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The Hague, Netherlands

29 September 2026.

To the attention of: United Nations Special Rapporteurs

Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Ms. Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Prof. Nicolas Levrat, Special Rapporteur on minority issues.

Working Group on Business and Human Rights

Mr. Robert McCorquodale, chairperson

Ms. Fernanda Hopenhaym, vice-chairperson

Ms. Pichamon Yeophantong

Mr. Damilola Olawuyi

Ms. Lyra Jakulevičienė

Subject: The Prohibition of the *Consum Estratègic* Campaign of the Assemblea Nacional Catalana and the Compatibility of the Measures Taken Against It with Articles 19 and 22 ICCPR

Dear Special Rapporteurs,

Dear Experts of the Working Group on Business and Human Rights,

This submission, presented jointly by the Assemblea Nacional Catalana (ANC) and the Unrepresented Nations and Peoples Organisation (UNPO), concerns the prohibition of the ANC's *Consum Estratègic* ("Strategic Consumption") campaign by the Spanish civil courts under national unfair competition law, and the parallel competition proceedings brought against the ANC before the Spanish competition authority. A website operated by a civil association, whose function was to publish information about companies that had voluntarily registered on it, has been closed by judicial order since January 2020 and remains closed today. No Spanish court has yet determined definitively whether the campaign is protected expression: the Constitutional Court reserved the question in 2020, the Barcelona Provincial Court disposed of it in 2024 by reference to freedom of enterprise under the Spanish Constitution, and the Supreme Court has now admitted it as a question of cassational interest.

The submission draws attention to a divergence between two arms of the Spanish State. The national competition authority investigated the campaign, assessed its effects on the markets concerned, found no evidence that competitive dynamics had been altered, and closed its file without sanction in June 2022. Four months later a commercial court prohibited the campaign outright. That prohibition was upheld on appeal and remains in force.

The purpose of this submission is threefold: to set out the factual and procedural history of the measures taken against the campaign; to identify the concerns those measures raise under Articles 19 and 22 of the International Covenant on Civil and Political Rights, to which Spain has been a party since 1977;¹ and to invite the Special Rapporteurs to address a communication to the Government of Spain.

On 4 March 2026 the Civil Chamber of the Supreme Court admitted three of the four grounds of the ANC's appeal in cassation, identifying a question of cassational interest concerning the treatment of boycott in unfair competition law and its impact on freedom of expression.² Proceedings therefore remain pending, and this submission does not invite the mandate holders to pronounce on the merits of the domestic dispute. It is directed at three matters unaffected by the outcome of that appeal: the duration of the restraint already imposed, the foreseeability of the legal basis on which it was imposed, and the absence of any demonstrated harm capable of justifying it.

¹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

² Tribunal Supremo (Sala Primera), Auto of 4 March 2026 ; ANC, 'El Tribunal Suprem admet a tràmit el recurs de l'ANC en defensa de la campanya de Consum Estratègic' (23 March 2026) <https://assemblea.cat/el-tribunal-suprem-admet-a-tramit-el-recurs-de-lanc-en-defensa-de-la-campanya-de-consum-es-trategic/>

I. Factual Background

The *Consum Estratègic* campaign was launched in November 2018 as a component of the wider *Eines de País* strategy. The campaign presented strategic consumption as a means of empowering citizens through everyday economic decisions. Its stated objectives were to strengthen Catalan economic structures, to support Catalan productive networks, to promote cooperatives and socially responsible business models, to encourage environmentally respectful consumption, and to defend the use of the Catalan language in commercial services.³

The campaign's principal instrument was the website consumestrategic.cat. It was not a sales platform. It did not sell goods or services, process contracts, charge commissions, intermediate between consumers and companies, monitor transactions, or generate any revenue for the ANC. Its function was to connect consumers with providers that had registered voluntarily, and the site stated on its face that the information in its directory was supplied by the companies themselves.⁴ Users could search by company name, Catalan postal code and sector, the sectors listed being electricity, gas, telephone services, fuel, financial institutions, insurance, large retailers, trade union representation, employers' association representation, and a residual category. Results could be filtered further by eight indicators the companies themselves declared, among them cooperative legal form, ISO 14000 certification, declared social responsibility and environmental practices, and the availability of the company's website and customer service in Catalan. Registered consumers could also elect to share their details with providers they were interested in, so that those providers could contact them directly.⁵

