of financial instruments held by the enquirer.

It is important here to clear up misconceptions regarding the nature and role of investor compensation schemes. Such schemes cover investors against failure to recoup cash or financial instruments entrusted to a financial entity in deposit or custody or for the purpose of rendering an investment service, if the said entity finds itself in a situation of insolvency.

They do not, however, cover the decline in value of an investment or its inherent credit risk (for instance, the insolvency of the issuer).

Investment fund unit-holders also sought information on their rights under compensation schemes.

4.9 Non-registered entities

Many investors consult the CNMV about non-registered operators offering apparently risk-free investment returns. The actual products or services vary from year to year, but a common setup is that of a firm offering advice on foreign exchange or Forex investment.

Enquirers are warned about the existence of firms that operate without due authorisation. When an investor has been advised to deal with an entity they know nothing about or has been approached by such an entity by whatever means, it is important that they check whether the prospective provider is authorised, registered and supervised. This information can be obtained from the Investor Assistance Office or by consulting the official registers of the CNMV (www.cnmv.es) or Banco de España (www.bde.es) in the case of credit institution agents.

Also, to help investors identify the firms rendering investment services without due authorisation, the “Public warnings” section of the CNMV website includes a rapid-access search facility.

In 2011, warnings were issued about a number of unauthorised companies (see table 7).

Of course the fact that a firm has not been the subject of a warning notice does not necessarily mean it is authorised; it could simply be that its irregular dealings have not yet come to the attention of the competent supervisory bodies. Investors are accordingly urged to confirm that prospective providers are authorised and filed in the official registers kept by the CNMV.

CNMV warnings on non-registered entities

TABLE 7

The Main Subjects of Enquiries

Date	Company	Regulator/supervisor
21/02/2011	BARBELL DUH, S.L.	CNMV
21/02/2011	JORGE RAFAEL CALDERÓN ZAMANILLO	CNMV
21/02/2011	CLOSE ON, S.L.	CNMV
21/02/2011	DEALERS QUALITY CONSULTING, S.L. WWW.DEALERS.COM.ES	CNMV
21/02/2011	IBERIA SECURITIES INFORMACIÓN QUALIFICADA BOLSA, S.L.	CNMV
21/02/2011	TRADING BOLSA, S.L. TRAVEL RULE, S.L.	CNMV
28/03/2011	PROYECTALIA GRUPO EMPRESARIAL, S.L.	CNMV
04/04/2011	WWW.SIRENTABLE.COM BELLFIELD INTERNACIONAL ESPAÑA, S.L.	CNMV
04/04/2011	KLAUS ULRICH MULLER WWW.BELLFIELD-BARNA.COM	CNMV
11/04/2011	BOLSARENTABLE ASESORES FINANCIEROS WWW.BOLSARENTABLE.COM	CNMV
18/04/2011	BARVETII WEALTH CONSULTANTS WWW.BARVETII.COM	CNMV
18/04/2011	OVANNIS CAPITAL WWW.OVANNISCAPITAL.COM	CNMV
25/04/2011	BOY MALON 21, S.L. (EUROPEAN FINANCIAL SERVICES)	CNMV
25/04/2011	MACMILLAN FINE INTERNATIONAL WWW.MACMILLANFINE.COM	CNMV
18/07/2011	BUSINESS CASTLE FENIX, S.L. WWW.CASTLEFENIX.COM	CNMV
18/07/2011	MERCADIA ASESORES, S.A. HTTP://MERCADIAASESORES.COM	CNMV
18/07/2011	SEARCH PROFIT CORPORATION, S.L.U. RAMON LUENGO MONTESINOS	CNMV
18/07/2011	THE ROIET TRADING WWW.ROIET-TRADING.COM	CNMV
01/08/2011	MERCADIVISAS INTERNACIONAL, S.A. EDUARDO CARMONA SÁNCHEZ WWW.MERCADIVISASINTERNACIONAL.COM JUAN LUIS ORTIZ GAJINO	CNMV
01/08/2011	QUATERMAAN BROTHERS GESTIÓN, S.L. VICTORIA FERNANDA GÁLVEZ OSSA WWW.QBGESTION.COM	CNMV
01/08/2011	RED HOUSE CAPITAL PARTNERS, S.L. PAUL MILLWARD HTTP://WWW.REDDHOUSE-CAPITAL.COM	CNMV
12/09/2011	FINANCIAL IMPROVE 2008, S.L. PEDRO MANUEL MARTÍN ORANTOS JAIME SANZ EXTREMERA GARCÍA WWW.FINANCIALIMPROVE.ES ALEJANDRO SALGADO VEGA DAVID COLÁS LORENZO	CNMV
03/10/2011	MARKET & BUSINESS CONSULTING ADVICE, S.L. JOSÉ LUIS BARRANTES MALDONADO WWW.MBCONSULTING.ES	CNMV
03/10/2011	CONSULTING STRATEGY FINANCE, S.L. RAFAEL CARRILLO DE ALBORNOZ SÁNCHEZ WWW.CSFINANCE.ES	CNMV
03/10/2011	WWW.UNIFINAN.ES RAFAEL MORA CANO	CNMV
10/10/2011	REAL-BOT CAPITAL MANAGEMENT WWW.REAL-BOT.COM	CNMV
10/10/2011	GRUS CAPITAL MANAGEMENT WWW.GRUSCAPITAL.COM MUSTAFA CEPERO BOULLRA	CNMV
14/11/2011	PERTINAX 2010, S.L.	CNMV
19/12/2011	ATLANTIC INTERNATIONAL PARTNERSHIP WWW.ATLANTICINTERNATIONALPARTNERSHIP.COM	CNMV
19/12/2011	IBOLUTION.BLOGSPOT.COM HTTP://IBOLUTIONSERV.BLOGSPOT.COM JOSÉ IGNACIO ROS VALCÁRCEL WWW.IBOLUTION.NET	CNMV
19/12/2011	RENDIMIENTOS & PLUSVALÍAS	CNMV

4.10 Other enquiry subjects

As every year, enquiries were received about markets and listed companies, with recurrent topics including dividend payments, IPOs, takeover bids, suspensions from trading and companies in the process of delisting. Concrete examples here would be enquiries about the squeeze-out mechanism in International Petroleum Investment Company's takeover bid for the shares of Compañía Española de Petróleos, S.A. or the stock exchange delisting of Española del Zinc, S.A. and Compañía de Inversiones Cinsa, S.A.

Many enquirers protested about adverse movements in security prices due to situations and events arising in financial markets.

Every year too, complaints are heard about corporate transactions or the consideration or exchange ratio offered in listed company mergers, which must be approved by the affected companies' general meetings. In these cases, investors are reminded that the CNMV monitors merger operations between listed firms to ensure shareholder rights are protected and that the deal goes through in conditions of full transparency. To this end, it posts any relevant information disclosed by the merging companies on the CNMV website.

All this is without prejudice to the autonomy of listed company governing bodies and the diverse protection mechanisms that shareholders enjoy over and above securities market regulations, like the right to challenge corporate resolutions and the right to have an independent expert appointed by the Registrar of Companies pronounce on the fairness of the exchange equation.

Other frequent enquiries concern the companies rendering investment services. Investors might wish to know if a broker or broker-dealer has charged them the right fees or followed the right procedure in channelling their investments, or clarify doubts about compensation schemes or who to approach to settle disputes with foreign investment service providers.

On the subject of collective investment schemes, enquiries centered on the exercise of unit-holder exit rights in the event of significant changes in a fund's conditions affecting its investment policy. Among the triggers for these rights would be an increase in fees, the replacement of the management company or depositary (unless the new provider belongs to the same group and is explicitly committed to maintaining continuity in the fund's management) and the transformation, merger or demerger of the fund or sub-fund. Changes of this nature must be notified to investors in writing at least one month in advance of coming into force.

Unit-holders have one month from the date of publication of the relevant communication, or the date it was mailed if this is later, in which to opt to redeem their holdings fully or in part or switch them to another fund, without payment of redemption fees or other charges, at the net asset value corresponding to the last day of the month when notice was given.

The goal of exit rights is not to afford unit-holders additional liquidity, but to ensure that those unhappy about fund conditions objectively different to those applying when they subscribed can abandon the scheme without paying a penalty.

Other subjects occupying investors' attention had to do with foreign collective investment schemes marketed in Spain. A novelty this year was that the sub-funds or compartments they used to enquire about are no longer listed on the CNMV website.

Following a regulatory amendment, new fund compartments can be distributed without the need for their prior entry in the CNMV register, which accordingly no longer displays the compartments and share/unit classes/series marketed in Spain.

Finally, a number of enquiries touched on subjects outside the competence of the CNMV; primarily insurance contracts and pension plans or banking products and services. Supervisors operate a one-stop shop for this eventuality, such that the enquiry is passed on directly to the competent authority regardless of the channel through which it was presented.

Other queries directed in error to the CNMV referred to share price listings, information on the stock exchange investments of natural persons, usually deceased, and information on unlicensed products or tax matters, among other topics.

Annexes

Annexe 1 Statistical tables

Monthly distribution of complaints filed, processed and resolved

TABLE A1.1

Month	Complaints filed	Complaints processed	Complaints resolved
January	132	92	79
February	188	323	293
March	202	334	292
April	214	198	164
May	227	240	201
June	168	180	147
July	120	171	155
August	121	169	138
September	157	189	166
October	135	185	162
November	136	172	147
December	205	155	142
Total	2,005	2,408	2,086

Source: CNMV.