The ANC's position, maintained throughout the domestic proceedings, is that the website contained no list of companies to be avoided, did not name any company as a target, did not instruct consumers to terminate any existing contract, and did not call for the economic isolation of any identified undertaking.⁶ Registration was open to all companies and professionals, and consumers remained free to decide whether to act on the information published. The domestic courts reached a different view of the campaign's character and effect, which is set out at Section IV below. The submitting organisations note

³ ANC, "Consum estratègic: la proposta de l'Assemblea per promoure alternatives de consum responsables amb la República catalana," 8 November 2018, <https://assemblea.cat/consum-estrategic-la-proposta-de-lassemblea-per-promoure-alternatives-de-consum-responsables-amb-la-republica-catalana/>; CNMC, Resolución of 15 June 2022, Expediente S/0014/20 CONSUMO ESTRATÉGICO.

⁴ For a contemporaneous third-party description of the campaign's structure and phases, see <https://www.consumeticcatala.com/www/consum.php>

⁵ Ibid.

⁶ STC 152/2020, FJ 4(B)(a) and (c).

that no final judgment has determined the point, and that it is among the questions now before the Supreme Court.

The campaign followed the Catalan referendum of 1 October 2017 and the relocation of the registered offices of a number of large companies out of Catalonia, a process facilitated by Spanish decrees permitting relocation without shareholder approval. The ANC characterised those measures and the public communications surrounding them as economic pressure directed at the Catalan electorate, and presented *Consum Estratègic* as a civic response. In announcing the campaign it stated that its aim was not to create blacklists but to enable consumers to choose freely and with the fullest possible information, and expressly disclaimed "economic nationalism" and any focus on the geographic origin of companies.⁷

The proceedings against *Consum Estratègic* were initiated not by the State but by Foment del Treball Nacional, the oldest and largest employers' association in Catalonia, representing medium-sized and large firms in the industrial, financial, construction and service sectors. Foment pursued the ANC simultaneously before a competition regulator and before a commercial court, and sought to suppress the campaign at the outset rather than await adjudication.

II. Chronology of Legal and Administrative Measures

8 November 2018: The campaign is launched and *consumestrategic.cat* goes live.

19 July 2019: Foment del Treball Nacional files an administrative complaint (*denuncia*) with the Catalan Competition Authority (Autoritat Catalana de la Competència, ACCO), alleging conduct prohibited by Article 3 of Law 15/2007 on the Defence of Competition. The ACCO opens file AC 118/2019-CONSUM ESTRATÈGIC and, by *Nota sucinta* of 25 July 2019, considers itself competent to hear and determine the matter.⁸ On the same day as the complaint, Foment applies to Commercial Court No. 11 of Barcelona for interim measures under Law 3/1991 on Unfair Competition and Law 1/2000 on Civil Procedure.⁹

25 September 2019: The hearing on the interim measure takes place.¹⁰

⁷ "L'ANC impulsa la campanya 'Consum estratègic'," *El Nacional*, 8 November 2018, https://www.elnacional.cat/ca/economia/anc-consum-estrategic-informacio-lliure-consumidor_322428_102.html.

⁸ Consell de Garanties Estatutàries de Catalunya, Dictamen 5/2020 of 29 May 2020, para 1.

⁹ Ley 15/2007, de 3 de julio, de Defensa de la Competencia, art 3; Ley 3/1991, de 10 de enero, de Competencia Desleal; Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil.

¹⁰ "La jueza obliga a la ANC a cerrar su campaña 'Consum Estratègic' por 'boicot'," *El Nacional*, 20 December 2019, https://www.elnacional.cat/es/economia/anc-retirar-campana-consumo-estrategico-boicot-foment_453648_102.html;

20 December 2019: Commercial Court No. 11 of Barcelona partially grants the interim measures sought, ordering closure of the website and prohibiting public activity in connection with the campaign.¹¹ The order characterises the campaign as a boycott.

17 January 2020: Foment del Treball lodges security of EUR 50,000, and the interim measures are enforced. The website goes offline. It has remained offline since.¹²

February to May 2020: The Junta Consultiva en materia de conflictos reports on 21 February 2020 that competence to determine the complaint lies with the Spanish national competition authority (Comisión Nacional de los Mercados y la Competencia, CNMC) rather than the ACCO.¹³ On 3 March 2020 the CNMC's Director of Competition requires the ACCO to transmit the file.¹⁴ The Consell de Garanties Estatutàries de Catalunya issues Dictamen 5/2020 on 29 May 2020,¹⁵ and the Government of Catalonia raises a positive conflict of competence before the Constitutional Court against the CNMC's letter of 3 March 2020.

11 June 2020: The Barcelona Provincial Court confirms the interim measures on appeal.¹⁶

22 October 2020: By Judgment 152/2020 the Plenary of the Constitutional court resolves the conflict in favour of the CNMC.¹⁷ The Constitutional Court expressly excluded three questions from the scope of that judgment: whether the ANC is subject to the Defence of Competition Act; whether the campaign amounted to conduct prohibited by the Act; and whether the campaign was protected by constitutionally guaranteed freedom of expression. The Court held that all three concerned the substance of the competition file and were to be addressed in the proceedings on the merits, whichever authority

ANC, "Comunicat sobre les mesures cautelars contra Consum Estratègic," 22 December 2019, <https://assemblea.cat/comunicat-sobre-les-mesures-cautelars-contr-consum-estrategic/>.

¹¹ Juzgado de lo Mercantil núm. 11 de Barcelona, Auto of 20 December 2019; ANC, "Comunicat sobre les mesures cautelars contra Consum Estratègic," 22 December 2019.

¹² "L'ANC acata les mesures cautelars i tanca la web de la campanya Consum estratègic," *Ara*, 17 January 2020, https://www.ara.cat/economia/anc-acata-mesures-cautelars-tanca-campanya-consum-estrategic_1_2600583.html.

¹³ Junta Consultiva en materia de conflictos, report of 21 February 2020, JCC 6/2019 CONSUMO ESTRATÉGICO; assignment file 177 CAT 06-36/19. See Ley 1/2002, de 21 de febrero, de Coordinación de las Competencias del Estado y las Comunidades Autónomas en materia de Defensa de la Competencia, arts 2(1) and 3.

¹⁴ ANC, "COMUNICAT: L'Assemblea denuncia que la CNMC vol assumir la denúncia de Foment del Treball per poder-li aplicar multes molt elevades," May 2020, <https://assemblea.cat/comunicat-lassemblea-denuncia-que-la-cnmc-vol-assumir-la-denuncia-de-foment-del-treball-per-poder-li-aplicar-multes-molt-elevades/>.

¹⁵ Dictamen 5/2020.

¹⁶ Audiencia Provincial de Barcelona, Auto of 11 June 2020, recorded in STC 152/2020, Antecedentes 5(a).

¹⁷ STC 152/2020 of 22 October 2020 (Pleno), *conflicto positivo de competencia* 2890-2020, BOE-A-2020-14649.

conducted them.¹⁸ The freedom of expression question was accordingly left undetermined in October 2020. It remains undetermined at the date of this submission.

17 December 2020: The CNMC adopts an *acuerdo de incoación*, opening sanctioning proceedings against the ANC under Article 3 of Law 15/2007, file S/0014/20 CONSUMO ESTRATÉGICO. The decision is announced publicly on 21 December 2020.¹⁹

15 June 2022: The Council of the CNMC resolves to close the proceedings, holding that no infringement of Article 3 of Law 15/2007 has been established. The decision is announced on 17 June 2022. No sanction is imposed. The substance of the CNMC's findings is set out at Section IV below.²⁰