Geographical distribution of resolved complaints

TABLE A1.2

Provenance	No. of complaints	Percentage
Andalusia	244	11.7
Aragón	66	3.2
Canary Islands	68	3.3
Cantabria	34	1.6
Castilla La Mancha	62	3.0
Castilla León	113	5.4
Catalonia	315	15.1
Ceuta	3	0.1
Madrid	490	23.5
Navarra	25	1.2
Valencia	203	9.7
Extremadura	42	2.0
Galicia	165	7.9
Balearic Islands	23	1.1
La Rioja	20	1.0
Melilla	1	0.0
Basque Country	122	5.8
Asturias	33	1.6
Murcia	50	2.4
EU countries	7	0.3
Total	2,086	100

Source: CNMV.

Rectification by type of entity complained against

TABLE A1.3

	Report favourable to the complainant	Rectified		Unrectified	
	Number	Number	%	Number	%
Banks and <i>cajas</i>	1,169	109	9.3	1,060	90.7
Credit cooperatives	20	0	0.0	20	100.0
IFs	21	5	23.8	16	76.2
UCITS mgrs	8	3	37.5	5	62.5
Total	1,218	117	9.6	1,101	90.4

Source: CNMV.

Distribution of non-accepted complaints by motive for rejection

TABLE A1.4

No. of complaints	2010	2011	% change 11/10
Outside competences	131	91	-30.5
No evidence of submission to CSD	164	201	22.6
Unidentified	9	21	133.3
Others	8	9	12.5
Total	312	322	3.2

Source: CNMV.

Distribution of accommodations and withdrawals by subject of complaint

TABLE A1.5

	2010		2011	
	Number	%	Number	%
Investment services	239	86.9	171	84.2
Order reception, transmission and execution	151	54.9	113	55.7
Information to clients	55	20.0	12	5.9
Fees and expenses	29	10.5	21	10.3
Others	4	1.5	25	12.3
Investment funds and other UCITS	36	13.1	32	15.8
Information to clients	12	4.4	11	5.4
Subscriptions/redemptions	15	5.5	8	3.9
Transfers	4	1.5	9	4.4
Fees and expenses	5	1.8	4	2.0
Total	275	100.0	203	100.0

Source: CNMV.

Summary of the merger/transformation of *cajas de ahorros* as at 31 July 2012

TABLE A1.6

Caja Provincial de Ahorros de Jaén MP y Caja de Ahorros de Ronda, Cádiz, Almería, Málaga y Antequera (Unicaja)	17/06/2010	Deregistration due to merger into new institution	MP y Caja de Ahorros de Ronda, Cádiz, Almería Málaga, Antequera y Jaén (Unicaja)	05/12/2011	Indirect exercise of financial activity through a commercial bank	Unicaja Banco, S.A.
Caja España de Inversiones, Caja de Ahorros y MP Caja de Ahorros de Salamanca y Soria (Caja Duero)	05/10/2010	Deregistration due to merger into new institution	Caja España de Inversiones, Salamanca y Soria, Caja de Ahorros y MP	12/12/2011	Indirect exercise of financial activity through a commercial bank	Banco de Caja España de Inversiones, Salamanca y Soria, S.A.
Caixa d'Estalvis Comarcal de Manlleu Caixa d'Estalvis de Sabadell Caixa d'Estalvis de Terrassa	07/07/2010	Deregistration due to merger into new institution	Caixa d'Estalvis Unió de Caixes de Manlleu, Sabadell i Terrassa (UNNIM)	06/10/2011	Indirect exercise of financial activity through a commercial bank	UNNIM Banc, S.A.
Caixa d'Estalvis de Catalunya Caixa d'Estalvis de Manresa Caixa d'Estalvis de Tarragona	09/07/2010	Deregistration due to merger into new institution	Caixa d'Estalvis de Catalunya, Tarragona i Manresa	07/10/2011	Indirect exercise of financial activity through a commercial bank	Catalunya Banc, S.A.
Caja de Ahorros de Castilla La Mancha	19/10/2010	Deregistration due to transfer of banking business	Banco de Castilla La Mancha, S.A.			
Caja de Ahorros de Asturias Caja de Ahorros y MP de Extremadura Caja de Ahorros de Santander y Cantabria				06/09/2011	Indirect exercise of financial activity through a commercial bank	Liberbank, S.A.
Caja de Ahorro Provincial de Guadalajara	02/11/2010	Deregistration due to merger by takeover with dissolution without winding-up	MP y Caja de Ahorros San Fernando de Guadalajara, Huelva, Jerez y Sevilla			
Caja de Ahorros Municipal de Burgos Caja General de Ahorros de Canarias MP y Caja de Ahorros San Fernando de Guadalajara, Huelva, Jerez y Sevilla Caja de Ahorros y MP de Navarra				01/07/2011	Indirect exercise of financial activity through a commercial bank	Banca Cívica, S.A.
Caixa d'Estalvis de Girona	22/11/2010	Deregistration due to merger by takeover with dissolution and transfer of assets and liabilities	Caja de Ahorros y Pensiones de Barcelona	30/06/2011	Indirect exercise of financial activity through a commercial bank	Caixabank, S.A.
Caja de Ahorros de Galicia Caja de Ahorros de Vigo, Ourense e Pontevedra (Caixanova)	03/12/2010	Deregistration due to merger into new institution	Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra (NovaCaixaGalicia)	16/09/2011	Indirect exercise of financial activity through a commercial bank	NCG Banco, S.A.

Caja de Ahorros de la Rioja Caja de Ahorros y MP de Madrid Caixa d'Estalvis Laietana Caja Insular de Ahorros de Canarias Caja de Ahorros y MP de Segovia Caja de Ahorros de Valencia, Castellón y Alicante (Bancaja) Caja de Ahorros y MP de Ávila	30/05/2011	Indirect exercise of financial activity through a commercial bank	Bankia, S.A.
Caja de Ahorros y MP de Córdoba (Cajasur)	27/01/2011	Deregistration due to global transfer of assets and liabilities	BBK Bank Cajasur, S.A.
Caja de Ahorros del Mediterráneo	28/07/2011	Indirect exercise of financial activity through a commercial bank	Banco CAM, S.A.
Caja de Ahorros de Granada Caja de Ahorros de Murcia Caixa d'Estalvis del Penedès Caja de Ahorros y MP de las Baleares	30/09/2011	Indirect exercise of financial activity through a commercial bank	Banco Mare Nostrum, S.A.
Caja de Ahorros y MP de Zaragoza, Aragón y Rioja (Ibercaja)	30/09/2011	Indirect exercise of financial activity through a commercial bank	Ibercaja Banco, S.A.
Caja de Ahorros de la Inmaculada de Aragón Caja de Ahorros y MP del Círculo Católico de Obreros de Burgos MP y Caja General de Ahorros de Badajoz	30/12/2011	Indirect exercise of financial activity through a commercial bank	Banco Grupo Cajates, S.A.
Bilbao Bizkaia Kutxa, Aurrezki Kutxa eta Bahitetxea Caja de Ahorros y MP de Gipuzkoa y San Sebastián Caja de Ahorros de Vitoria y Álava	02/01/2012	Indirect exercise of financial activity through a commercial bank	Kutxabank, S.A.

Source: CNMV.

Distribution by entity of complaints against banks and *cajas de ahorros*

TABLE A1.7

Entity	Accommodation	Unfavourable to complainant	Withdrawal	Favourable to complainant	No opinion stated	Total
Banca Cívica, S.A.	-	1	-	2	-	3
- Caja de ahorros y M.P. de Navarra	-	2	-	1	-	3
- M.P. y Caja de Ahorros San Fernando de Guadalajara, Huelva, Jerez y Sevilla	2	2	-	3	-	7
Banca March, S.A.	1	3	-	2	-	6
Banco Banif, S.A.	1	10	1	18	-	30
Banco Bilbao Vizcaya Argentaria, S.A.	39	73	3	80	4	199
Banco Caixa Geral, S.A.	2	3	-	22	-	27
Banco CAM, S.A.	2	-	-	17	1	20
- Caja de Ahorros del Mediterráneo	3	4	-	17	1	25
Banco Cooperativo Español, S.A.	-	1	-	1	-	2
Banco de Castilla La Mancha, S.A.	-	2	-	2	-	4
Banco de la Pequeña y Mediana Empresa, S.A.	-	-	-	7	-	7
Banco de Madrid, S.A.	-	1	-	2	-	3
Banco de Sabadell, S.A.	-	19	-	36	-	55
Banco de Valencia, S.A.	-	1	-	5	-	6
Banco Español de Crédito, S.A.	7	33	3	88	22	153
Banco Espirito Santo, S.A., Sucursal en España	-	3	-	2	-	5
Banco Gallego, S.A.	-	-	-	1	-	1
Banco Guipuzcoano, S.A.	-	14	-	24	-	38
Banco Inversis, S.A.	6	10	-	20	1	37
- Centro de Seguros y Servicios, Corr. Seg. S.A. Grupo El Corte Inglés (agente)	-	-	-	1	-	1
Banco Mare Nostrum, S.A.	1	-	-	-	1	2
- Caixa d'Estalvis del Penedès	5	7	1	17	2	32
- Caja de Ahorros de Murcia	-	2	-	-	1	3
- Caja General de Ahorros de Granada	1	-	-	-	-	1
Banco Mediolanum, S.A.	-	1	-	2	-	3
Banco Pastor, S.A.	-	2	-	7	-	9
Banco Popular Español, S.A.	4	29	-	46	13	92
Banco Santander, S.A.	14	147	2	106	10	279
Banco Urquijo Sabadell Banca Privada, S.A.	-	-	-	5	-	5
Bancopopular-E, S.A.	1	-	-	1	-	2
Bankia Banca Privada, S.A.	-	3	-	4	-	7
Bankia, S.A.	7	20	1	47	1	76
- Caja de Ahorros de La Rioja	-	1	-	-	-	1
- Caja de Ahorros de Valencia, Castellón y Alicante (Bancaja)	1	1	-	1	1	4
- Caja de Ahorros y M.P. de Madrid	8	20	-	12	1	41
- Caja Insular de Ahorros de Canarias	-	-	-	1	-	1
Bankinter, S.A.	2	27	-	236	11	276
Barclays Bank, S.A.	8	11	1	56	1	77
BBK Bank Cajasur, S.A.	28	2	-	2	-	32
Bilbao Bizkaia Kutxa, Aurrezki Kutxa eta Bahitetxea ¹	-	-	-	2	-	2
BNP Paribas España, S.A.	-	2	-	3	2	7
Caixa d'Estalvis Unió de Caixes de Manlleu, Sabadell i Terrassa (UNNIM) ²	-	-	-	12	-	12
Caixabank, S.A.	7	10	-	53	3	73
- Caja de Ahorros y Pensiones de Barcelona	1	13	3	9	1	27