October 2022: By Judgment No. 620/2022, Commercial Court No. 11 of Barcelona upholds Foment's claim in full, holding the campaign unfair and contrary to objective good faith, ordering the cessation of any publicly significant activity disseminating the campaign, and confirming the closure of the website. The judgment is reported publicly on 18 October 2022.²¹

5 March 2024: By Judgment No. 55/2024 the Barcelona Provincial Court dismisses the ANC's appeal and confirms the first-instance judgment.²²

16 April 2024: The ANC files an appeal in cassation before the Civil Chamber of the Supreme Court under Articles 477 et seq. of Law 1/2000.²³

4 March 2026: By Order of the Civil Chamber, the second, third and fourth grounds of the appeal are admitted and the first ground is declared inadmissible. The Court identifies a question of cassational

¹⁸ ANC, "L'Assemblea denuncia la decisió del TC respecte Consum Estratègic," October 2020, <https://assemblea.cat/comunicat-lasamblea-denuncia-la-decision-del-tc-respecte-consum-estrategic/>.

¹⁹ CNMC, *Acuerdo de incoación*, 17 December 2020, Expediente S/0014/20 CONSUMO ESTRATÉGICO; CNMC, "La CNMC inicia un expediente sancionador contra la Asamblea Nacional Catalana," 21 December 2020, <https://www.cnmc.es/prensa/incoacion-sancionador-ANC-20201221>.

²⁰ CNMC, "La CNMC archiva las actuaciones contra la Asamblea Nacional Catalana (ANC) por su campaña 'Consum estratègic'," 17 June 2022, <https://www.cnmc.es/prensa/archivo-ANC-20220617>.

²¹ Juzgado de lo Mercantil núm. 11 de Barcelona, Sentencia 620/2022; "Un jutge ratifica el tancament de la web de l'ANC per promoure el 'consum estratègic'," *Ara*, 18 October 2022, https://www.ara.cat/politica/jutge-ratifica-tancament-web-l-anc-promoure-consum-estrategic_1_4521913.html.

²² Audiencia Provincial de Barcelona (Sección 15ª), Sentencia 55/2024 of 5 March 2024.

²³ "L'ANC presenta un recurs de cassació al TS en defensa de la campanya Consum Estratègic," *VilaWeb*, 16 April 2024, <https://www.vilaweb.cat/noticies/anc-recurs-cassacio-ts-defensa-campanya-consum-estrategic/>.

interest concerning boycott in the field of unfair competition and its possible impact on freedom of expression.²⁴

At the date of this submission the website has been closed by judicial order for more than six years, and no final domestic judgment has been rendered.

III. Findings of the Competition Authority and Civil Courts

The CNMC's jurisdiction under Article 3 of Law 15/2007 extends to acts of unfair competition which, by distorting free competition, affect the public interest. The Unfair Competition Act itself falls to the courts to apply; the CNMC may sanction unfair conduct only where that conduct is capable of restricting effective competition in the market.²⁵

The CNMC did not confine itself to the legal characterisation of the campaign. It assessed its actual effects, seeking information from operators in each of the sectors at which the campaign was said to be directed, such as banking services and food retail distribution, as to any impact on their commercial activity, brand and reputation. Those operators reported that, on their own internal business data and their experience of the relevant market, no impact of the campaign on their commercial results could be deduced.²⁶ The CNMC additionally analysed the evolution of market shares in the sectors examined and concluded that the campaign had no significant incidence capable of isolating it as a decisive factor in contract switching. It found no evidence that competitive dynamics had been altered and closed the file on the basis that the elements necessary to declare an infringement were absent.²⁷ The specialist regulator, having gathered evidence directly from the undertakings said to have been harmed, found no demonstrable effect on the markets concerned and closed its file on 15 June 2022. The Commercial Court prohibited the campaign approximately four months later.

The domestic courts' reasoning is set out here so that the Special Rapporteurs may assess it. Commercial Court No. 11 held that the ANC's conduct constituted an obstructive act in the form of a boycott, and that such an act could not be sheltered by freedom of opinion.²⁸

²⁴ Tribunal Supremo (Sala Primera), Auto of 4 March 2026.

²⁵ Ley 15/2007, art 3; CNMC, Resolución of 15 June 2022, Expediente S/0014/20.

²⁶ CNMC, Resolución of 15 June 2022, Expediente S/0014/20.

²⁷ Ibid.

²⁸ Juzgado de lo Mercantil núm. 11 de Barcelona, Sentencia 620/2022.

On appeal, the Barcelona Provincial Court held that the campaign was to be classified as a boycott and was capable of harming competitors excluded from it; not only companies listed on the IBEX-35 but any company not forming part of the campaign, whether because it did not share the ANC's outlook or because it did not meet the requirements for registration. It rejected the argument that the campaign promoted ethical and responsible consumption, holding that the criteria applied were not those of the market, efficiency, quality or price but extraneous criteria of an ideological character, and found that the ANC sought not only to inform but to induce the termination of contracts.²⁹

The Provincial Court did address freedom of expression, but did so summarily. It held a limitation of the right legitimate, identifying the aim pursued as the protection of freedom of enterprise and the market economy under Article 38 of the Spanish Constitution, and stated that the campaign was bound to produce a serious dysfunction in the market by altering the terms of competition.³⁰ It conducted no proportionality assessment of the kind required under Article 10(2) ECHR, made no reference to *Baldassi and Others v France*, and did not address the finding of the competition authority, reached twenty months earlier, that no such dysfunction had occurred. The judgment also ordered the ANC to abstain from making its material and personal resources available to third parties for the dissemination of the campaign.³¹

Three features of that reasoning bear on the violations set out below. The harm identified lies with undertakings that did not appear on the platform, so the absence of any list of companies to be avoided does not answer it. The conduct was held unlawful by reference to the ideological character of the criteria rather than to any demonstrated market effect. And the finding was reached notwithstanding the competition authority's contemporaneous conclusion, on evidence from the companies themselves, that no effect on competitive dynamics could be established.

IV. Pending Appeal and Issues Before the Supreme Court

The Supreme Court has itself identified the relationship between unfair competition law and freedom of expression as the question of cassational interest justifying admission. Read together with the Constitutional Court's express reservation of the same question in 2020, the position is that no Spanish court has yet resolved the compatibility of these measures with freedom of expression. The Provincial Court's treatment of the issue was confined to the identification of a competing constitutional interest;

²⁹ Audiencia Provincial de Barcelona (Sección 15ª), Sentencia 55/2024 of 5 March 2024.

³⁰ "L'Audiència de Barcelona confirma el tancament de la web Consum Estratègic de l'ANC," *VilaWeb*, 11 March 2024, <https://www.vilaweb.cat/noticies/audiencia-barcelona-confirma-tancament-web-consum-estrategic-anc/>.

³¹ *Ibid.*

the Supreme Court's admission of the point as one of cassational interest confirms that it remains unsettled. Throughout, the restraint imposed in December 2019 has remained in force.

The grounds admitted are, in summary, that the ANC is not a market actor but an association of natural persons without profit motive or commercial activity; that the courts did not establish the competitive purpose (*finalitat concurrencial*) required before Article 4 of Law 3/1991 could be applied; that the campaign was informational rather than a boycott, identifying no target and issuing no instruction to terminate contracts; and that Article 4 was applied as a general clause where specific statutory categories, such as denigration or inducement to breach of contract, would have governed.³² The ANC further contends that the absence of any statutory definition of boycott leaves every civil society organisation seeking to influence consumer behaviour without commercial purpose exposed to the same uncertainty.

V. Human Rights Concerns

Article 19(2) protects the freedom to seek, receive and impart information of all kinds, including political discourse and expression disseminated online.³³ Article 10 ECHR protects the same freedom, and Article 10(2) of the Spanish Constitution requires constitutional rights to be interpreted in conformity with the treaties Spain has ratified. The closure of *consumestrategic.cat* is an interference requiring justification under both instruments.