Caja de Ahorros de la Inmaculada de Aragón ³	-	-	-	11	-	11
Caja de Ahorros de Vitoria y Álava - Araba eta Gasteizko Aurrezki Kutxa ¹	-	3	-	-	-	3
Caja de Ahorros y M.P. de Guipuzkoa y San Sebastián ¹	-	1	-	15	-	16
Caja de Ahorros y M.P. de Ontinyent	-	-	-	1	-	1
Caja España de Inversiones, Salamanca y Soria, Caja de Ahorros y M.P.	2	5	-	7	-	14
Catalunya Banc, S.A.	3	2	-	11	-	16
- Caixa d'Estalvis de Catalunya, Tarragona i Manresa	5	9	-	23	-	37
Citibank España, S.A.	-	4	-	6	-	10
Crédit Agricole Corporate and Investment Bank, Sucursal en España	-	-	-	2	-	2
Crédit Suisse, A.G., Sucursal en España	1	-	-	2	-	3
Deutsche Bank, S.A.E.	4	6	-	43	1	54
HSBC Bank, PLC, Sucursal en España	-	1	-	-	-	1
Ibercaja Banco, S.A.	-	2	-	2	-	4
- Caja de Ahorros y M.P. de Zaragoza, Aragón y La Rioja (Ibercaja)	-	3	1	3	-	7
ING Direct, N.V., Sucursal en España	4	2	-	1	-	7
Liberbank, S.A.	-	-	-	1	-	1
- Caja de Ahorros de Asturias	-	1	-	-	-	1
- Caja de Ahorros y M.P. de Extremadura	-	1	-	-	-	1
Lloyds Bank International, S.A.	-	-	-	2	-	2
Lloyds TSB Bank PLC, Sucursal en España	-	-	-	9	-	9
Montes de Piedad y Caja de Ahorros de Ronda, Cádiz, Almería, Málaga, Antequera y Jaén (Unicaja) ⁴	-	2	-	2	-	4
NCG Banco, S.A.	2	2	-	11	-	15
- Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	4	23	-	28	-	55
Open Bank, S.A.	-	6	-	3	-	9
Orey Financial Instituição Financeira de Credito, S.A., Sucursal en España	-	-	-	1	-	1
Popular Banca Privada, S.A.	1	-	-	8	-	9
Privat Bank DeGroof, S.A.	-	1	-	-	-	1
Self Trade Bank, S.A.	1	-	-	2	-	3
Société Générale, Sucursal en España	-	-	-	1	-	1
UBS Bank, S.A.	-	2	-	-	-	2
Unoe Bank, S.A.	1	-	-	1	-	2
Total	179	556	16	1,169	78	1,998

Source: CNMV.

1 As of 31 July 2012, Kutxabank, S.A.

2 As of 31 July 2012, UNNIM Banc, S.A.

3 As of 31 July 2012, Banco Grupo Cajatres, S.A.

4 As of 31 July 2012, Unicaja Banco, S.A.

Distribution by entity of complaints against credit cooperatives

TABLE A1.8

Credit cooperative	Accommodation	Unfavourable to complainant	Withdrawal	Favourable to complainant	No opinion stated	Total
Caixa de Credit dels Enginyers – Caja de Crédito de los Ingenieros, Sociedad Cooperativa	-	1	-	1	-	2
Caja Laboral Popular Cooperativa de Crédito	-	1	-	2	-	3
Caja Rural Central, Sociedad Cooperativa de Crédito	1	-	-	-	-	1
Caja Rural de Ciudad Real, Sociedad Cooperativa de Crédito	-	1	-	-	-	1
Caja Rural de Córdoba, Sociedad Cooperativa de Crédito	-	-	-	10	-	10
Caja Rural de Jaén, Barcelona y Madrid, Sociedad Cooperativa de Crédito	-	-	-	1	-	1
Caja Rural de Navarra, Sociedad Cooperativa de Crédito	-	1	-	1	1	3
Caja Rural del Mediterráneo, Ruralcaja, Sociedad Cooperativa de Crédito	-	-	-	1	-	1
Cajamar Caja Rural, Sociedad Cooperativa de Crédito	-	1	-	4	-	5
Total	1	5	0	20	1	27

Source: CNMV.

Distribution by entity of complaints against IFs, UCITS managers and others

TABLE A1.9

IF or UCITS manager	Accommodation	Unfavourable to complainant	Withdrawal	Favourable to complainant	No opinion stated	Total
Ahorro Corporación Financiera, S.A., Sociedad de Valores	-	2	-	1	-	3
Ahorro Corporación Gestión, SGIC, S.A.	-	1	-	-	-	1
AXA Ibercapital, Agencia de Valores, S.A.	-	-	-	1	-	1
Bankia, Sociedad de Valores, S.A.	-	1	-	-	-	1
BBVA Asset Management, S.A., SGIC	1	2	-	2	-	5
Bestinver Gestión, S.A., SGIC	-	1	-	2	-	3
CMC Markets UK PLC, Sucursal en España	-	1	-	2	-	3
Delforca 2008, Sociedad de Valores, S.A.	2	-	-	3	-	5
Dif Broker Sociedade Corretora, S.A., Sucursal en España	-	1	-	-	-	1
Espirito Santo Gestion, S.A., SGIC	-	-	-	1	-	1
Eurodeal Agencia de Valores, S.A.	-	-	-	2	-	2
GVC Gaesco Valores, Sociedad de Valores, S.A.	-	-	-	2	-	2
IG Markets Limited, Sucursal en España	-	-	-	1	-	1
Interdin Bolsa, Sociedad de Valores, S.A.	-	1	-	1	-	2
Mapfre Inversión, Sociedad de Valores, S.A.	1	1	-	3	-	5
Mapfre Inversión Dos, SGIC, S.A.	-	-	-	1	-	1
Merrill Lynch Española, Agencia de Valores, S.A.	-	-	-	2	-	2
Mirabaud Finanzas Sociedad de Valores, S.A.	-	-	-	1	-	1
Mutuactivos, S.A., SGIC	1	1	-	-	-	2
Previsión Sanitaria Nacional Gestión, S.A., SGIC	-	1	-	-	-	1
Renta 4, Sociedad de Valores, S.A.	-	-	-	1	-	1
Santander Asset Management, S.A., SGIC	2	6	-	1	-	9
Santander Real Estate, S.A., SGIC	-	4	-	1	-	5
Sebroker Bolsa, Agencia de Valores, S.A.	-	1	-	-	-	1
Tressis, Sociedad de Valores, S.A.	-	-	-	1	-	1
X-Trade Brokers Dom Maklerski, S.A., Sucursal en España	-	1	-	-	-	1
Total	7	25	0	29	0	61

Source: CNMV.

Rectification following reports favourable to the complainant

TABLE A1.10

Entity	Favourable to complainant	Rectified	Unrectified
Ahorro Corporación Financiera, S.A., S.V.	1	0	1
AXA Ibercapital, A.V., S.A.	1	0	1
Banca Cívica, S.A.	2	0	2
- Caja de Ahorros y M.P. de Navarra	1	0	1
- M.P. y Caja de Ahorros San Fernando de Guadalajara, Huelva, Jerez y Sevilla	3	0	3
Banca March, S.A.	2	0	2
Banco Banif, S.A.	18	1	17
Banco Bilbao Vizcaya Argentaria, S.A.	80	12	68
Banco Caixa Geral, S.A.	22	0	22
Banco CAM, S.A.	17	0	17
- Caja de Ahorros del Mediterráneo	17	0	17
Banco Cooperativo Español, S.A.	1	0	1
Banco de Castilla La Mancha, S.A.	2	1	1
Banco de la Pequeña y Mediana Empresa, S.A.	7	0	7
Banco de Madrid, S.A.	2	0	2
Banco de Sabadell, S.A.	36	6	30
Banco de Valencia, S.A.	5	0	5
Banco Español de Crédito, S.A.	88	4	84
Banco Espirito Santo, S.A., Sucursal en España	2	0	2
Banco Gallego, S.A.	1	0	1
Banco Guipuzcoano, S.A.	24	0	24
Banco Inversis, S.A.	20	3	17
- Centro de Seguros y Servicios, Corr. Seg. S.A. Grupo El Corte Inglés (agente)	1	0	1
Banco Mediolanum, S.A.	2	0	2
Banco Pastor, S.A.	7	1	6
Banco Popular Español, S.A.	46	20	26
Banco Santander, S.A.	106	15	91
Banco Urquijo Sabadell Banca Privada, S.A.	5	3	2
Bancopopular-E, S.A.	1	0	1
Bankia Banca Privada, S.A.	4	0	4
Bankia, S.A.	47	4	43
- Caja de Ahorros de Valencia, Castellón y Alicante (Bancaja)	1	0	1
- Caja de Ahorros y M.P. de Madrid	12	2	10
- Caja Insular de Ahorros de Canarias	1	0	1
Bankinter, S.A.	236	0	236
Barclays Bank, S.A.	56	2	54
BBK Bank Cajasur, S.A.	2	2	0
BBVA Asset Management, S.A., SGIC	2	0	2
Bestinver Gestión, S.A., SGIC	2	0	2
Bilbao Bizkaia Kutxa, Aurrezki Kutxa eta Bahitetxea ¹	2	1	1
BNP Paribas España, S.A.	3	0	3
Caixa d'Estalvis del Penedès	17	11	6
Caixa d'Estalvis Unió de Caixes de Manlleu, Sabadell i Terrassa (UNNIM) ²	12	0	12
Caixa de Credit del Enginyers – Caja de Crédito de los Ingenieros, Sdad. Coop. de Crédito	1	0	1
Caixabank, S.A.	53	7	46
- Caja de Ahorros y Pensiones de Barcelona	9	5	4
Caja de Ahorros de La Inmaculada de Aragón ³	11	0	11
Caja de Ahorros y M.P. de Guipuzkoa y San Sebastián ¹	15	0	15

Caja de Ahorros y M.P. de Ontinyent	1	0	1
Caja España de Inversiones, Salamanca y Soria, Caja de Ahorros y M.P.	7	3	4
Caja Laboral Popular, Coop. de Crédito	2	0	2
Caja Rural de Córdoba, Sdad. Coop. de Crédito	10	0	10
Caja Rural de Jaén, Barcelona y Madrid, Sdad. Coop. de Crédito	1	0	1
Caja Rural de Navarra, Sdad. Coop. de Crédito	1	0	1
Caja Rural del Mediterráneo, Ruralcaja, Sdad. Coop. de Crédito	1	0	1
Cajamar, Caja Rural, Sdad. Coop. de Crédito	4	0	4
Catalunya Banc, S.A.	11	0	11
- Caixa d'Estalvis de Catalunya, Tarragona i Manresa	23	0	23
Citibank España, S.A.	6	2	4
CMC Markets UK, Sucursal en España	2	2	0
Crédit Agricole Corporate and Investment Bank, Sucursal en España	2	0	2
Crédit Suisse, A.G., Sucursal en España	2	0	2
Delforca 2008, S.V., S.A.	3	0	3
Deutsche Bank, S.A.E.	43	1	42
Espirito Santo Gestion, S.A., SGIC	1	1	0
Eurodeal, A.V., S.A.	2	0	2
GVC GAESCO VALORES, S.V., S.A.	2	0	2
Ibercaja Banco, S.A.	2	1	1
- Caja de Ahorros y M.P. de Zaragoza, Aragón y La Rioja (Ibercaja)	3	0	3
IG Markets Limited, Sucursal en España	1	0	1
ING Direct, N.V., Sucursal en España	1	0	1
Interdin Bolsa, S.V., S.A.	1	1	0
Liberbank, S.A.	1	0	1
Lloyds Bank International, S.A.	2	0	2
Lloyds TSB Bank PLC, Sucursal en España	9	0	9
Mapfre Inversión, S.V., S.A.	3	1	2
Mapfre Inversión Dos, SGIC, S.A.	1	0	1
Merrill Lynch Española, A.V., S.A.	2	0	2
Mirabaud Finanzas, S.V, S.A.	1	0	1
Montes de Piedad y Caja de Ahorros de Ronda, Cádiz, Almería, Málaga, Antequera y Jaén (Unicaja) ⁴	2	1	1
NCG Banco, S.A.	11	0	11
- Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	28	0	28
Open Bank, S.A.	3	1	2
Orey Financial Instituição Financeira de Credito, S.A., Sucursal en España	1	0	1
Popular Banca Privada, S.A.	8	0	8
Renta 4, S.V., S.A.	1	1	0
Santander Asset Management, S.A., SGIC	1	1	0
Santander Real Estate, S.A., SGIC	1	1	0
Self Trade Bank, S.A.	2	0	2
Société Générale, Sucursal en España	1	0	1
Tressis, S.V., S.A.	1	0	1
Unoe Bank, S.A.	1	0	1
Total	1,218	117	1,101

Source: CNMV.

1 As of 31 July 2012, Kutxabank, S.A.

2 As of 31 July 2012, UNNIM Banc, S.A.

3 As of 31 July 2012, Banco Grupo Cajatres, S.A.

4 As of 31 July 2012, Unicaja Banco, S.A.

Annexe 2 List of complaints with report favourable to complainant

A2.1 Provision of investment services

A2.1.1 Order reception, transmission and execution

Entity	Complaints
BBK Bank Cajasur, S.A.	R/1908/2010; R/2124/2010
Banca Cívica, S.A.	R/1348/2011
- M.P. y Caja de Ahorros San Fernando de Guadalajara, Huelva, Jerez y Sevilla	R/0251/2011; R/0508/2011; R/0731/2011
Banco Bilbao Vizcaya Argentaria, S.A.	R/2102/2009; R/0714/2010; R/1394/2010; R/0552/2011; R/0762/2011; R/0973/2011; R/1227/2011; R/1321/2011; R/1384/2010; R/2025/2010; R/0356/2011; R/1234/2009; R/1671/2009; R/2007/2009; R/0022/2010; R/0096/2010; R/0111/2010; R/0116/2010; R/0172/2010; R/0224/2010; R/0238/2010; R/0252/2010; R/0255/2010; R/0274/2010; R/0297/2010; R/0303/2010; R/0307/2010; R/0374/2010; R/0409/2010; R/0426/2010; R/0435/2010; R/0440/2010; R/0447/2010; R/0455/2010; R/0507/2010; R/0537/2010; R/0560/2010; R/0566/2010; R/0577/2010; R/0606/2010; R/0619/2010; R/0666/2010; R/0808/2010; R/0821/2010; R/0840/2010; R/0849/2010; R/0856/2010; R/0890/2010; R/1021/2010; R/1097/2010; R/1114/2010; R/1122/2010; R/1178/2010; R/1182/2010; R/1214/2010; R/1215/2010; R/1243/2010; R/1356/2010; R/1502/2010; R/1511/2010; R/1553/2010; R/2175/2010; R/2230/2010; R/2260/2010; R/2262/2010; R/0004/2011; R/0119/2011
Banco CAM, S.A.	R/1381/2011; R/1146/2010
- Caja de Ahorros del Mediterráneo	R/1151/2010; R/1219/2010; R/1284/2010; R/1303/2010; R/1371/2010; R/1374/2010; R/1813/2010; R/1896/2010; R/1927/2010; R/0020/2011; R/0341/2011; R/0368/2011; R/0489/2011; R/0945/2011; R/0965/2011; R/0970/2011; R/1043/2011; R/1352/2011
Banco Caixa Geral, S.A.	R/1189/2010
Banco Cooperativo Español, S.A.	R/0518/2010
Banco de Castilla-La Mancha, S.A.	R/0338/2011
Banco de la Pequeña y Mediana Empresa, S.A.	R/0087/2011
Banco de Sabadell, S.A.	R/1110/2010; R/0029/2010; R/0313/2010; R/0344/2010; R/0353/2010; R/0503/2010; R/0535/2010; R/0549/2010; R/0667/2010; R/0710/2010; R/0735/2010; R/1103/2010; R/1172/2010; R/1202/2010; R/1238/2010; R/1257/2010; R/1285/2010; R/1379/2010; R/1492/2010; R/1710/2010; R/1932/2010; R/2139/2010; R/2164/2010; R/0097/2010; R/0146/2011
Banco de Valencia, S.A.	R/0217/2011; R/1886/2010
Banco Español de Crédito, S.A.	R/1328/2010; R/0112/2010; R/0180/2010; R/0181/2010; R/0241/2010; R/0254/2010; R/0266/2010; R/0270/2010; R/0377/2010; R/0433/2010; R/0434/2010; R/0452/2010; R/0506/2010; R/0525/2010; R/0605/2010; R/0645/2010; R/0648/2010; R/0688/2010; R/0706/2010; R/0774/2010; R/0783/2010; R/0918/2010; R/0956/2010; R/0991/2010; R/1033/2010; R/1100/2010; R/1192/2010; R/1194/2010; R/1211/2010; R/1246/2010; R/1455/2010; R/1456/2010; R/1457/2010; R/1480/2010; R/1497/2010; R/1574/2010; R/1595/2010; R/1602/2010; R/1640/2010; R/1692/2010; R/1768/2010; R/1861/2010; R/1968/2010; R/2045/2010; R/2130/2010; R/2172/2010; R/2174/2010; R/2180/2010; R/2210/2010; R/2211/2010; R/2220/2010; R/2225/2010; R/0027/2011; R/0036/2011; R/0078/2011; R/0195/2011; R/0815/2011