The right is engaged on either account of the campaign. On the ANC's account the website published information about companies' own declared practices and named no target. On the domestic courts' account it was a boycott pursued on ideological criteria. But the European Court of Human Rights held in *Baldassi and Others v France* that a call for boycott is in principle a means of expressing political opinion, protected under Article 10 unless it degenerates into incitement to violence, hatred or intolerance.³⁴ No such allegation has been made against the ANC at any point in six years of proceedings. The Human Rights Committee has likewise made clear that restrictions imposed to protect the rights of others must not impede political debate, instancing calls to boycott a non-compulsory vote.³⁵ The feature the Provincial Court treated as decisive, that the criteria were ideological rather than ones of price, quality or efficiency, is what brings the campaign within Article 19 rather than what removes it from its scope.

³² Assemblea Nacional Catalana, *Recurso de casación* against Sentencia 55/2024 of the Audiencia Provincial de Barcelona (Sección 15ª), filed 16 April 2024, Tribunal Supremo (Sala Primera).

³³ UN Human Rights Committee, General Comment No. 34: Article 19 (Freedoms of opinion and expression), 12 September 2011, CCPR/C/GC/34, paras 11–12.

³⁴ *Baldassi and Others v France* App nos 15271/16 and 6 others (ECtHR, 11 June 2020), para 63.

³⁵ General Comment No. 34, para 28.

A restriction on expression must be provided by law, imposed for a listed ground, and necessary and proportionate.

Where a State invokes a legitimate ground it must demonstrate, in a specific and individualised manner, the precise nature of the threat and a direct and immediate connection between the expression and that threat; the Committee reserves this assessment to itself and applies no margin of appreciation.³⁶ Here that demonstration was attempted and it failed. Spain's own competition regulator put the question to the operators said to have been harmed, and they reported that no effect on their commercial results could be deduced from their business data; its analysis of market shares found no significant incidence attributable to the campaign and no evidence that competitive dynamics had been altered.³⁷ Two judicial statements to the contrary do not meet that standard. In October 2020, before any assessment of the campaign's effects had been undertaken, the Constitutional Court observed that the campaign had in some measure achieved its objective of substituting supra-autonomous operators; it did so in resolving a competence dispute, expressly declining to determine whether the campaign infringed competition law at all.³⁸ In March 2024 the Provincial Court asserted that the campaign was bound to produce a serious dysfunction in the market.³⁹ Neither is a demonstration of the kind Article 19(3) requires: the first is an observation made without the evidence, the second a prediction made after the evidence had been gathered and had shown otherwise.

The measures were also not the least intrusive instrument available, a requirement binding on judicial authorities applying the law as much as on the legislature framing it.⁴⁰ The Committee has stated that restrictions on websites should generally be content-specific and that generic bans on the operation of particular sites are incompatible with Article 19(3).⁴¹ Nothing of the sort was attempted here: the order closed the site in its entirety and prohibited the campaign in all its forms, and no narrower measure appears to have been considered. Nor is the duration of the restraint a matter of procedural delay. The site was closed before any determination of the merits, on security lodged by a private employers' association, and has remained closed for more than six years while the question whether the campaign is protected expression has gone undecided. A restraint of that length, imposed in advance of adjudication and sustained on an unproven harm, does not meet the standard of necessity in a democratic society under Article 10(2) ECHR.

³⁶ Ibid, paras 35–36.

³⁷ CNMC, Resolución of 15 June 2022, Expediente S/0014/20.

³⁸ STC 152/2020, FJ 4(B)(b); see FJ 2(a).

³⁹ Audiencia Provincial de Barcelona (Sección 15ª), Sentencia 55/2024 of 5 March 2024.

⁴⁰ General Comment No. 34, para 34, citing General Comment No. 27, para 14.

⁴¹ Ibid, para 43.

A norm qualifies as "law" for the purposes of Article 19(3) only if it is formulated with sufficient precision to enable a person to regulate their conduct accordingly.⁴² Spanish unfair competition law contains no statutory definition of boycott. The category applied to the ANC was constructed judicially from a general clause of objective good faith, at the suit of a private commercial association. The Constitutional Court declined in 2020 to determine whether the campaign was protected expression; the Provincial Court resolved the question in 2024 without proportionality analysis; and the Supreme Court has now admitted it as a question of cassational interest.⁴³ The point was unsettled when the ANC acted and remains unsettled today. A provision whose application to civic advocacy the highest civil court regards as an open question after six years of litigation does not satisfy the foreseeability requirement.