Banco Espirito Santo, S.A., Sucursal en España	R/1139/2010
Banco Guipuzcoano, S.A.	R/2007/2010; R/2067/2010; R/2120/2010; R/2157/2010; R/2203/2010; R/0193/2011; R/0194/2011; R/0263/2011; R/0380/2011; R/0935/2011; R/1041/2011; R/1284/2011; R/0158/2010; R/0395/2010; R/0489/2010; R/0524/2010; R/0540/2010; R/0561/2010; R/0670/2010; R/0686/2010; R/0794/210; R/1240/2010; R/1625/2010; R/2168/2010
Banco Inversis, S.A.	R/1150/2010; R/1879/2010; R/0528/2010
Banco Pastor, S.A.	R/1783/2010
Banco Popular Español, S.A.	R/1112/2010; R/0280/2011; R/0868/2009; R/0110/2010; R/0156/2010; R/0230/2010; R/0495/2010; R/0502/2010; R/0583/2010; R/0621/2010; R/0693/2010; R/0701/2010; R/0742/2010; R/0743/2010; R/0778/2010; R/0855/2010; R/0928/2010; R/1051/2010; R/1081/2010; R/1199/2010; R/1249/2010; R/1358/2010; R/1474/2010; R/1730/2010; R/1731/2010; R/1742/2010; R/1846/2010; R/1863/2010; R/1936/2010; R/1964/2010; R/2023/2010; R/2062/2010; R/2169/2010; R/0039/2011; R/0188/2011; R/0204/2011; R/0206/2011; R/0207/2011
Banco Santander, S.A.	R/1893/2009; R/2128/2010; R/0126/2010; R/1389/2010; R/1539/2010; R/1545/2010; R/1910/2010; R/1945/2010; R/1993/2010; R/2123/2010; R/2127/2010; R/0010/2011; R/0048/2011; R/0084/2011; R/0273/2011; R/0302/2011; R/0361/2011; R/0390/2011; R/0556/2011; R/0581/2011; R/0625/2011; R/0729/2011; R/0767/2011; R/1064/2011; R/1085/2011; R/1146/2011; R/0446/2011; R/0531/2011; R/0495/2011; R/0118/2010; R/0169/2010; R/0244/2010; R/0308/2010; R/0379/2010; R/0401/2010; R/0431/2010; R/0466/2010; R/0467/2010; R/0544/2010; R/0545/2010; R/0547/2010; R/0646/2010; R/0718/2010; R/0738/2010; R/0748/2010; R/0780/2010; R/0793/2010; R/0799/2010; R/0803/2010; R/0968/2010; R/1008/2010; R/1170/2010; R/1212/2010; R/1242/2010; R/1260/2010; R/1261/2010; R/1282/2010; R/1287/2010; R/1314/2010; R/1383/2010; R/1420/2010; R/1460/2010; R/1505/2010; R/1521/2010; R/1542/2010; R/1635/2010; R/1748/2010; R/1769/2010; R/1864/2010; R/1988/2010; R/2272/2010
Bankia, S.A.	R/0592/2011; R/0632/2011; R/0709/2010; R/0999/2010; R/1077/2010; R/1213/2010; R/1338/2010; R/1346/2010; R/1654/2010; R/1867/2010; R/1883/2010; R/1884/2010; R/1939/2010; R/1940/2010; R/2129/2010; R/2132/2010; R/2188/2010; R/2195/2010; R/2242/2010; R/0074/2011; R/0075/2011; R/0093/2011; R/0094/2011; R/0111/2011; R/0116/2011; R/0182/2011
- Caja de Ahorros de Valencia, Castellón y Alicante (Bancaja)	R/0221/2011; R/0637/2010; R/0668/2010; R/21600/2010
- Caja de Ahorros y M.P. de Madrid	R/0596/2010; R/0652/2010; R/0398/2010; R/0423/2010; R/0519/2010; R/0536/2010; R/0574/2010; R/0671/2010; R/0705/2010; R/0870/2010; R/1102/2010; R/1104/2010; R/1826/2010; R/1828/2010
- Caja Insular de Ahorros de Canarias	R/2275/2010; R/1204/2011; R/1016/2010; R/1537/2010; R/1656/2010
Bankinter, S.A.	R/0996/2010; R/0980/2010; R/2104/2010; R/1658/2009; R/0082/2011; R/0485/2011; R/0570/2011; R/0576/2011; R/1045/2011; R/1060/2011; R/1385/2011; R/0328/2010; R/1209/2010; R/1773/2010; R/1850/2010; R/0784/2009; R/0907/2009; R/0967/2009; R/1108/2009; R/1137/2009; R/1185/2009; R/1232/2009; R/1233/2009; R/1250/2009; R/1252/2009; R/1327/2009; R/1394/2009; R/1430/2009; R/1435/2009; R/1463/2009; R/1467/2009; R/1468/2009; R/1484/2009; R/1514/2009; R/1517/2009; R/1531/2009; R/1546/2009; R/1563/2009; R/1577/2009; R/1595/2009; R/1624/2009; R/1646/2009; R/1688/2009; R/1696/2009; R/1699/2009; R/1709/2009; R/1781/2009; R/1784/2009; R/1791/2009; R/1795/2009; R/1796/2009; R/1804/2009; R/1816/2009; R/1833/2009; R/1875/2009; R/1897/2009; R/1903/2009; R/1971/2009; R/1979/2009; R/2109/2009; R/2139/2009; R/0081/2010; R/0084/2010; R/0085/2010; R/0125/2010; R/0130/2010; R/0141/2010; R/0150/2010; R/0151/2010; R/0170/2010; R/0184/2010; R/0185/2010; R/0190/2010; R/0192/2010; R/0211/2010; R/0239/2010; R/0240/2010; R/0275/2010; R/0276/2010; R/0284/2010; R/0341/2010; R/0342/2010; R/0352/2010; R/0370/2010; R/0422/2010; R/0425/2010; R/0432/2010; R/0436/2010; R/0451/2010; R/0454/2010; R/0504/2010; R/0505/2010; R/0533/2010; R/0539/2010; R/0543/2010; R/0569/2010; R/0572/2010; R/0580/2010; R/0582/2010; R/0589/2010; R/0604/2010; R/0609/2010; R/0612/2010; R/0622/2010; R/0624/2010; R/0638/2010; R/0650/2010; R/0662/2010; R/0704/2010; R/0708/2010; R/0721/2010; R/0734/2010; R/0741/2010; R/0744/2010; R/0745/2010; R/0755/2010; R/0759/2010; R/0760/2010; R/0807/2010; R/0820/2010; R/0836/2010; R/0841/2010; R/0842/2010; R/0861/2010; R/0874/2010; R/0875/2010; R/0882/2010; R/0898/2010; R/0900/2010; R/0901/2010; R/0902/2010; R/0904/2010; R/0960/2010; R/1006/2010; R/1009/2010; R/1034/2010; R/1035/2010; R/1042/2010; R/1098/2010; R/1134/2010;

	R/1137/2010; R/1193/2010; R/1216/2010; R/1258/2010; R/1259/2010; R/1263/2010; R/1264/2010; R/1276/2010; R/1277/2010; R/1286/2010; R/1301/2010; R/1332/2010; R/1336/2010; R/1339/2010; R/1357/2010; R/1406/2010; R/1422/2010; R/1426/2010; R/1441/2010; R/1498/2010; R/1538/2010; R/1556/2010; R/1589/2010; R/1621/2010; R/1623/2010; R/1626/2010; R/1641/2010; R/1707/2010; R/1723/2010; R/1733/2010; R/1779/2010; R/1798/2010; R/1866/2010; R/1873/2010; R/1894/2010; R/1978/2010; R/2009/2010; R/2033/2010; R/2059/2010; R/2061/2010; R/2082/2010; R/2094/2010; R/2152/2010; R/2208/2010; R/2241/2010; R/2244/2010; R/2264/2010; R/0005/2011; R/0007/2011; R/0008/2011; R/0042/2011
Barclays Bank, S.A.	R/0925/2010; R/1071/2011; R/1362/2011; R/0242/2010
Caixabank, S.A.	R/0270/2011; R/0393/2011; R/0438/2011; R/0701/2011; R/0864/2011; R/0896/2011; R/0953/2011; R/1051/2011; R/1053/2011; R/1301/2011; R/1644/2010; R/0693/2011; R/1551/2010; R/0177/2011
- Caja de Ahorros y Pensiones de Barcelona	R/1389/2009; R/1762/2010; R/0875/2011; R/0139/2010; R/1279/2009; R/0022/2011; R/1466/2009
Caixa d'Estalvis del Penedès	R/1271/2009; R/1707/2009; R/1902/2009; R/2044/2009; R/2057/2009; R/0025/2010; R/0132/2010; R/0565/2010; R/0720/2010; R/0843/2010; R/0883/2010; R/0896/2010; R/1080/2010; R/1378/2010; R/1461/2010; R/1608/2010; R/2134/2010; R/1080/2010; R/1378/2010; R/1461/2010; R/1608/2010; R/2134/2010
Caixa d'Estalvis Unió de Caixes de Manlleu, Sabadell y Terrassa (UNIMM)	R/1952/2009; R/1991/2009; R/0100/2010; R/0585/2010; R/0694/2010; R/0950/2010; R/1145/2010; R/1177/2010; R/1228/2010; R/1412/2010; R/1449/2010; R/1450/2010
Caja de Ahorros de la Inmaculada de Aragón	R/1827/2009; R/0413/2010
Caja de Ahorros y M.P. de Ontinyent	R/0202/2011
Caja España de Inversiones Salamanca y Soria, Caja de Ahorros y M.P.	R/1482/2010
Caja Laboral Popular Cooperativa de Crédito	R/0932/2011; R/1186/2010
Caja Rural de Navarra, Sdad. Coop. de Crédito	R/0294/2011
CMC Markets UK PLC, Sucursal en España	R/1315/2010; R/2216/2010
Catalunya Banc, S.A.	R/1064/2010; R/1407/2010; R/1410/2010; R/2109/2010; R/2212/2010; R/2243/2010
- Caixa d'Estalvis de Catalunya, Tarragona i Manresa	R/0114/2011; R/1766/2010; R/0140/2011; R/1225/2011; R/1258/2011; R/1376/2010; R/0015/2010; R/0065/2010; R/0245/2010; R/0339/2010; R/0349/2010; R/0649/2010; R/0702/2010; R/0784/2010; R/0802/2010; R/0811/2010; R/0897/2010; R/0912/2010; R/1156/2010; R/1333/2010; R/1882/2010; R/1973/2010; R/2073/2010; R/2095/2010; R/2096/2010; R/2107/2010
Crédit Agricole Corporate and Investment Bank, Sucursal en España	R/0831/2011
Delforca 2008, S.V., S.A.	R/1117/2009
Deutsche Bank, SAE	R/0417/2010
Eurodeal, A.V., S.A.	R/1650/2009
GVC Gaesco Valores, S.V., S.A.	R/0142/2010
IG Markets Limited, Sucursal en España	R/2113/2010
NCG Banco, S.A.	R/0024/2011; R/0163/2011; R/0987/2011; R/1104/2011; R/2114/2010; R/0115/2011
- Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	R/2287/2010; R/0056/2010; R/0091/2010; R/0765/2010; R/1354/2010; R/1395/2010; R/1528/2010; R/1571/2010; R/1671/2010; R/1677/2010; R/1912/2010; R/2043/2010; R/2250/2010; R/0056/2011; R/0191/2011; R/0317/2011; R/0321/2011; R/0352/2011; R/0397/2011; R/0486/2011; R/0578/2011; R/0786/2011; R/0990/2011; R/1002/2011; R/2002/2009; R/0002/2010; R/0335/2010; R/1197/2010
Open Bank, S.A.	R/0508/2010
Orey Financial-Instituição Financiera de Credito, S.A. Sucursal en España	R/0781/2010
Renta 4, S.V., S.A.	R/0582/2010
Self Trade Bank, S.A.	R/1724/2010
Société Générale, Sucursal en España	R/0757/2009

A2.1.2 Information to clients

Entity	Complaints
Ahorro Corporación Financiera, S.V., S.A.	R/0062/2010
Banca March, S.A.	R/1207/2010; R/0240/2011
Banco Banif, S.A.	R/0855/2009; R/0887/2009; R/1127/2009; R/1196/2009; R/1444/2009; R/1948/2009; R/0430/2010; R/1038/2010; R/1141/2010; R/1606/2010; R/1609/2010; R/1807/2010
Banco CAM, S.A.	R/1311/2010; R/1330/2010; R/1596/2010; R/1614/2010; R/1795/2010; R/2056/2010; R/2089/2010; R/2122/2010
- Caja de Ahorros del Mediterráneo	R/0072/2010; R/0681/2010; R/0682/2010
Banco Caixa Geral, S.A.	R/2112/2010
Banco de Castilla La Mancha, S.A.	R/1500/2010
Banco de Finanzas e Inversiones, S.A.	R/0311/2010; R/1250/2010
Banco de la Pequeña y Mediana Empresa, S.A.	R/1039/2010; R/1956/2010; R/2078/2010; R/2102/2010
Banco de Madrid, S.A.	R/0396/2010
Banco de Sabadell, S.A.	R/1138/2010; R/2032/2010; R/2036/2010
Banco Español de Crédito, S.A.	R/0372/2010
Banco Espirito Santo, S.A. Sucursal en España	R/0660/2010
Banco Inversis, S.A.	R/1392/2010; R/1509/2010; R/0201/2010; R/0727/2010; R/1254/2010
Banco Santander, S.A.	R/0675/2010
Banco Urquijo Sabadell Banca Privada, S.A.	R/1940/2009; R/0809/2010; R/1789/2010; R/1825/2010; R/1901/2010
Bancopopular-E, S.A.	R/1205/2010
Bankia, S.A.	R/1917/2009; R/2022/2010
Bankia Banca Privada, S.A.	R/0947/2010
Bankinter, S.A.	R/1536/2009; R/1575/2009; R/1654/2009; R/1662/2009; R/1665/2009; R/1672/2009; R/1890/2009; R/1891/2009; R/2052/2009; R/0061/2010; R/0120/2010; R/0128/2010; R/0186/2010; R/0258/2010; R/0595/2010; R/0790/2010; R/0872/2010; R/1031/2010; R/1055/2010; R/1118/2010; R/1165/2010; R/1398/2010; R/1496/2010; R/1919/2010; R/2010/2010; R/2291/2010; R/2292/2010; R/2293/2010; R/2294/2010; R/2295/2010; R/0062/2011; R/0063/2011
Barclays Bank, S.A.	R/1160/2010; R/1584/2010; R/2161/2010; R/2218/2010; R/2140/2010; R/1097/2009; R/1957/2009; R/2053/2009; R/0315/2010; R/0385/2010; R/0527/2010; R/0567/2010; R/0739/2010; R/0768/2010; R/0769/2010; R/0845/2010; R/0909/2010; R/1041/2010; R/1239/2010; R/1296/2010; R/1329/2010; R/1402/2010; R/1429/2010; R/1446/2010; R/1503/2010; R/1520/2010; R/1530/2010; R/1543/2010; R/1590/2010; R/1681/2010; R/1740/2010; R/1754/2010; R/1772/2010; R/1878/2010; R/1909/2010; R/1954/2010; R/1974/2010; R/2070/2010; R/2075/2010; R/2076/2010; R/2137/2010; R/2158/2010; R/2191/2010; R/2296/2010
BNP Paribas España, S.A.	R/1843/2009; R/0635/2010
Caixa de Credit dels Enginyers-Caja de Crédito de los Ingenieros, Sdad. Coop.	R/1872/2010
Caja de Ahorros de la Inmaculada de Aragón	R/0967/2010; R/1297/2010; R/1849/2010; R/1977/2010; R/2044/2010; R/2051/2010; R/2052/2010; R/2179/2010
Caja de Ahorros y M.P. de Gipuzkoa y San Sebastián	R/2077/2009; R/0629/2010; R/1206/2010; R/1291/2010; R/1292/2010; R/1400/2010; R/1401/2010; R/1418/2010; R/1463/2010; R/1464/2010; R/1465/2010; R/1466/2010
Caja de Ahorros y Pensiones de Barcelona	R/1666/2009; R/1229/2010; R/1510/2010; R/1767/2010
Citibank España, S.A.	R/2024/2009; R/1614/2009; R/1927/2009; R/0403/2010; R/0448/2010
Crédit Agricole Corporate and Investment Bank, Sucursal en España	R/1315/2009
Crédit Suisse, AG, Sucursal en España	R/1541/2009; R/2035/2009
Deutsche Bank, SAE	R/0546/2010; R/1921/2010; R/1186/2009; R/1282/2009; R/1318/2009; R/1319/2009; R/1354/2009; R/1355/2009; R/1750/2009; R/1868/2009; R/1887/2009; R/1950/2009; R/2124/2009; R/0014/2010; R/0212/2010; R/0324/2010; R/0513/2010; R/0618/2010; R/0656/2010; R/0657/2010; R/0789/2010; R/1052/2010; R/1092/2010; R/1204/2010; R/1353/2010;

	R/1382/2010; R/1490/2010; R/1618/2010; R/1632/2010; R/1659/2010; R/1708/2010; R/1946/2010; R/2054/2010; R/2121/2010; R/2239/2010; R/2284/2010
GVC Gaesco Valores, S.V., S.A.	R/1845/2009
Interdin Bolsa, Sociedad de Valores, S.A.	R/0907/2010
Lloyds Bank International, S.A.	R/2079/2010; R/2192/2010
Lloyds TSB Bank, PLC, Sucursal en España	R/1735/2009; R/1841/2009; R/0011/2010; R/0174/2010; R/0354/2010; R/0801/2010; R/0888/2010; R/1476/2010; R/1758/2010
Merrill Lynch Española, A.V., S.A.	R/1440/2010
Mirabaud Finanzas, S.V. S.A.	R/0226/2010
Open Bank, S.A.	R/1930/2009
Popular Banca Privada, S.A.	R/1764/2010; R/1979/2010; R/2234/2010; R/0017/2011; R/0049/2011; R/0051/2011
Tresis, S.V., S.A.	R/1424/2010

A2.1.3 Subscribing for issues

Entity	Complaints
Banco Bilbao Vizcaya Argentaria, S.A.	R/0176/2010
Banco de Sabadell, S.A.	R/2254/2010; R/0457/2011
Banco de Valencia, S.A.	R/1044/2010; R/1684/2010; R/1965/2010
Banco Español de Crédito, S.A.	R/1391/2010; R/2011/2009
Banco Popular Español, S.A.	R/0009/2011; R/0154/2011
Banco Santander, S.A.	R/1414/2010; R/1857/2010; R/1877/2010; R/1931/2010; R/2030/2010; R/2060/2010; R/2146/2010; R/2150/2010; R/2233/2010
Bankia, S.A.	R/1149/2010; R/1615/2010; R/1734/2010
Bankinter, S.A.	R/1341/2010; R/1930/2010
Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	R/0937/2010; R/1563/2010
Caixabank, S.A.	R/1271/2010; R/1302/2010; R/1518/2010; R/1540/2010; R/1580/2010; R/1592/2010; R/1649/2010; R/1714/2010; R/1824/2010; R/1852/2010; R/1902/2010; R/1913/2010; R/1914/2010; R/1916/2010; R/1963/2010; R/1986/2010; R/2012/2010; R/2014/2010; R/2053/2010; R/2092/2010; R/2162/2010; R/2197/2010; R/2205/2010; R/2217/2010; R/2259/2010; R/0015/2011; R/0031/2011; R/0057/2011; R/0066/2011
- Caja de Ahorros y Pensiones de Barcelona	R/0987/2010
Caja de Ahorros del Mediterráneo	R/1298/2010; R/1072/2010
Caja España de Inversiones Salamanca y Soria, Caja de Ahorros y M.P.	R/1218/2010; R/1343/2010
Caja Rural del Mediterráneo, Ruralcaja, Sociedad Coop. de Crédito	R/0993/2010

A2.1.4 Securities administration and custody

Entity	Complaints
Banco Banif, S.A.	R/0792/2010
Banco Español de Crédito, S.A.	R/1647/2010; R/1875/2010
Banco Santander, S.A.	R/0387/2011; R/1514/2011
Barclays Bank, S.A.	R/0951/2011
Caja de Ahorros y Pensiones de Barcelona	R/0591/2011
Deutsche Bank, S.A.E.	R/0921/2011
Merrill Lynch Española, A.V., S.A.	R/1034/2011
Open Bank, S.A.	R/1254/2011