Articles 22 and 11 protect not merely the formation of an association but its capacity to pursue the purposes for which it was constituted. The prohibition reaches beyond the website to the fairs and public talks through which the campaign was conducted, all of them activities of a membership association in pursuit of its statutory objects. The ANC was in addition subjected for eighteen months to competition sanctioning proceedings in which it was treated as an undertaking and substantial penalties were sought, and which closed with no infringement established. Subjecting a non-profit political association to a market-regulation regime on those facts is not merely a misapplication of domestic law; it exposes every civil society organisation that seeks to influence consumer behaviour without commercial purpose to the same liability. Campaigns organised around environmental practice, labour standards, religious observance or minority language provision are vulnerable on precisely the reasoning applied to the ANC.

Furthermore, Article 27 protects the right of persons belonging to linguistic minorities, in community with other members of their group, to use their own language. Among the eight indicators published on the *Consum Estratègic* website were whether a provider's website and customer service were available in Catalan. The Provincial Court held the campaign unlawful on the basis that the criteria it applied were not those of the market, efficiency, quality or price, but extraneous criteria of an ideological character. The availability of commercial services in Catalan was among the criteria so characterised. The submitting organisations invite the Special Rapporteurs to consider the implications of this reasoning. Catalan is a minority language within the Spanish State, and the availability of commercial services in Catalan is a practical condition of its use in everyday life. A rule of domestic law under which informing consumers about the availability of services in a minority language constitutes an ideological criterion incompatible with market competition places the exercise of Article 27 rights in tension with unfair competition law.

⁴² Ibid, para 25.

⁴³ STC 152/2020; Sentencia 55/2024; Auto of 4 March 2026.

The prohibition removed the only mechanism by which consumers in Catalonia could identify providers offering services in their own language.

VI. Conclusion & Requests to the Special Rapporteurs and to the Working Group on Business and Human Rights

A general clause of commercial good faith, containing no definition of the conduct penalised, has been applied by a civil court to prohibit a political membership organisation from conducting an informational campaign, at the suit of a private employers' association, after the competent regulator found no effect on competition, and without any Spanish court having determined whether the prohibition is compatible with freedom of expression. The website has been closed for more than six years. The reasoning that closed it is not confined to this campaign.

In light of the foregoing, UNPO and the ANC respectfully request the following actions:

A. Issue a Joint Allegation Letter to Spain Specifically requesting Spain to:

- i. Explain the compatibility with Articles 19 and 22 ICCPR of the prohibition of the *Consum Estratègic* campaign, and in particular the basis on which the measures were considered necessary and proportionate;
- ii. Explain how the prohibition is reconciled with the findings of the Comisión Nacional de los Mercados y la Competencia in Expediente S/0014/20, which established no effect on competitive dynamics in any of the sectors examined;
- iii. Set out the legal basis on which conduct amounting to boycott is identified under Spanish unfair competition law, in the absence of any statutory definition, and how that basis satisfies the foreseeability requirement;
- iv. Explain why no measure narrower than the closure of the website in its entirety was considered or imposed;
- v. Account for the maintenance of the restraint for more than six years in advance of any final domestic judgment.

B. Address the position of civil society organisations more broadly: Seek information from Spain on the exposure of non-profit associations to competition and unfair competition proceedings in respect of advocacy conducted without commercial purpose.

C. Include the matter in relevant thematic reporting: Consider addressing the use of commercial and competition law to restrict consumer-facing civic advocacy, and the use of interim measures as a prolonged prior restraint on expression.

D. Any other appropriate action: Take any other action considered appropriate to secure the reopening of the campaign and to prevent the recurrence of comparable measures against civil society organisations.

We would like to thank you for your time, and we remain at your disposal for any further information.

Sincerely,

Assemblea Nacional Catalana

Unrepresented Nations and Peoples Organisation