A2.1.5 Fees and expenses

Entity	Complaints
Banca Cívica, S.A.	R/1871/2010
Banco Bilbao Vizcaya Argentaria, S.A.	R/0088/2010
Banco de Madrid, S.A.	R/0751/2010
Banco de Sabadell, S.A.	R/1610/2010
Banco Español de Crédito, S.A.	R/0367/2010; R/0511/2010; R/1922/2010; R/0501/2010; R/1646/2010; R/2184/2010; R/0863/2011
Banco Inversis, S.A.	R/1690/2010; R/0387/2010; R/1295/2010
Banco Pastor, S.A.	R/1612/2010
Banco Santander, S.A.	R/0732/2011
Bankia, S.A.	R/1951/2010
- Caja de Ahorros y M.P. de Madrid	R/0593/2010
Bankinter, S.A.	R/1475/2010
Barclays Bank, S.A.	R/1586/2010; R/1187/2010
Caixabank, S.A.	R/2193/2010
- Caja de Ahorros y Pensiones de Barcelona	R/0910/2010; R/1814/2010
Caja de Ahorros del Mediterráneo	R/2186/2010
Caja de Ahorros y M.P. de Gipuzkoa y San Sebastián	R/0568/2010
Caja de Ahorros y M.P. de Zaragoza, Aragón y Rioja (Ibercaja)	R/0615/2010; R/2081/2010
Caja España de Inversiones Salamanca y Soria, Caja de Ahorros y M.P.	R/0532/2010; R/1070/2010; R/1664/2010
Deutsche Bank, SAE	R/0071/2010; R/1735/2010
Eurodeal, A.V., S.A.	R/1421/2010

A2.1.6 Portfolio management

Entity	Complaints
Banco Banif, S.A.	R/1056/2010; R/1607/2010; R/1938/2010
Banco Bilbao Vizcaya Argentaria, S.A.	R/0277/2011
Banco Inversis, S.A.	R/0680/2011
Banco Popular Español, S.A.	R/1431/2010
Banco Santander, S.A.	R/2037/2010
Bankinter, S.A.	R/0546/2011; R/1023/2010
Caja de Ahorros de la Inmaculada de Aragón	R/2066/2010
Caja Rural de Córdoba, Sociedad Coop. de Crédito	R/1408/2010; R/1103/2011; R/0368/2010; R/1352/2010; R/1697/2010; R/1777/2010; R/0033/2011; R/0038/2011; R/1216/2011; R/2280/2010
Caja Rural de Jaén, Barcelona y Madrid, Sociedad Coop. de Crédito	R/1388/2010
Cajamar Caja Rural, Sociedad Coop. de Crédito	R/1481/2010
Popular Banca Privada, S.A.	R/0827/2010

A2.1.7 Others

List of complaints with report favourable to complainant

Entity	Complaints
Banco Bilbao Vizcaya Argentaria, S.A.	R/1237/2010
Banco de Sabadell, S.A.	R/1780/2010; R/2131/2010; R/0950/2011; R/0962/2011; R/1232/2011
Banco Español de Crédito, S.A.	R/0481/2010; R/2085/2010; R/0108/2011; R/0040/2011
Banco Pastor, S.A.	R/0050/2011; R/1176/2011; R/1288/2011; R/0658/2011
Banco Popular Español, S.A.	R/1550/2010
Banco Santander, S.A.	R/1013/2009; R/1874/2010; R/1974/2009; R/0030/2010; R/0094/2010; R/0921/2010; R/1183/2010; R/1307/2010; R/1380/2010; R/0245/2011; R/0288/2011
Caja España de Inversiones Salamanca y Soria, Caja de Ahorros y M.P.	R/0058/2011
Delforca 2008, S.V., S.A.	R/0942/2009; R/1037/2010

A2.2 Investment funds and other UCITS

A2.2.1 Information to clients

Entity	Complaints
Banco Banif, S.A.	R/0473/2011
Banco Bilbao Vizcaya Argentaria, S.A.	R/1061/2010; R/2029/2010; R/0137/2011
Banco Caixa Geral, S.A.	R/1106/2010; R/1300/2010; R/1415/2010; R/1432/2010; R/1434/2010; R/1438/2010; R/1444/2010; R/1566/2010; R/1628/2010; R/1696/2010; R/1811/2010; R/1920/2010; R/2064/2010; R/0165/2011; R/1139/2011; R/1197/2011; R/1211/2011; R/1217/2011; R/1307/2011; R/1344/2010
Banco Español de Crédito, S.A.	R/1970/2010; R/1355/2011; R/1802/2010; R/2182/2010; R/1523/2010; R/0729/2010
Banco Popular Español, S.A.	R/0289/2011
Banco Santander, S.A.	R/0113/2011; R/0711/2011; R/0838/2011; R/0924/2011; R/1116/2011; R/1125/2011
Bankia, S.A.	R/0436/2011
Bankinter, S.A.	R/0760/2011
Barclays Bank, S.A.	R/0469/2011
Bilbao Bizkaia Kutxa, Aurrezki Kutxa eta Bahitetxea	R/2117/2010; R/0991/2011
Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	R/1187/2011
Caixa d'Estalvis de Catalunya, Tarragona i Manresa	R/1175/2011
Caixabank, S.A.	R/1476/2011
Caja de Ahorros y M.P. de Gipuzkoa y San Sebastián	R/2028/2010; R/1003/2011
Caja de Ahorros y M.P. de Madrid	R/1705/2010; R/2057/2010
Caja de Ahorros y M.P. de Navarra	R/0768/2011
Caja de Ahorros y M.P. de Zaragoza, Aragón y La Rioja (Ibercaja)	R/0540/2011; R/0753/2011
Caja de Ahorros y Pensiones de Barcelona	R/0017/2010
Cajamar Caja Rural, S. Coop. de Crédito	R/0963/2010
ING Direct, N.V., Sucursal en España	R/1004/2010
Mapfre Inversión, S.V., S.A.	R/1745/2010; R/0550/2011
Montes de Piedad y Caja de Ahorros de Ronda, Cádiz, Almería, Málaga y Antequera	R/1087/2010
Popular Banca Privada, S.A.	R/1043/2010
Santander Asset Management, S.A., SGIIC	R/0311/2011

A2.2.2 Subscription and redemption of units and shares

Entity	Complaints
Banco Banif, S.A.	R/1933/2010
Banco Bilbao Vizcaya Argentaria, S.A.	R/1321/2010; R/0441/2011; R/1363/2011; R/1342/2011
Banco de la Pequeña y Mediana Empresa, S.A.	R/0797/2011
Banco Español de Crédito, S.A.	R/1436/2010; R/0823/2010; R/1275/2010; R/1095/2011; R/0032/2011
Banco Gallego, S.A.	R/1703/2010
Banco Inversis, S.A.	R/0264/2011; R/0509/2010; R/1054/2011; R/1942/2010
Banco Pastor, S.A.	R/2145/2010
Banco Popular Español, S.A.	R/0664/2011; R/2189/2010; R/1072/2011
Banco Santander, S.A.	R/1190/2011; R/0600/2011; R/0707/2011
Bankia Banca Privada, S.A.	R/1040/2011
Bankinter, S.A.	R/1387/2010; R/1471/2010; R/1472/2010; R/0214/2011
Barclays Bank, S.A.	R/2126/2010
Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	R/1611/2010
Caixa d'Estalvis de Catalunya, Tarragona i Manresa	R/1598/2010
Caja de Ahorros y M.P. de Extremadura	R/0769/2011
Caja de Ahorros y M.P. de Madrid	R/0665/2011
Cajamar Caja Rural, S. Coop. de Crédito	R/1845/2010
Santander Asset Management, S.A., SGIC	R/1118/2011
Santander Real Estate, S.A., SGIC	R/0952/2010

A2.2.3 Switches between collective investment schemes

Entity	Complaints
Axa Ibercapital, A.V., S.A.	R/2276/2010
Banco Bilbao Vizcaya Argentaria, S.A.	R/0627/2011
Banco de la Pequeña y Mediana Empresa, S.A.	R/1839/2010
Banco Español de Crédito, S.A.	R/2269/2010; R/1253/2010
Banco Inversis, S.A.	R/0975/2010; R/0496/2011; R/0830/2011
Bankia Banca Privada, S.A.	R/1443/2010
Bankinter, S.A.	R/1068/2011
Barclays Bank, S.A.	R/2039/2010; R/1658/2010
BBVA Asset Management, S.A., SGIC	R/0279/2010; R/1557/2010
Bestinver Gestión, S.A., SGIC	R/1045/2010; R/1060/2010
BNP Paribas España, S.A.	R/1003/2010
Caixa de Aforros de Galicia, Vigo, Ourense e Pontevedra	R/0910/2011
Caixabank, S.A.	R/1313/2011
Caja de Ahorros y M.P. de Madrid	R/1790/2010
Caja de Ahorros y M.P. de Zaragoza, Aragón y Rioja (Ibercaja)	R/0622/2011
Cajamar Caja Rural, S. Coop. de Crédito	R/1830/2010
Citibank España, S.A.	R/1982/2010
Deutsche Bank, S.A.E.	R/1117/2010; R/1810/2010; R/0954/2010
Espirito Santo Gestión, S.A., SGIC	R/1706/2010
Mapfre Inversión Dos, SGIC, S.A.	R/1489/2010
Montes de Piedad y Caja de Ahorros de Ronda, Cádiz, Almería, Málaga y Antequera	R/1687/2010
Unoe Bank, S.A.	R/0509/2011

A2.2.4 Fees and expenses

List of complaints with
report favourable to
complainant

Entity	Complaints
Banco Bilbao Vizcaya Argentaria, S.A.	R/1079/2011
Banco Español de Crédito, S.A.	R/1770/2010; R/1184/2011
Banco Inversis, S.A.	R/0998/2011; R/0582/2011
Bankia Banca Privada, S.A.	R/0685/2010
Bankinter, S.A.	R/1650/2010; R/2072/2010
Barclays Bank, S.A.	R/0919/2011
Mapfre Inversión, S.V., S.A.	R/1759/2010
Self Trade Bank, S.A.	R/0206/2010

Annexe 3 Financial products attracting the greatest number of complaints

In this annexe we look briefly at the characteristics of the financial products that motivated most complaints concluding with a CNMV report favourable to the complainant.

Swaps

Swaps are financial derivatives involving the exchange of payment streams between two parties for a set period, calculated over a notional principal amount. Complaints largely referred to swaps linked to an interest rate (usually the Euribor), although some investors reported incidents with swaps based on other variables, including inflation (the CPI).

These products come under the supervision of the CNMV⁴ when they are not demonstrably linked to a loan or financing contract signed with a bank. Their characteristics place them in the complex product category in the case of instruments sold after the MiFID's entry into force.

Most complainants said that they had been sold the swap as protection against rising interest rates on taking out a loan, or as a hedge against balance-sheet risk. In some cases, the respondent entity had allegedly forced them to take out a swap as a precondition for obtaining and/or renewing a loan. Complainants also contended that they had no idea of how the products worked, so were unaware that they would lose out in a low interest rate setting.

The CNMV's analysis focused on the product's suitability for investors and whether they were properly informed about its characteristics and risks. In most instances, referring to pre-MiFID sales, entities were unable to substantiate having assessed the product's appropriateness for the complainants – typically natural persons or small turnover companies – by reference to their investor profile and investment history.

Contracts generally went into sufficient detail on the product's characteristics but said little about the associated risk, at times fudging the question or omitting to state that the purchaser could incur a loss. Entities were also remiss in not informing clients about the costs involved in cancelling the contract, if this was an option.

In effect, a common cause of complaint was the difficulty and costliness to the investor of voluntary termination.

An analysis of the contracts signed between clients and providers threw up two main conclusions. Firstly, in contracts including early termination clauses, the entity should specify the costs involved. The minimum information requirement would be to state market prices as the basis for payment – the case with most of the com-

4 See note issued on 20 April 2010: "Demarcation of competences between the CNMV and Banco de España regarding the supervision and resolution of complaints concerning hedging derivatives".

plaints reviewed – though good practice would be for the contract to also state the formula used for marking to market and how it could be verified by the investor.

Secondly, instances were found in which the contract did not envisage voluntary termination, but only termination by mutual consent. It was clear from their submissions that investors were unaware of this circumstance and its implications. In the event of the provider being willing to accept an early termination request, the right course would be to inform the investor beforehand of the total cost and how it had been arrived at.

Early termination tended to be a costly process, as investors would request it when the swap was out of the money and its market value therefore deeply negative.

Finally, the contents of certain promotional materials were found to be insufficiently balanced. Although they explained the product's characteristics and mentioned the possibility of losses in the event of early termination, the texts tended to stress its advantages to the exclusion of its disadvantages and/or risks.

Also, some advertising and post-sale confirmation documents were observed to misuse the term "insurance" in their explanations of the product, and to employ examples of quarterly statements that failed to allow for potentially adverse scenarios.

Structured bonds

These are products with an embedded derivative and variable (positive or negative) returns depending on price movements in one or more underlying instruments. They are catalogued as complex products since the MiFID provisions were written into Spanish law.

In some cases, customers had signed a document setting out the product's characteristics and risks. In many others, however, the entity could produce no evidence of having informed the client to the required extent.

In numerous complaints, precontractual information omitted any reference to the bonds' issuer or failed to state the full name of the securities being acquired. At times, distributors gave their products a trade name based on in-house criteria that provided no objective handle on the product. This made it hard for the buyer to apprehend its nature, especially when the entity had just marketed a string of products with the same or similar names albeit with different issuers and ISIN codes.

Shortcomings were also found in the contents of statements sent to complainants' homes, with products being carried at nominal value instead of the current market value or an estimate of the same. Finally, certain products lacking capital protection at maturity had been misleadingly classified simply as fixed-income instruments.

Convertible bonds

Convertibility is the quality that allows one financial asset to be transformed into another. In the case of convertible bonds, this transformation usually involves the possibility of converting debt securities into shares on a given date.

At times, however, convertible issues must be converted by a set deadline, which can result in a loss to the investor if the price agreed upon is higher than the share's current market value.

Bond prospectuses must specify the conversion dates, conversion prices and the number of shares to be delivered for each bond along with other issue characteristics.

Convertibles marketed after the entry into force of the MiFID are considered complex products.

Most complaints on the subject referred to a 2007 issue. The issue in question envisaged the possibility of redeeming the notes after one year in the event of the failure of the issuer's takeover bid for a foreign institution. In this scenario, the product would operate like a one-year bond.

Conversely, if the bid went through, the notes would become mandatorily exchangeable for bonds which in turn would be mandatorily convertible into the issuer's shares, without repayment of nominal value.

The subscription form for these notes included a standard clause whereby the investor acknowledged having received and read the "informational brochure on the Securities Note registered by the CNMV" prior to its signature, and that the full prospectus and prospectus summary were available at their request. In a majority of cases it was accordingly possible to affirm that product information had been supplied. That said, the respondent was in some cases unable to establish that it had informed the complainant about the issue's risks and conditions in good time and form.

On whether the product was right for the investor, the entity argued at times that the client belonged to the personal banking segment, and that its investment product distribution manual authorised its sale to individuals in this group. However, this segmentation does not necessarily mean that it had enough information on the complainant to confirm that the product matched with their experience or investor profile, nor does it relieve it of the duty to compile such information or extract it from its records.

Regarding the product's appropriateness for those who purchased it after the introduction of the MiFID, in various cases, though tests had been run, the data they gathered was insufficient. One test, for example, was confined to a direct question about whether or not the client had investment experience, with no attempt to gather information on the nature, volume, frequency and time period of the relevant transactions.

In another case, although the entity ran an appropriateness test which came up affirmative, it was considered doubtful that a client with basic education, no real investment experience and acknowledging only a medium-level understanding of the risks attached to the fixed-income product family was really qualified to invest in convertibles.

Preference shares and subordinated debt

Preference shares are securities that confer neither equity ownership nor voting rights in the issuing company. They are also of a perpetual nature (they do not mature). Usually the issuer retains an early call option to be exercised under certain conditions.

The payment of cashflows, moreover, is contingent on a series of conditions (among them that the issuer and/or its group obtains distributable profits).

Most are admitted to trading on an organised secondary market. In the case of Spanish issuers, preference shares are quoted on fixed-income market AIAF. As these products are often low on liquidity, most issuers appoint a liquidity provider who will step in under determined conditions.

In the event of issuer bankruptcy, preference shareholders rank higher than ordinary shareholders in terms of claim, but are usually junior to the holders of bonds and subordinated debt.

For these reasons, preference shares are complex, high-risk instruments, entailing a possible loss of capital.

Spanish financial entities marketed preference shares of both domestic and foreign banks (Landsbanki Islands, Kaupthing Bank, Royal Bank of Scotland, USB Capital, Lehman Brothers UK Capital, among others) and non-financial entities. The bulk of complaints involved preference shares issued by Spanish credit institutions and marketed among their own customers, taking advantage of the fact that they qualified (until 2011) as top-tier capital for the purpose of calculating solvency ratios. Complainants were unhappy about both the way the products had been marketed and the non-execution of sell orders placed to unwind their positions.

Many said the banks had persuaded them to buy preference shares by presenting them as a risk-free product similar to a long-term deposit or a bond paying a quarterly or six-monthly coupon. They accordingly felt that they had not been adequately informed about the product's features and risks before taking an investment decision.

In a number of cases, respondent entities could not show that they had supplied their clients with written pre-sale information on the characteristics and risks of preference shares. Entities, remember, must be able to produce evidence that they have handed over this information. It is not enough simply to claim they have, unless the investor backs them up.

On reviewing these complaints it was clear in many cases that the product was not right for that particular investor. By law, investment service providers must procure information from prospective preference share buyers on their investment knowledge and experience (appropriateness) and, when the product is acquired under an advisory arrangement, on their financial situation and investment goals (suitability). In many cases, the respondent entity could not prove that it had gathered sufficient background on the client to assess the product's appropriateness or suitability, as the case may be.

Numerous complaints concerned delays in recovering the capital invested in these products, or not recovering it at all. Some complainants had informed their provider verbally of their intention to sell, but many others had done so in writing. It bears mention in this respect that the signing of a sell order is enough to substantiate that a client wishes to dispose of the financial asset in question.

In general, when executing client orders, investment service providers must take reasonable steps to ensure the best possible outcome of the operation as regards price, cost, the speed and probability of execution and settlement, volume, the nature of the transaction and any other relevant factor (best execution policy).

Frequently, however, respondent entities were unable to show that they had given these sell orders sequential priority. And there were cases when shares from the same issue had been sold on the AIAF market at higher prices, while the client's order

still stood. This is not only a breach of the Securities Market Law but also of the best execution policies that entities are obliged to adhere to.

On other occasions, entities were unable to show that they had approached the relevant liquidity provider(s) to see what bid prices they were quoting and if they could facilitate the transaction.

In sum, respondent entities were unable to disprove that they had mishandled clients' sell orders in breach of their own best execution policies and had also fallen down in their counterparty search obligations by not using all reasonable means at their command.

Subordinated debt, finally, is a fixed-income product in which the claim of the holder on the issuer's assets ranks lower than that of other bondholders in the event of liquidation.

Complaints about the marketing of this product referred to essentially the same issues as those described for preference shares.